

GENERAL LAWS
OF THE
STATE OF IDAHO



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

Convened January 12, 2015
Adjourned April 10, 2015

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

LAWRENCE DENNEY
Secretary of State
Boise, Idaho

CHAPTER 242
(H.B. No. 294)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2016; MAKING A CASH TRANSFER; AND PROVIDING REAPPROPRIATION AUTHORITY FOR DEDICATED FUNDS.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Capitol Commission Operating			
Fund	\$142,000		\$142,000
Capitol Maintenance Reserve			
Fund	<u>300,000</u>	<u>\$2,200,000</u>	<u>2,500,000</u>
TOTAL	\$442,000	\$2,200,000	\$2,642,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Department of Administration for the Capitol Commission and the State Controller shall transfer \$200,000 from the Capitol Maintenance Reserve Fund to the Capitol Commission Operating Fund, on July 1, 2015, or as soon thereafter as practicable, for the period July 1, 2015, through June 30, 2016.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission any unexpended and unencumbered balances of moneys categorized as dedicated funds in the Capitol Commission Operating Fund as appropriated for fiscal year 2015, to be used for nonrecurring expenditures in the Capitol Commission Operating Fund, for the period July 1, 2015, through June 30, 2016.

Approved April 3, 2015

CHAPTER 243
(S.B. No. 1025)

AN ACT

RELATING TO THE IDAHO UNIFORM BUSINESS ORGANIZATIONS CODE; REPEALING CHAPTER 1, TITLE 30, IDAHO CODE, RELATING TO GENERAL BUSINESS CORPORATIONS; REPEALING CHAPTER 6, TITLE 30, IDAHO CODE, RELATING TO THE IDAHO UNIFORM LIMITED LIABILITY COMPANY ACT; REPEALING CHAPTER 18, TITLE 30, IDAHO CODE, RELATING TO THE IDAHO ENTITY TRANSACTIONS ACT; REPEALING CHAPTER 2, TITLE 53, IDAHO CODE, RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT; REPEALING CHAPTER 3, TITLE 53, IDAHO CODE, RELATING TO UNIFORM PARTNERSHIP LAW; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 21, TITLE 30, IDAHO CODE, RELATING TO THE UNIFORM BUSINESS ORGANIZATIONS CODE, TO PROVIDE SHORT TITLE, TO PROVIDE DEFINITIONS, TO

PROVIDE FOR APPLICATION OF LAW, TO PROVIDE FOR DELIVERY OF RECORD, TO PROVIDE FOR RULES AND PROCEDURES, TO PROVIDE FOR ENTITY FILING REQUIREMENTS, TO PROVIDE FOR FORMS, TO PROVIDE FOR EFFECTIVE DATES AND TIMES, TO PROVIDE FOR WITHDRAWAL OF FILED RECORD BEFORE EFFECTIVENESS, TO PROVIDE FOR CORRECTING FILED RECORD, TO PROVIDE FOR DUTY OF SECRETARY OF STATE TO FILE AND REVIEW OF REFUSAL TO FILE, TO PROVIDE FOR EVIDENTIARY EFFECT OF COPY OF FILED RECORD, TO PROVIDE FOR CERTIFICATE OF GOOD STANDING OR REGISTRATION, TO PROVIDE FOR SIGNING OF ENTITY FILING, TO PROVIDE FOR SIGNING AND FILING PURSUANT TO JUDICIAL ORDER, TO PROVIDE FOR LIABILITY FOR INACCURATE INFORMATION IN FILED RECORD, TO PROVIDE FOR DELIVERY BY SECRETARY OF STATE, TO PROVIDE FOR ANNUAL REPORT FOR SECRETARY OF STATE, TO PROVIDE FOR FEES, TO PROVIDE FOR PERMITTED NAMES, TO PROVIDE FOR NAME REQUIREMENTS FOR CERTAIN TYPES OF ENTITIES, TO PROVIDE FOR RESERVATION OF NAME, TO PROVIDE FOR REGISTRATION OF NAME, TO PROVIDE DEFINITIONS, TO PROVIDE FOR ENTITIES REQUIRED TO DESIGNATE AND MAINTAIN REGISTERED AGENT, TO PROVIDE FOR ADDRESSES IN FILING, TO PROVIDE FOR DESIGNATION OF REGISTERED AGENT, TO PROVIDE FOR LISTING OF COMMERCIAL REGISTERED AGENT, TO PROVIDE FOR TERMINATION OF LISTING OF COMMERCIAL REGISTERED AGENT, TO PROVIDE FOR CHANGE OF REGISTERED AGENT BY ENTITY, TO PROVIDE FOR CHANGE OF NAME OR ADDRESS BY NONCOMMERCIAL REGISTERED AGENT, TO PROVIDE FOR CHANGE OF NAME, ADDRESS, TYPE OF ENTITY OR JURISDICTION OF FORMATION BY COMMERCIAL REGISTERED AGENT, TO PROVIDE FOR RESIGNATION OF REGISTERED AGENT, TO PROVIDE FOR DESIGNATION OF REGISTERED AGENT BY NONREGISTERED FOREIGN ENTITY OR NONFILING DOMESTIC ENTITY, TO PROVIDE FOR SERVICE OF PROCESS, NOTICE, OR DEMAND ON ENTITY, TO PROVIDE FOR DUTIES OF REGISTERED AGENT, TO PROVIDE FOR JURISDICTION AND VENUE, TO PROVIDE FOR GOVERNING LAW, TO PROVIDE FOR REGISTRATION TO DO BUSINESS IN THIS STATE, TO PROVIDE FOR FOREIGN REGISTRATION STATEMENT, TO PROVIDE FOR AMENDMENT OF FOREIGN REGISTRATION STATEMENT, TO PROVIDE FOR ACTIVITIES NOT CONSTITUTING DOING BUSINESS, TO PROVIDE FOR NONCOMPLYING NAME OF FOREIGN ENTITY, TO PROVIDE FOR WITHDRAWAL OF REGISTRATION OF REGISTERED FOREIGN ENTITY, TO PROVIDE FOR WITHDRAWAL DEEMED ON CONVERSION OR DOMESTICATION TO DOMESTIC FILING ENTITY OR DOMESTIC LIMITED LIABILITY PARTNERSHIP, TO PROVIDE FOR WITHDRAWAL ON DISSOLUTION OR CONVERSION TO NONFILING ENTITY OTHER THAN LIMITED LIABILITY PARTNERSHIP, TO PROVIDE FOR TRANSFER OF REGISTRATION, TO PROVIDE FOR TERMINATION OF REGISTRATION, TO PROVIDE FOR ACTION BY THE ATTORNEY GENERAL, TO PROVIDE FOR GROUNDS FOR ADMINISTRATIVE DISSOLUTION, TO PROVIDE FOR PROCEDURE AND EFFECT, TO PROVIDE FOR REINSTATEMENT, TO PROVIDE FOR JUDICIAL REVIEW OF DENIAL OF REINSTATEMENT, TO PROVIDE FOR RESERVATION OF POWER TO AMEND OR REPEAL, TO PROVIDE FOR SUPPLEMENTAL PRINCIPLES OF LAW, TO PROVIDE FOR UNIFORMITY OR CONSISTENCY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR RELATION TO ELECTRONIC SIGNATURES IN THE GLOBAL AND NATIONAL COMMERCE ACT, TO PROVIDE FOR SAVINGS CLAUSE, TO PROVIDE FOR SEVERABILITY, TO PROVIDE AN EFFECTIVE DATE, TO PROVIDE A SHORT TITLE, TO PROVIDE A PURPOSE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR A NAME USED AS AN ASSUMED BUSINESS NAME, TO PROVIDE FOR THE FILING OF A CERTIFICATE, TO PROVIDE CONTENTS OF CERTIFICATE, TO PROVIDE EFFECT OF FILING, DURATION AND CONTINUATION, TO PROVIDE AMENDMENT OF CERTIFICATE, TO PROVIDE CANCELLATION OF CERTIFICATE, TO PROVIDE CONSEQUENCES OF NONCOMPLIANCE AND TO PROVIDE FOR PROFESSIONAL ENTITIES; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 22, TITLE 30, IDAHO CODE, RELATING TO ENTITY TRANSACTIONS, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR RELATIONSHIP OF THE CHAPTER TO OTHER LAWS, TO PROVIDE FOR REQUIRED NOTICE OR APPROVAL, TO PROVIDE FOR STATUS OF FILINGS, TO PROVIDE FOR NONEXCLUSIVITY, TO PROVIDE FOR REFERENCE TO EXTERNAL FACTS, TO PROVIDE FOR ALTERNATIVE MEANS OF APPROVAL OF TRANSACTIONS, TO PROVIDE FOR APPRAISAL RIGHTS, TO PROVIDE FOR CONFLICT OF LAWS AND EXCLUDED TRANSACTIONS, TO PROVIDE FOR AUTHORIZATION OF MERGER,

TO PROVIDE FOR PLAN OF MERGER, TO PROVIDE FOR APPROVAL OF MERGER, TO PROVIDE FOR AMENDMENT OR ABANDONMENT OF PLAN OF MERGER, TO PROVIDE FOR STATEMENT OF MERGER AND EFFECTIVE DATE, TO PROVIDE FOR EFFECT OF MERGER, TO PROVIDE FOR INTEREST EXCHANGE AUTHORIZED, TO PROVIDE FOR PLAN OF INTEREST EXCHANGE, TO PROVIDE FOR APPROVAL OF INTEREST EXCHANGE, TO PROVIDE FOR AMENDMENT OR ABANDONMENT OF PLAN OF INTEREST EXCHANGE, TO PROVIDE FOR STATEMENT OF INTEREST EXCHANGE AND EFFECTIVE DATE OF INTEREST EXCHANGE, TO PROVIDE FOR EFFECT OF INTEREST EXCHANGE, TO PROVIDE FOR CONVERSION AUTHORIZED, TO PROVIDE FOR PLAN OF CONVERSION, TO PROVIDE FOR APPROVAL OF CONVERSION, TO PROVIDE FOR AMENDMENT OR ABANDONMENT OF PLAN OF CONVERSION, TO PROVIDE FOR STATEMENT OF CONVERSION AND EFFECTIVE DATE OF CONVERSION, TO PROVIDE FOR EFFECT OF CONVERSION, TO PROVIDE FOR DOMESTICATION AUTHORIZED, TO PROVIDE FOR PLAN OF DOMESTICATION, TO PROVIDE FOR APPROVAL OF DOMESTICATION, TO PROVIDE FOR AMENDMENT OR ABANDONMENT OF PLAN OF DOMESTICATION, TO PROVIDE FOR STATEMENT OF DOMESTICATION AND EFFECTIVE DATE OF DOMESTICATION AND TO PROVIDE FOR EFFECT OF DOMESTICATION; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 23, TITLE 30, IDAHO CODE, RELATING TO GENERAL PARTNERSHIPS, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR KNOWLEDGE AND NOTICE, TO PROVIDE FOR GOVERNING LAW, TO PROVIDE FOR PARTNERSHIP AGREEMENT, SCOPE, FUNCTION AND LIMITATIONS, TO PROVIDE FOR PARTNERSHIP AGREEMENT, EFFECT ON PARTNERSHIP AND PERSON BECOMING PARTNER AND PREFORMATION AGREEMENT, TO PROVIDE FOR PARTNERSHIP AGREEMENT, EFFECT ON THIRD PARTIES AND RELATIONSHIP TO RECORDS EFFECTIVE ON BEHALF OF PARTNERSHIP, TO PROVIDE FOR SIGNING OF RECORDS TO BE DELIVERED FOR FILING TO SECRETARY OF STATE, TO PROVIDE FOR LIABILITY FOR INACCURATE INFORMATION IN FILED RECORD, TO PROVIDE FOR APPLICATION TO EXISTING RELATIONSHIPS, TO PROVIDE FOR SUBJECTS COVERED OUTSIDE CHAPTER, TO PROVIDE FOR PARTNERSHIP AS ENTITY, TO PROVIDE FOR FORMATION OF PARTNERSHIP, TO PROVIDE FOR PARTNERSHIP PROPERTY, TO PROVIDE FOR WHEN PROPERTY IS PARTNERSHIP PROPERTY, TO PROVIDE FOR PARTNER AGENT OF PARTNERSHIP, TO PROVIDE FOR TRANSFER OF PARTNERSHIP PROPERTY, TO PROVIDE FOR STATEMENT OF PARTNERSHIP AUTHORITY, TO PROVIDE FOR STATEMENT OF DENIAL, TO PROVIDE FOR PARTNERSHIP LIABLE FOR PARTNER'S ACTIONABLE CONDUCT, TO PROVIDE FOR PARTNER'S LIABILITY, TO PROVIDE FOR ACTIONS BY AND AGAINST PARTNERSHIP AND PARTNERS, TO PROVIDE FOR LIABILITY OF PURPORTED PARTNER, TO PROVIDE FOR PARTNER'S RIGHTS AND DUTIES, TO PROVIDE FOR BECOMING PARTNER, TO PROVIDE FOR FORM OF CONTRIBUTION, TO PROVIDE FOR LIABILITY FOR CONTRIBUTION, TO PROVIDE FOR SHARING OF AND RIGHT TO DISTRIBUTIONS BEFORE DISSOLUTION, TO PROVIDE FOR LIMITATIONS ON DISTRIBUTIONS BY LIMITED LIABILITY PARTNERSHIP, TO PROVIDE FOR LIABILITY OF IMPROPER DISTRIBUTIONS BY LIMITED LIABILITY PARTNERSHIP, TO PROVIDE FOR RIGHTS OF PARTNERS AND PERSONS DISSOCIATED AS PARTNER TO INFORMATION, TO PROVIDE FOR STANDARDS OF CONDUCT FOR PARTNERS, TO PROVIDE FOR ACTIONS BY PARTNERSHIP AND PARTNERS, TO PROVIDE FOR CONTINUATION OF PARTNERSHIP BEYOND DEFINITE TERM OR PARTICULAR UNDERTAKING, TO PROVIDE FOR PARTNER NOT CO-OWNER OF PARTNERSHIP PROPERTY, TO PROVIDE FOR NATURE OF TRANSFERABLE INTEREST, TO PROVIDE FOR TRANSFER OF TRANSFERABLE INTEREST, TO PROVIDE FOR CHARGING ORDER, TO PROVIDE FOR POWER OF LEGAL REPRESENTATIVE OF DECEASED PARTNER, TO PROVIDE FOR EVENTS CAUSING DISSOCIATION, TO PROVIDE FOR POWER TO DISSOCIATE AS PARTNER AND WRONGFUL DISSOCIATION, TO PROVIDE FOR EFFECT OF DISSOCIATION, TO PROVIDE FOR PERSONS DISSOCIATED AS A PARTNER WITHOUT DISSOLUTION OF PARTNERSHIP, TO PROVIDE FOR POWER TO BIND AND LIABILITY OF PERSON DISSOCIATED AS PARTNER, TO PROVIDE FOR LIABILITY OF PERSON DISSOCIATED AS PARTNER TO OTHER PERSONS, TO PROVIDE FOR STATEMENT OF DISSOCIATION, TO PROVIDE FOR CONTINUED USE OF PARTNERSHIP NAME, TO PROVIDE FOR EVENTS CAUSING DISSOLUTION, TO PROVIDE FOR WINDING UP, TO PROVIDE FOR RESCINDING DISSOLUTION, TO PROVIDE FOR POWER TO BIND PARTNERSHIP AFTER DISSOLU-

TION, TO PROVIDE FOR LIABILITY AFTER DISSOLUTION OF PARTNER AND PERSON DISSOCIATED AS GENERAL PARTNER, TO PROVIDE FOR DISPOSITION OF ASSETS IN WINDING UP AND WHEN CONTRIBUTIONS REQUIRED, TO PROVIDE FOR KNOWN CLAIMS AGAINST DISSOLVED LIMITED LIABILITY PARTNERSHIP, TO PROVIDE FOR OTHER CLAIMS AGAINST DISSOLVED LIMITED LIABILITY PARTNERSHIP, TO PROVIDE FOR COURT PROCEEDINGS, TO PROVIDE FOR LIABILITY OF PARTNER AND PERSON DISSOCIATED AS PARTNER WHEN CLAIM AGAINST PARTNERSHIP BARRED, TO PROVIDE FOR STATEMENT OF QUALIFICATION, TO PROVIDE FOR PERMITTED NAMES, TO PROVIDE FOR ADMINISTRATIVE REVOCATION OF STATEMENT OF QUALIFICATION, TO PROVIDE FOR REINSTATEMENT, TO PROVIDE FOR JUDICIAL REVIEW OF DENIAL OF REINSTATEMENT AND TO PROVIDE FOR SUBJECTS COVERED OUTSIDE CHAPTER; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 24, TITLE 30, IDAHO CODE, RELATING TO LIMITED PARTNERSHIPS, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR KNOWLEDGE AND NOTICE, TO PROVIDE FOR GOVERNING LAW, TO PROVIDE FOR PARTNERSHIP AGREEMENT, SCOPE, FUNCTION AND LIMITATIONS, TO PROVIDE FOR PARTNERSHIP AGREEMENT, EFFECT ON LIMITED PARTNERSHIP AND PERSON BECOMING PARTNER AND PREFORMATION AGREEMENT, TO PROVIDE FOR PARTNERSHIP AGREEMENT, EFFECT ON THIRD PARTIES AND RELATIONSHIP TO RECORDS EFFECTIVE ON BEHALF OF LIMITED PARTNERSHIP, TO PROVIDE FOR REQUIRED INFORMATION, TO PROVIDE FOR DUAL CAPACITY, TO PROVIDE FOR NATURE, PURPOSE AND DURATION OF LIMITED PARTNERSHIP, TO PROVIDE FOR POWERS, TO PROVIDE FOR APPLICATION TO EXISTING RELATIONSHIPS, TO PROVIDE FOR SUBJECTS COVERED OUTSIDE CHAPTER, TO PROVIDE FOR FORMATION OF LIMITED PARTNERSHIP AND CERTIFICATE OF LIMITED PARTNERSHIP, TO PROVIDE FOR AMENDMENT OR RESTATEMENT OF CERTIFICATE OF LIMITED PARTNERSHIP, TO PROVIDE FOR SIGNING OF RECORDS TO BE DELIVERED FOR FILING TO SECRETARY OF STATE, TO PROVIDE FOR SUBJECTS COVERED OUTSIDE CHAPTER, TO PROVIDE FOR BECOMING LIMITED PARTNER, TO PROVIDE FOR NO AGENCY POWER OF LIMITED PARTNER AS LIMITED PARTNER, TO PROVIDE FOR NO LIABILITY AS LIMITED PARTNER FOR LIMITED PARTNERSHIP OBLIGATIONS, TO PROVIDE FOR RIGHTS TO INFORMATION OF LIMITED PARTNER AND PERSON DISSOCIATED AS LIMITED PARTNER, TO PROVIDE FOR LIMITED DUTIES OF LIMITED PARTNER, TO PROVIDE FOR LIABILITY FOR INACCURATE INFORMATION IN FILED RECORD, TO PROVIDE FOR BECOMING GENERAL PARTNER, TO PROVIDE FOR NO AGENCY POWER OF GENERAL PARTNER AS LIMITED PARTNER, TO PROVIDE FOR LIMITED PARTNERSHIP LIABLE FOR GENERAL PARTNER'S ACTIONABLE CONDUCT, TO PROVIDE FOR RIGHTS TO INFORMATION OF GENERAL PARTNER AND PERSON DISSOCIATED AS LIMITED PARTNER, TO PROVIDE FOR ACTIONS BY AND AGAINST PARTNERSHIP AND PARTNERS, TO PROVIDE FOR MANAGEMENT RIGHTS OF GENERAL PARTNER, TO PROVIDE FOR RIGHTS TO INFORMATION OF GENERAL PARTNER AND PERSON DISSOCIATED AS GENERAL PARTNER, TO PROVIDE FOR REIMBURSEMENT, INDEMNIFICATION, ADVANCEMENT AND INSURANCE, TO PROVIDE FOR STANDARDS OF CONDUCT FOR GENERAL PARTNERS, TO PROVIDE FOR FORM OF CONTRIBUTION, TO PROVIDE FOR LIABILITY FOR CONTRIBUTION, TO PROVIDE FOR SHARING OF AND RIGHT TO DISTRIBUTIONS BEFORE DISSOLUTION, TO PROVIDE FOR LIMITATIONS ON DISTRIBUTIONS, TO PROVIDE FOR LIABILITY FOR IMPROPER DISTRIBUTIONS, TO PROVIDE FOR DISSOCIATION AS LIMITED PARTNER, TO PROVIDE FOR EFFECT OF DISSOCIATION AS LIMITED PARTNER, TO PROVIDE FOR DISSOCIATION AS GENERAL PARTNER, TO PROVIDE FOR POWER TO DISSOCIATE AS GENERAL PARTNER AND WRONGFUL DISSOCIATION, TO PROVIDE FOR EFFECT OF DISSOCIATION AS GENERAL PARTNER, TO PROVIDE FOR POWER TO BIND AND LIABILITY OF PERSON DISSOCIATED AS GENERAL PARTNER, TO PROVIDE FOR LIABILITY OF PERSON DISSOCIATED AS GENERAL PARTNER TO OTHER PERSONS, TO PROVIDE FOR NATURE OF TRANSFERABLE INTEREST, TO PROVIDE FOR TRANSFER OF TRANSFERABLE INTEREST, TO PROVIDE FOR CHARGING ORDER, TO PROVIDE FOR POWER OF LEGAL REPRESENTATIVE OF DECEASED PARTNER, TO PROVIDE FOR EVENTS CAUSING DISSOLUTION, TO PROVIDE FOR WINDING UP, TO PROVIDE FOR RESCINDING DISSOLUTION, TO PROVIDE FOR POWER TO BIND PARTNERSHIP AFTER DISSOLUTION, TO PROVIDE FOR LIABILITY AFTER DISSOLUTION OF GENERAL PARTNER AND PERSON DISSOCIATED

AS GENERAL PARTNER, TO PROVIDE FOR KNOWN CLAIMS AGAINST DISSOLVED LIMITED PARTNERSHIP, TO PROVIDE FOR OTHER CLAIMS AGAINST DISSOLVED LIMITED PARTNERSHIP, TO PROVIDE FOR COURT PROCEEDINGS, TO PROVIDE FOR LIABILITY OF GENERAL PARTNER AND PERSON DISSOCIATED AS GENERAL PARTNER WHEN CLAIM AGAINST LIMITED PARTNERSHIP BARRED, TO PROVIDE FOR DISPOSITION OF ASSETS IN WINDING UP AND WHEN CONTRIBUTIONS REQUIRED, TO PROVIDE FOR SUBJECTS COVERED OUTSIDE CHAPTER, TO PROVIDE FOR DIRECT ACTION BY A PARTNER, TO PROVIDE FOR DERIVATIVE ACTION, TO PROVIDE FOR PROPER PLAINTIFF, TO PROVIDE FOR PLEADING, TO PROVIDE FOR SPECIAL LITIGATION COMMITTEE AND TO PROVIDE FOR PROCEEDS AND EXPENSES; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 25, TITLE 30, IDAHO CODE, RELATING TO LIMITED LIABILITY COMPANIES, TO PROVIDE SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR KNOWLEDGE AND NOTICE, TO PROVIDE FOR GOVERNING LAW, TO PROVIDE FOR OPERATING AGREEMENT, SCOPE, FUNCTION AND LIMITATIONS, TO PROVIDE FOR OPERATING AGREEMENT, EFFECT ON LIMITED LIABILITY COMPANY AND PERSON BECOMING MEMBER AND PREFORMATION AGREEMENT, TO PROVIDE FOR OPERATING AGREEMENT, EFFECT ON THIRD PARTIES AND RELATIONSHIP TO RECORDS EFFECTIVE ON BEHALF OF LIMITED LIABILITY COMPANY, TO PROVIDE FOR THE NATURE, PURPOSE AND DURATION OF LIMITED LIABILITY COMPANY, TO PROVIDE POWERS, TO PROVIDE FOR APPLICATION TO EXISTING RELATIONSHIPS, TO PROVIDE FOR SUBJECTS COVERED OUTSIDE CHAPTER, TO PROVIDE FOR FORMATION OF LIMITED LIABILITY COMPANY AND CERTIFICATE OF ORGANIZATION, TO PROVIDE FOR AMENDMENT OR RESTATEMENT OF CERTIFICATE OF ORGANIZATION, TO PROVIDE FOR SIGNING OF RECORDS TO BE DELIVERED FOR FILING TO SECRETARY OF STATE, TO PROVIDE FOR LIABILITY FOR INACCURATE INFORMATION IN FILED RECORDS, TO PROVIDE FOR SUBJECTS COVERED OUTSIDE CHAPTER, TO PROVIDE FOR NO AGENCY POWER OF MEMBER AS MEMBER, TO PROVIDE FOR STATEMENT OF AUTHORITY, TO PROVIDE FOR STATEMENT OF DENIAL, TO PROVIDE FOR LIABILITY OF MEMBERS AND MANAGERS, TO PROVIDE FOR BECOMING A MEMBER, TO PROVIDE FOR FORM OF CONTRIBUTION, TO PROVIDE FOR LIABILITY FOR CONTRIBUTIONS, TO PROVIDE FOR SHARING OF AND RIGHT TO DISTRIBUTIONS BEFORE DISSOLUTION, TO PROVIDE FOR LIMITATIONS ON DISTRIBUTIONS, TO PROVIDE FOR LIABILITY FOR IMPROPER DISTRIBUTIONS, TO PROVIDE FOR MANAGEMENT OF A LIMITED LIABILITY COMPANY, TO PROVIDE FOR REIMBURSEMENT, INDEMNIFICATION, ADVANCEMENT AND INSURANCE, TO PROVIDE FOR STANDARDS OF CONDUCT FOR MEMBERS AND MANAGERS, TO PROVIDE FOR RIGHTS TO INFORMATION OF MEMBER, MANAGER AND PERSON DISSOCIATED AS MEMBER, TO PROVIDE FOR NATURE OF TRANSFERABLE INTEREST, TO PROVIDE FOR TRANSFER OF TRANSFERABLE INTEREST, TO PROVIDE FOR CHARGING ORDER, TO PROVIDE FOR POWER OF LEGAL REPRESENTATIVE OF DECEASED MEMBER, TO PROVIDE FOR POWER TO DISSOCIATE AS MEMBER AND WRONGFUL DISSOCIATION, TO PROVIDE FOR EVENTS CAUSING DISSOCIATION, TO PROVIDE FOR EFFECT OF DISSOCIATION, TO PROVIDE FOR EVENTS CAUSING DISSOLUTION, TO PROVIDE FOR WINDING UP, TO PROVIDE FOR RESCINDING DISSOLUTION, TO PROVIDE FOR KNOWN CLAIMS AGAINST DISSOLVED LIMITED LIABILITY COMPANY, TO PROVIDE FOR OTHER CLAIMS AGAINST DISSOLVED LIMITED LIABILITY COMPANY, TO PROVIDE FOR COURT PROCEEDINGS, TO PROVIDE FOR DISPOSITION OF ASSETS IN WINDING UP, TO PROVIDE FOR SUBJECTS COVERED OUTSIDE CHAPTER, TO PROVIDE FOR DIRECT ACTION BY MEMBER, TO PROVIDE FOR DERIVATIVE ACTION, TO PROVIDE FOR PROPER PLAINTIFF, TO PROVIDE FOR PLEADING, TO PROVIDE FOR SPECIAL LITIGATION COMMITTEE AND TO PROVIDE FOR PROCEEDS AND EXPENSES; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 30, IDAHO CODE, RELATING TO UNINCORPORATED NONPROFIT ASSOCIATIONS; TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR RELATION TO OTHER LAWS, TO PROVIDE FOR GOVERNING LAW, TO PROVIDE FOR ENTITY, PERPETUAL EXISTENCE AND POWERS, TO PROVIDE FOR OWNERSHIP AND TRANSFER OF PROPERTY, TO PROVIDE FOR STATEMENT OF AUTHORITY AS TO REAL PROPERTY, TO PROVIDE FOR LIABILITY, TO PROVIDE FOR ASSERTION AND DEFENSE OF CLAIMS, TO PROVIDE FOR EFFECT OF JUDGMENT OR ORDER, TO PROVIDE FOR SERVICE OF PROCESS, TO

PROVIDE FOR ACTION OR PROCEEDING NOT ABATED BY CHANGE, TO PROVIDE FOR VENUE, TO PROVIDE FOR MEMBER NOT AGENT, TO PROVIDE FOR DISTRIBUTIONS PROHIBITED, COMPENSATION AND OTHER PERMITTED PAYMENTS, TO PROVIDE FOR DISSOLUTION, TO PROVIDE FOR WINDING UP AND TERMINATION, TO PROVIDE FOR APPOINTMENT OF REGISTERED AGENT AND TO PROVIDE FOR TRANSITION CONCERNING REAL AND PERSONAL PROPERTY; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 29, TITLE 30, IDAHO CODE, RELATING TO GENERAL BUSINESS CORPORATIONS, TO PROVIDE A SHORT TITLE, TO PROVIDE FOR REQUIREMENTS FOR DOCUMENTS AND EXTRINSIC FACTS, TO PROVIDE FOR CHAPTER DEFINITIONS, TO PROVIDE FOR NOTICE, TO PROVIDE FOR INCORPORATORS, TO PROVIDE FOR ARTICLES OF INCORPORATION, TO PROVIDE FOR INCORPORATION, TO PROVIDE FOR LIABILITY FOR PREINCORPORATION TRANSACTIONS, TO PROVIDE FOR ORGANIZATION OF CORPORATION, TO PROVIDE FOR BYLAWS, TO PROVIDE FOR EMERGENCY BYLAWS, TO PROVIDE FOR PURPOSES, TO PROVIDE FOR GENERAL POWERS, TO PROVIDE FOR EMERGENCY POWERS, TO PROVIDE FOR ULTRA VIRES, TO PROVIDE FOR AUTHORIZED SHARES, TO PROVIDE FOR TERMS OF CLASS OR SERIES DETERMINED BY BOARD OF DIRECTORS, TO PROVIDE FOR ISSUED AND OUTSTANDING SHARES, TO PROVIDE FOR FRACTIONAL SHARES, TO PROVIDE FOR SUBSCRIPTION FOR SHARES BEFORE INCORPORATION, TO PROVIDE FOR ISSUANCE OF SHARES, TO PROVIDE FOR LIABILITY OF SHAREHOLDERS, TO PROVIDE FOR SHARE DIVIDENDS, TO PROVIDE FOR SHARE OPTIONS, TO PROVIDE FOR FORM AND CONTENT OF CERTIFICATES, TO PROVIDE FOR SHARES WITHOUT CERTIFICATES, TO PROVIDE FOR RESTRICTION ON TRANSFER OF SHARES AND OTHER SECURITIES, TO PROVIDE FOR EXPENSE OF ISSUE, TO PROVIDE FOR SHAREHOLDERS' PREEMPTIVE RIGHTS, TO PROVIDE FOR CORPORATION'S ACQUISITION OF ITS OWN SHARES, TO PROVIDE FOR DISTRIBUTIONS TO SHAREHOLDERS, TO PROVIDE FOR AN ANNUAL MEETING, TO PROVIDE FOR A SPECIAL MEETING, TO PROVIDE FOR A COURT-ORDERED MEETING, TO PROVIDE FOR ACTION WITHOUT MEETING, TO PROVIDE FOR NOTICE OF MEETING, TO PROVIDE FOR WAIVER OF NOTICE, TO PROVIDE FOR RECORD DATE, TO PROVIDE FOR CONDUCT OF THE MEETING, TO PROVIDE FOR SHAREHOLDERS' LIST FOR MEETING, TO PROVIDE FOR VOTING ENTITLEMENT OF SHARES, TO PROVIDE FOR PROXIES, TO PROVIDE FOR SHARES HELD BY NOMINEES, TO PROVIDE FOR CORPORATION'S ACCEPTANCE OF VOTES, TO PROVIDE FOR QUORUM AND VOTING REQUIREMENTS FOR VOTING GROUPS, TO PROVIDE FOR ACTION BY SINGLE AND MULTIPLE VOTING GROUPS, TO PROVIDE FOR GREATER QUORUM OR VOTING REQUIREMENTS, TO PROVIDE FOR VOTING FOR DIRECTORS AND CUMULATIVE VOTING, TO PROVIDE FOR INSPECTORS OF ELECTION, TO PROVIDE FOR VOTING TRUSTS, TO PROVIDE FOR VOTING AGREEMENTS, TO PROVIDE FOR SHAREHOLDER AGREEMENTS, TO PROVIDE FOR DEFINITIONS, TO PROVIDE FOR STANDING, TO PROVIDE FOR A DEMAND, TO PROVIDE FOR A STAY OF PROCEEDINGS, TO PROVIDE FOR DISMISSAL, TO PROVIDE FOR DISCONTINUANCE OR SETTLEMENT, TO PROVIDE FOR PAYMENT OF EXPENSES, TO PROVIDE FOR APPLICABILITY TO FOREIGN CORPORATIONS, TO PROVIDE FOR REQUIREMENT FOR AND DUTIES OF BOARD OF DIRECTORS, TO PROVIDE FOR QUALIFICATIONS OF DIRECTORS, TO PROVIDE FOR NUMBER AND ELECTION OF DIRECTORS, TO PROVIDE FOR ELECTION OF DIRECTORS BY CERTAIN CLASSES OF SHAREHOLDERS, TO PROVIDE FOR TERMS OF DIRECTORS GENERALLY, TO PROVIDE FOR STAGGERED TERMS FOR DIRECTORS, TO PROVIDE FOR RESIGNATION OF DIRECTORS, TO PROVIDE FOR REMOVAL OF DIRECTORS BY SHAREHOLDERS, TO PROVIDE FOR REMOVAL OF DIRECTORS BY JUDICIAL PROCEEDING, TO PROVIDE FOR VACANCY ON BOARD, TO PROVIDE FOR COMPENSATION OF DIRECTORS, TO PROVIDE FOR MEETINGS, TO PROVIDE FOR ACTION WITHOUT MEETING, TO PROVIDE FOR NOTICE OF MEETING, TO PROVIDE FOR WAIVER OF NOTICE, TO PROVIDE FOR QUORUM AND VOTING, TO PROVIDE FOR COMMITTEES, TO PROVIDE FOR STANDARDS FOR DIRECTORS, TO PROVIDE FOR STANDARDS OF LIABILITY FOR DIRECTORS, TO PROVIDE FOR DIRECTORS' LIABILITY FOR UNLAWFUL DISTRIBUTIONS, TO PROVIDE FOR REQUIRED OFFICERS, TO PROVIDE FOR DUTIES OF OFFICERS, TO PROVIDE FOR STANDARDS OF CONDUCT FOR OFFICERS, TO PROVIDE FOR RESIGNATION AND REMOVAL OF OFFICERS, TO PROVIDE FOR CONTRACT RIGHTS OF OFFICERS, TO PROVIDE DEFINITIONS, TO PROVIDE FOR PERMISSIBLE INDEMNIFICATION, TO

PROVIDE FOR MANDATORY INDEMNIFICATION, TO PROVIDE FOR ADVANCE FOR EXPENSES, TO PROVIDE FOR COURT-ORDERED INDEMNIFICATION AND ADVANCE FOR EXPENSES, TO PROVIDE FOR DETERMINATION AND AUTHORIZATION OF INDEMNIFICATION, TO PROVIDE FOR OFFICERS, TO PROVIDE FOR INSURANCE, TO PROVIDE FOR VARIATION BY CORPORATE ACTION AND APPLICATION OF INDEMNIFICATION PROVISIONS, TO PROVIDE FOR EXCLUSIVITY, TO PROVIDE DEFINITIONS, TO PROVIDE FOR JUDICIAL ACTION, TO PROVIDE FOR DIRECTORS' ACTION, TO PROVIDE FOR SHAREHOLDERS' ACTION, TO PROVIDE FOR AUTHORITY TO AMEND ARTICLES OF INCORPORATION, TO PROVIDE FOR AMENDMENT BEFORE ISSUANCE OF SHARES, TO PROVIDE FOR AMENDMENT BY BOARD OF DIRECTORS AND SHAREHOLDERS, TO PROVIDE FOR VOTING ON AMENDMENTS BY VOTING GROUPS, TO PROVIDE FOR AMENDMENT BY BOARD OF DIRECTORS, TO PROVIDE FOR ARTICLES OF AMENDMENT, TO PROVIDE FOR RESTATED ARTICLES OF INCORPORATION, TO PROVIDE FOR AMENDMENT PURSUANT TO REORGANIZATION, TO PROVIDE FOR EFFECT OF AMENDMENT, TO PROVIDE FOR AMENDMENT BY BOARD OF DIRECTORS OR SHAREHOLDERS, TO PROVIDE FOR A BYLAW INCREASING QUORUM OR VOTING REQUIREMENT FOR DIRECTORS, TO PROVIDE FOR ACTION ON A PLAN OF MERGER OR SHARE EXCHANGE, TO PROVIDE FOR MERGER BETWEEN PARENT AND SUBSIDIARY OR BETWEEN SUBSIDIARIES, TO PROVIDE FOR DISPOSITION OF ASSETS NOT REQUIRING SHAREHOLDER APPROVAL, TO PROVIDE FOR SHAREHOLDER APPROVAL OF CERTAIN DISPOSITIONS, TO PROVIDE DEFINITIONS, TO PROVIDE FOR RIGHT TO APPRAISAL, TO PROVIDE FOR ASSERTION OF RIGHTS BY NOMINEES AND BENEFICIAL OWNERS, TO PROVIDE FOR NOTICE OF APPRAISAL RIGHTS, TO PROVIDE FOR NOTICE OF INTENT TO DEMAND PAYMENT, TO PROVIDE FOR APPRAISAL NOTICE AND FORM, TO PROVIDE FOR PERFECTION OF RIGHTS AND RIGHT TO WITHDRAW, TO PROVIDE FOR PAYMENT, TO PROVIDE FOR AFTER ACQUIRED SHARES, TO PROVIDE FOR PROCEDURE IF SHAREHOLDER DISSATISFIED WITH PAYMENT OR OFFER, TO PROVIDE FOR COURT ACTION, TO PROVIDE FOR COURT COSTS AND COUNSEL FEES, TO PROVIDE FOR DISSOLUTION BY INCORPORATORS OR INITIAL DIRECTORS, TO PROVIDE FOR DISSOLUTION BY BOARD OF DIRECTORS AND SHAREHOLDERS, TO PROVIDE FOR ARTICLES OF DISSOLUTION, TO PROVIDE FOR REVOCATION OF DISSOLUTION, TO PROVIDE FOR EFFECT OF DISSOLUTION, TO PROVIDE FOR KNOWN CLAIMS AGAINST DISSOLVED CORPORATION, TO PROVIDE FOR OTHER CLAIMS AGAINST DISSOLVED CORPORATION, TO PROVIDE FOR COURT PROCEEDING, TO PROVIDE FOR DIRECTOR DUTIES, TO PROVIDE FOR GROUNDS FOR JUDICIAL DISSOLUTION, TO PROVIDE FOR PROCEDURE FOR JUDICIAL DISSOLUTION, TO PROVIDE FOR RECEIVERSHIP OR CUSTODIANSHIP, TO PROVIDE FOR DECREE OF DISSOLUTION, TO PROVIDE FOR ELECTION TO PURCHASE IN LIEU OF DISSOLUTION, TO PROVIDE FOR DEPOSIT WITH THE STATE TREASURER, TO PROVIDE FOR CORPORATE RECORDS, TO PROVIDE FOR INSPECTION OF RECORDS BY SHAREHOLDERS, TO PROVIDE FOR SCOPE OF INSPECTION RIGHT, TO PROVIDE FOR COURT-ORDERED INSPECTION, TO PROVIDE FOR INSPECTION OF RECORDS BY DIRECTORS, TO PROVIDE FOR EXCEPTION TO NOTICE REQUIREMENT, TO PROVIDE FOR FINANCIAL STATEMENTS FOR SHAREHOLDERS, TO PROVIDE FOR OTHER REPORTS TO SHAREHOLDERS, TO PROVIDE FOR APPLICATION OF CHAPTER TO EXISTING DOMESTIC CORPORATIONS, TO PROVIDE FOR APPLICATION TO QUALIFIED FOREIGN CORPORATIONS, TO PROVIDE FOR SAVING PROVISIONS AND TO PROVIDE FOR SEVERABILITY; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 30, IDAHO CODE, RELATING TO THE IDAHO NONPROFIT CORPORATION ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE FOR FILING REQUIREMENTS, TO PROVIDE DEFINITIONS, TO PROVIDE FOR NOTICE, TO PROVIDE FOR A PRIVATE FOUNDATION, TO PROVIDE FOR JUDICIAL RELIEF, TO PROVIDE FOR RELIGIOUS CORPORATIONS AND CONSTITUTIONAL PROTECTIONS, TO PROVIDE FOR INCORPORATORS, TO PROVIDE FOR ARTICLES OF INCORPORATION, TO PROVIDE FOR INCORPORATION, TO PROVIDE FOR LIABILITY, TO PROVIDE FOR ORGANIZATION OF CORPORATION, TO PROVIDE FOR BYLAWS, TO PROVIDE FOR EMERGENCY BYLAWS AND POWERS, TO PROVIDE FOR PURPOSES, TO PROVIDE FOR GENERAL POWERS, TO PROVIDE FOR EMERGENCY POWERS, TO PROVIDE FOR ULTRA VIRES, TO PROVIDE FOR ADMISSION OF MEMBERS, TO PROVIDE FOR CONSIDERATION, TO PROVIDE FOR NO REQUIREMENT OF MEMBERS, TO PROVIDE FOR DIFFERENCES IN RIGHTS

AND OBLIGATIONS OF MEMBERS, TO PROVIDE FOR TRANSFERS, TO PROVIDE FOR MEMBER'S LIABILITY TO THIRD PARTIES, TO PROVIDE FOR MEMBER'S LIABILITY FOR DUES, ASSESSMENTS AND FEES, TO PROVIDE FOR RESIGNATION, TO PROVIDE FOR TERMINATION, EXPULSION AND SUSPENSION, TO PROVIDE FOR PURCHASE OF MEMBERSHIPS, TO PROVIDE FOR DERIVATIVE SUITS, TO PROVIDE FOR DELEGATES, TO PROVIDE FOR ANNUAL AND REGULAR MEETINGS, TO PROVIDE FOR A SPECIAL MEETING, TO PROVIDE FOR COURT-ORDERED MEETINGS, TO PROVIDE FOR ACTION BY WRITTEN CONSENT, TO PROVIDE FOR NOTICE OF MEETING, TO PROVIDE FOR WAIVER OF NOTICE, TO PROVIDE FOR RECORD DATE FOR DETERMINING MEMBERS ENTITLED TO NOTICE AND VOTE, TO PROVIDE FOR ACTION BY MAILED WRITTEN BALLOT OR ABSENTEE BALLOT, TO PROVIDE FOR MEMBERS' LIST FOR MEETING, TO PROVIDE FOR VOTING ENTITLEMENT GENERALLY, TO PROVIDE FOR QUORUM REQUIREMENTS, TO PROVIDE FOR VOTING REQUIREMENTS, TO PROVIDE FOR PROXIES, TO PROVIDE FOR CUMULATIVE VOTING FOR DIRECTORS, TO PROVIDE FOR OTHER METHODS OF ELECTING DIRECTORS, TO PROVIDE FOR CORPORATION'S ACCEPTANCE OF VOTES, TO PROVIDE FOR VOTING AGREEMENTS, TO PROVIDE FOR REQUIREMENT FOR AND DUTIES OF BOARD, TO PROVIDE FOR QUALIFICATIONS OF DIRECTORS, TO PROVIDE FOR NUMBER OF DIRECTORS, TO PROVIDE FOR ELECTION, DESIGNATION AND APPOINTMENT OF DIRECTORS, TO PROVIDE FOR TERMS OF DIRECTORS GENERALLY, TO PROVIDE FOR STAGGERED TERMS FOR DIRECTORS, TO PROVIDE FOR RESIGNATION OF DIRECTORS, TO PROVIDE FOR REMOVAL OF DIRECTORS ELECTED BY MEMBERS OR DIRECTORS, TO PROVIDE FOR REMOVAL OF DESIGNATED OR APPOINTED DIRECTORS, TO PROVIDE FOR VACANCY ON BOARD, TO PROVIDE FOR COMPENSATION OF DIRECTORS, TO PROVIDE FOR REGULAR AND SPECIAL MEETINGS, TO PROVIDE FOR ACTION WITHOUT MEETING, TO PROVIDE FOR CALL AND NOTICE OF MEETINGS, TO PROVIDE FOR WAIVER OF NOTICE, TO PROVIDE FOR QUORUM AND VOTING, TO PROVIDE FOR COMMITTEES OF THE BOARD, TO PROVIDE FOR GENERAL STANDARDS FOR DIRECTORS, TO PROVIDE FOR DIRECTOR AND CONFLICT OF INTEREST, TO PROVIDE FOR LOANS TO OR GUARANTEES FOR DIRECTORS AND OFFICERS, TO PROVIDE FOR REQUIRED OFFICERS, TO PROVIDE FOR DUTIES AND AUTHORITY OF OFFICERS, TO PROVIDE FOR STANDARDS OF CONDUCT FOR OFFICERS, TO PROVIDE FOR RESIGNATION AND REMOVAL OF OFFICERS, TO PROVIDE FOR OFFICERS' AUTHORITY TO EXECUTE DOCUMENTS, TO PROVIDE FOR INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS, TO PROVIDE FOR AUTHORITY TO AMEND ARTICLES, TO PROVIDE FOR AMENDMENT OF ARTICLES BY DIRECTORS, TO PROVIDE FOR AMENDMENT OF ARTICLES BY DIRECTORS AND MEMBERS, TO PROVIDE FOR CLASS VOTING BY MEMBERS ON AMENDMENTS TO ARTICLES, TO PROVIDE FOR ARTICLES OF AMENDMENT, TO PROVIDE FOR RESTATED ARTICLES OF INCORPORATION, TO PROVIDE FOR EFFECT OF AMENDMENT AND RESTATEMENT OF ARTICLES, TO PROVIDE FOR AMENDMENT OF BYLAWS BY DIRECTORS, TO PROVIDE FOR AMENDMENT OF BYLAWS BY DIRECTORS AND MEMBERS, TO PROVIDE FOR CLASS VOTING BY MEMBERS ON AMENDMENTS TO BYLAWS, TO PROVIDE FOR APPROVAL BY THIRD PERSONS, TO PROVIDE FOR APPROVAL OF PLAN OF MERGER, TO PROVIDE FOR ACTION ON PLAN BY BOARD, MEMBERS AND THIRD PERSONS, TO PROVIDE FOR BEQUESTS, DEVISES AND GIFTS, TO PROVIDE FOR THE SALE OF ASSETS IN THE REGULAR COURSE OF ACTIVITIES AND THE MORTGAGE OF ASSETS, TO PROVIDE FOR THE SALE OF ASSETS OTHER THAN IN THE REGULAR COURSE OF ACTIVITIES, TO PROVIDE FOR PROHIBITED DISTRIBUTIONS, TO PROVIDE FOR AUTHORIZED DISTRIBUTIONS, TO PROVIDE FOR THE DISSOLUTION BY INCORPORATORS OR DIRECTORS AND THIRD PERSONS, TO PROVIDE FOR THE DISSOLUTION BY DIRECTORS, MEMBERS AND THIRD PERSONS, TO PROVIDE FOR ARTICLES OF DISSOLUTION, TO PROVIDE FOR THE EFFECT OF DISSOLUTION, TO PROVIDE FOR KNOWN CLAIMS AGAINST A DISSOLVED CORPORATION, TO PROVIDE FOR UNKNOWN CLAIMS AGAINST A DISSOLVED CORPORATION, TO PROVIDE FOR CORPORATE RECORDS, TO PROVIDE FOR THE INSPECTION OF RECORDS BY MEMBERS, TO PROVIDE FOR THE SCOPE OF INSPECTION RIGHTS, TO PROVIDE FOR LIMITATIONS ON THE USE OF A MEMBERSHIP LIST, TO PROVIDE FOR FINANCIAL STATEMENTS FOR MEMBERS, TO PROVIDE FOR A REPORT OF INDEMNIFICATION TO MEMBERS, TO PROVIDE FOR THE APPLICATION

OF LAWS TO EXISTING DOMESTIC NONPROFIT CORPORATIONS, TO PROVIDE FOR THE APPLICATION OF LAWS TO A QUALIFIED FOREIGN NONPROFIT CORPORATION, TO PROVIDE FOR THE APPLICATION OF LAWS TO CANAL COMPANIES AND CAREY ACT COMPANIES AND TO PROVIDE FOR SAVING PROVISIONS.

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

SECTION 1. That Chapter 1, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 6, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 18, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 2, Title 53, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 3, Title 53, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 21, Title 30, Idaho Code, and to read as follows:

CHAPTER 21
IDAHO UNIFORM BUSINESS ORGANIZATIONS CODE

SECTION 7. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 1
PRELIMINARY PROVISIONS

30-21-101. SHORT TITLES. (a) This act may be cited as the "Idaho Uniform Business Organizations Code."

(b) This chapter may be cited as the "Idaho Uniform Business Organizations Code -- Preliminary Provisions."

(c) Part 4 of this chapter may be cited as the "Idaho Registered Agent of Entity Act."

(d) Part 8 of this chapter may be cited as the "Idaho Assumed Business Names Act."

30-21-102. DEFINITIONS. In this act, except as otherwise provided in definitions of the same terms in other articles of this act:

(1) "Act" means the Idaho uniform business organizations code.

(2) "Annual report" means the report required by section 30-21-213, Idaho Code.

(3) "Business corporation" means a domestic business corporation incorporated under or subject to chapter 29, title 30, Idaho Code, or a foreign business corporation.

(4) "Business trust" means a trust formed under the statutory law of another state that is not a foreign statutory trust and does not have a predominately donative purpose.

(5) "Commercial registered agent" means a person listed under section 30-21-405, Idaho Code.

(6) "Common-law business trust" means a common-law trust that does not have a predominately donative purpose.

(7) "Debtor in bankruptcy" means a person that is the subject of:

- (A) An order for relief under 11 U.S.C. or a comparable order under a successor statute of general application; or
- (B) A comparable order under federal, state or foreign law governing insolvency.
- (8) "Distributional interest" means the right under an unincorporated entity's organic law and organic rules to receive distributions from the entity.
- (9) "Domestic," with respect to an entity, means governed as to its internal affairs by the law of this state.
- (10) "Effective date," when referring to a record filed by the secretary of state, means the time and date determined in accordance with section 30-21-203, Idaho Code.
- (11) "Entity":
- (A) Means:
- (i) A business corporation;
 - (ii) A nonprofit corporation;
 - (iii) A general partnership, including a limited liability partnership;
 - (iv) A limited partnership, including a limited liability limited partnership;
 - (v) A limited liability company;
 - (vi) A general cooperative association;
 - (vii) A limited cooperative association;
 - (viii) An unincorporated nonprofit association;
 - (ix) A statutory trust, business trust, or common-law business trust; or
 - (x) Any other person that has:
 - (I) A legal existence separate from any interest holder of that person; or
 - (II) The power to acquire an interest in real property in its own name; and
- (B) Does not include:
- (i) An individual;
 - (ii) A trust with a predominately donative purpose or a charitable trust;
 - (iii) An association or relationship that is not listed in paragraph (A) of this subsection and is not a partnership under the rules stated in section 30-23-202(c), Idaho Code, or a similar provision of the law of another jurisdiction;
 - (iv) A decedent's estate; or
 - (v) A government or a governmental subdivision, agency or instrumentality.
- (12) "Entity filing" means a record delivered to the secretary of state for filing pursuant to this act.
- (13) "Filed record" means a record filed by the secretary of state pursuant to this act.
- (14) "Filing entity" means an entity whose formation requires the filing of a public organic record. The term does not include a limited liability partnership.
- (15) "Foreign," with respect to an entity, means governed as to its internal affairs by the law of a jurisdiction other than this state.
- (16) "General cooperative association" means a foreign general cooperative association.
- (17) "General partnership" means a domestic general partnership formed under or subject to chapter 23 of this act or a foreign general partnership. The term includes a limited liability partnership.
- (18) "Governance interest" means a right under the organic law or organic rules of an unincorporated entity, other than as a governor, agent, assignee or proxy, to:

(A) Receive or demand access to information concerning, or the books and records of, the entity;

(B) Vote for or consent to the election of the governors of the entity;
or

(C) Receive notice of or vote on or consent to an issue involving the internal affairs of the entity.

(19) "Governor" means:

(A) A director of a business corporation;

(B) A director or trustee of a nonprofit corporation;

(C) A general partner of a general partnership;

(D) A general partner of a limited partnership;

(E) A manager of a manager-managed limited liability company;

(F) A member of a member-managed limited liability company;

(G) A director of a general cooperative association;

(H) A director of a limited cooperative association;

(I) A manager of an unincorporated nonprofit association;

(J) A trustee of a statutory trust, business trust or common-law business trust; or

(K) Any other person under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.

(20) "Interest" means:

(A) A share in a business corporation;

(B) A membership in a nonprofit corporation;

(C) A governance interest in a general partnership;

(D) A governance interest in a limited partnership;

(E) A governance interest in a limited liability company;

(F) A share in a general cooperative association;

(G) A member's interest in a limited cooperative association;

(H) A membership in an unincorporated nonprofit association;

(I) A beneficial interest in a statutory trust, business trust or common-law business trust; or

(J) A governance interest or distributional interest in any other type of unincorporated entity.

(21) "Interest holder" means:

(A) A shareholder of a business corporation;

(B) A member of a nonprofit corporation;

(C) A general partner of a general partnership;

(D) A general partner of a limited partnership;

(E) A limited partner of a limited partnership;

(F) A member of a limited liability company;

(G) A shareholder of a general cooperative association;

(H) A member of a limited cooperative association;

(I) A member of an unincorporated nonprofit association;

(J) A beneficiary or beneficial owner of a statutory trust, business trust or common-law business trust; or

(K) Any other direct holder of an interest.

(22) "Jurisdiction," used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

(23) "Jurisdiction of formation" means the jurisdiction whose law includes the organic law of an entity.

(24) "Limited cooperative association" means a foreign limited cooperative association.

(25) "Limited liability company" means a domestic limited liability company formed under or subject to chapter 25, title 30, Idaho Code, or a foreign limited liability company.

(26) "Limited liability limited partnership" means a domestic limited liability limited partnership formed under or subject to chapter 24, title 30, Idaho Code, or a foreign limited liability limited partnership.

(27) "Limited liability partnership" means a domestic limited liability partnership registered under or subject to chapter 23, title 30, Idaho Code, or a foreign limited liability partnership.

(28) "Limited partnership" means a domestic limited partnership formed under or subject to chapter 24, title 30, Idaho Code, or a foreign limited partnership. The term includes a limited liability limited partnership.

(29) "Noncommercial registered agent" means a person that is not a commercial registered agent and is:

(A) An individual or domestic or foreign entity that serves in this state as the registered agent of an entity; or

(B) An individual who holds the office or other position in an entity which is designated as the registered agent pursuant to section 30-21-404(a)(2)(B), Idaho Code.

(30) "Nonfiling entity" means an entity whose foundation does not require the filing of a public organic record.

(31) "Nonprofit corporation" means a domestic nonprofit corporation incorporated under or subject to chapter 30, title 30, Idaho Code, or a foreign nonprofit corporation.

(32) "Nonregistered foreign entity" means a foreign entity that is not registered to do business in this state pursuant to a statement of registration filed by the secretary of state.

(33) "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.

(34) "Organic rules" means the public organic record and private organic rules of an entity.

(35) "Person" means an individual, business corporation, nonprofit corporation, partnership, limited partnership, limited liability company, general cooperative association, limited cooperative association, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(36) "Principal office" means the principal executive office of an entity, whether or not the office is located in this state.

(37) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all its interest holders, and are not part of its public organic record, if any. The term includes:

(A) The bylaws of a business corporation;

(B) The bylaws of a nonprofit corporation;

(C) The partnership agreement of a general partnership;

(D) The partnership agreement of a limited partnership;

(E) The operating agreement of a limited liability company;

(F) The bylaws of a general cooperative association;

(G) The bylaws of a limited cooperative association;

(H) The governing principles of an unincorporated nonprofit association; and

(I) The trust instrument of a statutory trust or similar rules of a business trust or common-law business trust.

(38) "Proceeding" includes a civil action, arbitration, mediation, administrative proceeding, criminal prosecution and investigatory action.

(39) "Professional entity" means an entity formed for the sole and specific purpose of rendering professional services, allied professional services, and services ancillary to the professional services and that has as its interest holders only:

(A) Natural persons who themselves are duly licensed or otherwise legally authorized to render one (1) or more of the same professional services as the professional entity; and

(B) Other professional entities.

(40) "Professional service" means any type of service to the public that can be rendered by a member of any profession within the purview of the member's profession.

(41) "Property" means all property, whether real, personal, or mixed or tangible or intangible, or any right or interest therein.

(42) "Public organic record" means the record, the filing of which by the secretary of state is required to form an entity, and any amendment to or restatement of that record. The term includes:

(A) The articles of incorporation of a business corporation;

(B) The articles of incorporation of a nonprofit corporation;

(C) The certificate of limited partnership of a limited partnership;

(D) The certificate of organization of a limited liability company;

(E) The articles of incorporation of a general cooperative association;

(F) The articles of organization of a limited cooperative association; and

(G) The certificate of trust of a statutory trust or similar record of a business trust.

(43) "Receipt," as used in this chapter, means actual receipt. "Receive" has a corresponding meaning.

(44) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(45) "Registered agent" means an agent of an entity that is authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity. The term includes a commercial registered agent and a noncommercial registered agent.

(46) "Registered foreign entity" means a foreign entity that is registered to do business in this state pursuant to a statement of registration filed by the secretary of state.

(47) "Sign" means with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound or process.

(48) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(49) "Statutory trust" means a trust formed under the statutory law of a jurisdiction other than this state.

(50) "Transfer" includes:

(A) An assignment;

(B) A conveyance;

(C) A sale;

(D) A lease;

(E) An encumbrance, including a mortgage or security interest;

(F) A gift; and

(G) A transfer by operation of law.

(51) "Type of entity" means a generic form of entity:

(A) Recognized at common law; or

(B) Formed under an organic law, whether or not some entities formed under that law are subject to provisions of that law that create different categories of the form of entity.

(52) "Unincorporated nonprofit association" means a domestic unincorporated nonprofit association formed under or subject to chapter 27, title

30, Idaho Code, or a nonprofit association formed under or subject to the law of a jurisdiction other than this state that would be an unincorporated nonprofit association if formed under or subject to the law of this state.

(53) "Written" means inscribed on a tangible medium. "Writing" has a corresponding meaning.

30-21-103. APPLICABILITY OF PART. This part applies to an entity formed under or subject to this act.

30-21-104. DELIVERY OF RECORD. (a) Except as otherwise provided in this act, permissible means of delivery of a record includes delivery by hand, mail, conventional commercial practice, and electronic transmission.

(b) Delivery to the secretary of state is effective only when a record is received by the secretary of state.

30-21-105. RULES AND PROCEDURES. The secretary of state may:

(1) Adopt rules to administer this act in accordance with the administrative procedure act; and

(2) Prescribe procedures that are reasonably necessary to perform the duties required of the secretary of state under this act and are not required by the administrative procedure act to be adopted as rules.

30-21-106 -- RESERVED.

SECTION 8. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 2, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 2
FILING

30-21-201. ENTITY FILING REQUIREMENTS. (a) To be filed by the secretary of state pursuant to this act, an entity filing must be received by the secretary of state, comply with this act, and satisfy the following:

(1) The entity filing must be required or permitted by this act.

(2) The entity filing must be physically delivered in written form unless and to the extent the secretary of state permits electronic delivery of entity filings.

(3) The words in the entity filing must be in English, and numbers must be in Arabic or Roman numerals, but the name of the entity need not be in English if written in English letters or Arabic or Roman numerals.

(4) The entity filing must be signed by or on behalf of a person authorized or required under this chapter to sign the filing.

(5) The entity filing must state the name and capacity, if any, of each individual who signed it, either on behalf of the individual or the person authorized or required to sign the filing, but need not contain a seal, attestation, acknowledgment or verification.

(b) If law other than this chapter prohibits the disclosure by the secretary of state of information contained in an entity filing, the secretary of state shall file the entity filing if the filing otherwise complies with this chapter but may redact the information.

(c) When an entity filing is delivered to the secretary of state for filing, any fee required under this part and any fee, tax, interest, or penalty required to be paid under this part or law other than this act must be paid in a manner permitted by the secretary of state.

(d) The secretary of state may require that an entity filing delivered in written form be accompanied by an identical or conformed copy.

30-21-202. FORMS. (a) The secretary of state may provide forms for entity filings required or permitted to be made by this act, but, except as otherwise provided in subsection (b) of this section, their use is not required.

(b) The secretary of state may require that a cover sheet for an entity filing and an annual report be on forms prescribed by the secretary of state.

30-21-203. EFFECTIVE DATES AND TIMES. Except as otherwise provided in this act and subject to section 30-21-205(d), Idaho Code, an entity filing is effective:

(1) On the date and at the time of its filing by the secretary of state as provided in section 30-21-206, Idaho Code;

(2) On the date of filing and at the time specified in the entity filing as its effective time, if later than the time under subsection (1) of this section;

(3) If permitted by this act, at a specified delayed effective date and time, which may not be more than ninety (90) days after the date of filing; or

(4) If a delayed effective date as permitted by this act is specified, but no time is specified, at 12:01 a.m. on the date specified, which may not be more than ninety (90) days after the date of filing.

30-21-204. WITHDRAWAL OF FILED RECORD BEFORE EFFECTIVENESS. (a) Except as otherwise provided in this act, a record delivered to the secretary of state for filing may be withdrawn before it takes effect by delivering to the secretary of state for filing a statement of withdrawal.

(b) A statement of withdrawal must:

(1) Be signed by each person that signed the record being withdrawn, except as otherwise agreed by those persons;

(2) Identify the record to be withdrawn; and

(3) If signed by fewer than all the persons that signed the record being withdrawn, state that the record is withdrawn in accordance with the agreement of all the persons that signed the record.

(c) On filing by the secretary of state of a statement of withdrawal, the action or transaction evidenced by the original filed record does not take effect.

30-21-205. CORRECTING FILED RECORD. (a) A person on whose behalf a filed record was delivered to the secretary of state for filing may correct the record if:

(1) The record at the time of filing was inaccurate;

(2) The record was defectively signed; or

(3) The electronic transmission of the record to the secretary of state was defective.

(b) To correct a filed record, a person on whose behalf the record was delivered to the secretary of state must deliver to the secretary of state for filing a statement of correction.

(c) A statement of correction:

(1) May not state a delayed effective date;

(2) Must be signed by the person correcting the filed record;

(3) Must identify the filed record to be corrected;

(4) Must specify the inaccuracy or defect to be corrected; and

(5) Must correct the inaccuracy or defect.

(d) A statement of correction is effective as of the effective date of the filed record that it corrects except as to persons relying on the uncorrected filed record and adversely affected by the correction. As to those persons, the statement of correction is effective when filed.

30-21-206. DUTY OF SECRETARY OF STATE TO FILE -- REVIEW OF REFUSAL TO FILE. (a) The secretary of state shall file an entity filing delivered to the

secretary of state for filing that satisfies this act. The duty of the secretary of state under this section is ministerial.

(b) When the secretary of state files an entity filing, the secretary of state shall record it as filed on the date and at the time of its delivery. After filing an entity filing, the secretary of state shall deliver to the person that submitted the filing a copy of the filing with an acknowledgment of the date and time of filing.

(c) If the secretary of state refuses to file an entity filing, the secretary of state, not later than five (5) business days after the filing is delivered, shall:

(1) Return the entity filing or notify the person that submitted the filing of the refusal; and

(2) Provide a brief explanation in a record of the reason for the refusal.

(d) If the secretary of state refuses to file an entity filing, the person that submitted the filing may petition the district court to compel its filing. The filing and the explanation of the secretary of state of the refusal to file must be attached to the petition. The court may decide the matter in a summary proceeding.

(e) The filing of or refusal to file an entity filing does not:

(1) Affect the validity or invalidity of the filing in whole or in part; or

(2) Create a presumption that the information contained in the filing is correct or incorrect.

30-21-207. EVIDENTIARY EFFECT OF COPY OF FILED RECORD. A certification from the secretary of state accompanying a copy of a filed record is conclusive evidence that the copy is an accurate representation of the original record on file with the secretary of state.

30-21-208. CERTIFICATE OF GOOD STANDING OR REGISTRATION. (a) On request of any person, the secretary of state shall issue a certificate of good standing for a domestic filing entity or a certificate of registration for a registered foreign entity.

(b) A certificate under subsection (a) of this section must state:

(1) The domestic filing entity's name or the registered foreign entity's name used in this state;

(2) In the case of a domestic filing entity:

(A) That its public organic record has been filed and has taken effect;

(B) The date the public organic record became effective;

(C) That the records of the secretary of state do not reflect that the entity has been dissolved;

(3) In the case of a registered foreign entity, that it is registered to do business in this state.

(c) Subject to any qualification stated in the certificate, a certificate issued by the secretary of state under subsection (a) of this section may be relied upon as conclusive evidence of the facts stated in the certificate.

30-21-209. SIGNING OF ENTITY FILING. (a) Signing an entity filing is an affirmation under the penalties of perjury that the facts stated in the filing are true in all material respects.

(b) A record filed under this act may be signed by an agent. Whenever this act requires a particular individual to sign an entity filing and the individual is deceased or incompetent, the filing may be signed by a legal representative of the individual.

(c) A person that signs a record as an agent or legal representative affirms as a fact that the person is authorized to sign the record.

30-21-210. SIGNING AND FILING PURSUANT TO JUDICIAL ORDER. (a) If a person required by this act to sign or deliver a record to the secretary of state for filing under this act does not do so, any other person that is aggrieved may petition the district court to order:

- (1) The person to sign the record;
- (2) The person to deliver the record to the secretary of state for filing; or
- (3) The secretary of state to file the record unsigned.

(b) If the petitioner under subsection (a) of this section is not the entity to which the record pertains, the petitioner shall make the entity a party to the action.

(c) A record filed under subsection (a) (3) of this section is effective without being signed.

30-21-211. LIABILITY FOR INACCURATE INFORMATION IN FILED RECORD. If a record delivered to the secretary of state for filing under this act and filed by the secretary of state contains inaccurate information, a person that suffers a loss by reliance on the information may recover damages for the loss from a person that signed the record or caused another to sign it on the person's behalf and knew at the time the record was signed that the information was inaccurate.

30-21-212. DELIVERY BY SECRETARY OF STATE. Except as otherwise provided by section 30-21-412, Idaho Code, or by law of this state other than this chapter, the secretary of state may deliver a record to a person by delivering it:

- (1) In person to the person that submitted it for filing;
- (2) To the principal office address of the person;
- (3) To another address the person provides to the secretary of state for delivery; or
- (4) To the address of the person's registered agent.

30-21-213. ANNUAL REPORT FOR SECRETARY OF STATE. (a) A domestic filing entity, domestic limited liability partnership, or registered foreign entity shall deliver to the secretary of state for filing an annual report that states:

- (1) The name of the entity and its jurisdiction of formation;
- (2) The information required by section 30-21-404(a), Idaho Code;
- (3) The street and mailing addresses of the entity's principal office; and
- (4) The name of at least one (1) governor.

(b) Information in an annual report must be current as of the date the report is signed by the entity.

(c) The annual report must be delivered to the secretary of state for filing each year before the end of the month during which the public organic record of a domestic filing entity became effective, the statement of qualification of a domestic limited liability partnership became effective, or a foreign filing entity registered to do business in this state. Beginning one (1) year after the public organic record of a domestic filing entity became effective, the statement of qualification of a domestic limited liability partnership became effective, or a foreign filing entity registered to do business in this state, and each year thereafter, the annual report must be received in the office of the secretary of state not later than the close of business on the final day of the applicable month. If the secretary of state finds that such report conforms to the requirements of this chapter, he shall file the same.

(d) If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting entity in a record and return the report for correction.

(e) If an annual report contains the name or address of a registered agent that differs from the information shown in the records of the secretary of state immediately before the report becomes effective, the differing information is considered a statement of change under section 30-21-407, Idaho Code.

30-21-214. FEES. (a) The secretary of state shall collect the following fees for copying and certifying the copy of any filed record:

- (1) Twenty-five cents (25¢) per page for copying; and
- (2) Ten dollars (\$10.00) for the certification.

(b) The secretary of state shall collect the following fees when an entity filing is delivered for filing:

- (1) Statement of merger \$30.00
- (2) Statement of withdrawal \$30.00
- (3) Statement of interest exchange \$30.00
- (4) Statement of abandonment \$30.00
- (5) Statement of conversion \$30.00
- (6) Statement of domestication \$30.00
- (7) Annual report No fee
- (8) Articles of incorporation of a business corporation \$100.00
- (9) Articles of incorporation of a nonprofit corporation \$30.00
- (10) Statement of qualification of a limited liability partnership ..
..... \$100.00
- (11) Certificate of amendment to certificate of assumed business name
..... \$10.00
- (12) Certificate of amendment to certificate of assumed business name
with only an address change No fee
- (13) Certificate of assumed business name \$25.00
- (14) Certificate of cancellation of a certificate of assumed business
name No fee
- (15) Certificate of limited partnership of a limited partnership
..... \$100.00
- (16) Certificate of organization of a limited liability company
..... \$100.00
- (17) Other public organic documents or a statement not otherwise speci-
fied herein \$30.00
- (18) Commercial registered agent listing statement \$100.00
- (19) Commercial registered agent termination statement \$20.00
- (20) Commercial registered agent statement of change \$30.00
- (21) Registered agent statement of resignation No fee
- (22) Statement designating a registered agent \$20.00
- (23) Foreign entity registration statement \$100.00
- (24) Amendment of foreign entity registration statement \$30.00
- (25) Notice of cancellation of foreign entity registration statement
..... No fee
- (26) Statement of withdrawal of foreign entity registration statement
..... \$20.00
- (27) Statement of correction \$30.00
- (28) Application for reinstatement following administrative dissolu-
tion \$30.00
- (29) Statement of dissolution of a limited liability company ... No fee
- (30) Statement of authority \$100.00
- (31) Combined statement of partnership authority and qualification of
limited liability partnership \$100.00
- (32) Certificate of existence \$10.00
- (33) Application for use of deceptively similar name \$20.00
- (34) Application for reserved name \$20.00
- (35) Notice of transfer of reserved name \$20.00
- (36) Application for registered name \$60.00

- (37) Application for renewal of registered name \$60.00
- (38) Amendment of articles of incorporation \$30.00
- (39) Restatement of articles of incorporation with amend-
ment of arti-
cles \$30.00
- (40) Articles of dissolution \$30.00
- (41) Articles of revocation of dissolution \$30.00
- (42) Certificate of administrative dissolution No fee
- (43) Certificate of reinstatement No fee
- (44) Certificate of judicial dissolution No fee
- (45) Statement of termination \$30.00

(c) The withdrawal under section 30-21-204, Idaho Code, of a filed record before it is effective or the correction of a filed record under section 30-21-205, Idaho Code, does not entitle the person on whose behalf the record was filed to a refund of the filing fee.

(d) The secretary of state shall collect a surcharge of twenty dollars (\$20.00) for providing evidence of filing an entity filing within eight (8) working hours after the entity filing is delivered for filing.

(e) The secretary of state shall collect a surcharge of twenty dollars (\$20.00) for filing any non-typed record or any record that is not on a standard form proscribed by the secretary of state, except no surcharge will be collected for a non-typed certificate of assumed business name or a certificate of amendment to certificate of assumed business name.

SECTION 9. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 3, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 3 NAME OF ENTITY

30-21-301. PERMITTED NAMES. (a) Except as otherwise provided in subsection (d) or (f) of this section, the name of a domestic filing entity or domestic limited liability partnership, and the name under which a foreign entity may register to do business in this state, must be distinguishable on the records of the secretary of state from any:

- (1) Name of an existing domestic filing entity which at the time is not administratively dissolved for more than six (6) months;
- (2) Name of a limited liability partnership whose statement of qualification is in effect;
- (3) Name under which a foreign entity registered to do business in this state under part 5 of this chapter;
- (4) Name reserved under section 30-21-303, Idaho Code; or
- (5) Name registered under section 30-21-304, Idaho Code.

(b) If an entity consents in a record to the use of its name and submits an undertaking in a form satisfactory to the secretary of state to change its name to a name that is distinguishable on the records of the secretary of state from any name in any category of names in subsection (a) of this section, the name of the consenting entity may be used by the person to which the consent was given.

(c) Except as otherwise provided in subsection (d) of this section, in determining whether a name is the same as or not distinguishable on the records of the secretary of state from the name of another entity, words, phrases, or abbreviations indicating the type of entity, such as "corporation," "corp.," "incorporated," "Inc.," "professional corporation," "PC," "P.C.," "professional association," "PA," "P.A.," "Limited," "Ltd.," "limited partnership," "LP," "L.P.," "limited liability partnership," "LLP," "L.L.P.," "registered limited liability partnership," "RLLP," "R.L.L.P.," "limited liability limited partnership," "LLLp," "L.L.L.P.," "registered

limited liability limited partnership," "RLLLP," "R.L.L.L.P.," "limited liability company," "LLC" or "L.L.C." may not be taken into account.

(d) An entity may consent in a record to the use of a name that is not distinguishable on the records of the secretary of state from its name except for the addition of a word, phrase, or abbreviation indicating the type of entity or as provided in subsection (c) of this section. In such a case, the entity need not change its name pursuant to subsection (b) of this section.

(e) An entity name may not contain language falsely stating or implying government affiliation or stating or implying that the entity is organized for a purpose other than that permitted by this act.

(f) An entity may use a name that is not distinguishable from a name described in subsection (a) (1) through (5) of this section if the entity delivers to the secretary of state a certified copy of a final judgment of a court of competent jurisdiction establishing the right of the entity to use the name in this state.

(g) Nothing in this section shall abrogate or limit the law as to unfair competition or unfair practice in the use of trade names, nor derogate from the common law, the principles of equity, or the statutes of this state or of the United States with respect to the right to acquire and protect trade names.

(h) The use of a name in violation of this part shall not affect or vitiate the entity existence, but the courts of this state, having equity jurisdiction, may, upon the application of the state, or of any person interested or affected, enjoin such entity in violation from doing business under any name assumed in violation of this part.

30-21-302. NAME REQUIREMENTS FOR CERTAIN TYPES OF ENTITIES. (a) The name of a business corporation must contain the word "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd.," or words or abbreviations of similar import in another language; provided however, that if the word "company" or its abbreviation is used it shall not be immediately preceded by the word "and" or by an abbreviation of or symbol representing the word "and." If the business corporation is a professional entity, the name may alternatively contain the word "chartered," "professional association," or "professional corporation," or the abbreviation "P.A.," "P.C.," or "CHTD" or words or abbreviations of similar import in another language.

(b) The name of a limited partnership may contain the name of any partner. The name of a limited partnership that is not a limited liability limited partnership must contain the phrase "limited partnership" or the abbreviation "L.P." or "LP" and may not contain the phrase "limited liability limited partnership" or "registered limited liability limited partnership" or the abbreviation "L.L.L.P.," "LLLLP," "R.L.L.L.P.," or "RLLLP." If the limited partnership is a limited liability limited partnership, the name must contain the phrase "limited liability limited partnership" or the abbreviation "L.L.L.P.," "LLLLP," "R.L.L.L.P.," or "RLLLP" and may not contain the abbreviation "L.P." or "LP." If the limited partnership is a professional entity, the name may include the word "professional" before the word "limited" or the letter "P" at the beginning of any of the permitted abbreviations.

(c) The name of a limited liability partnership must contain the words "limited liability partnership" or "registered limited liability partnership" or the abbreviation "L.L.P.," "R.L.L.P.," "LLP," or "RLLP." If the limited liability partnership is a professional entity, the name may include the word "professional" before the word "limited" or the letter "P" at the beginning of any of the permitted abbreviations.

(d) The name of a limited liability company must contain the phrase "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C.," or "LC." "Limited" may be abbreviated as "Ltd.,"

and "company" may be abbreviated as "Co." If the limited liability company is a professional entity, the name may include the word "professional" before the word "limited" or the letter "P" at the beginning of any of the permitted abbreviations.

(e) The name of a limited cooperative association must contain the words "limited cooperative association" or "limited cooperative" or the abbreviation "L.C.A." or "LCA." "Limited" may be abbreviated as "Ltd." "Cooperative" may be abbreviated as "Co-op.," "Coop.," "Co op.," or "Coop." "Association" may be abbreviated as "Assoc.," "Assoc.," "Assn.," or "Assn."

(f) The name of a statutory trust may contain the words "company," "association," "club," "foundation," "fund," "institute," "society," "union," "syndicate," "limited," or "trust," or words or abbreviations of similar import, and may contain the name of a beneficial owner, a trustee, or any other person.

30-21-303. RESERVATION OF NAME. (a) A person may reserve the exclusive use of an entity name by delivering an application to the secretary of state for filing. The application must state the name and address of the applicant and the name to be reserved. If the secretary of state finds that the entity name is available, the secretary of state shall reserve the name for the applicant's exclusive use for one hundred twenty (120) days.

(b) The owner of a reserved entity name may transfer the reservation to another person by delivering to the secretary of state a signed notice in a record of the transfer that states the name and address of the transferee.

30-21-304. REGISTRATION OF NAME. (a) A foreign filing entity or foreign limited liability partnership not registered to do business in this state under part 5 of this chapter may register its name, or an alternate name adopted pursuant to section 30-21-506, Idaho Code, if the name is distinguishable on the records of the secretary of state from the names that are not available under section 30-21-301, Idaho Code.

(b) To register its name or an alternate name adopted pursuant to section 30-21-506, Idaho Code, a foreign filing entity or foreign limited liability partnership must deliver to the secretary of state for filing an application stating the entity's name, the jurisdiction and date of its formation, and any alternate name adopted pursuant to section 30-21-506, Idaho Code. If the secretary of state finds that the name applied for is available, the secretary of state shall register the name for the applicant's exclusive use.

(c) The registration of a name under this section is effective for one (1) year after the date of registration.

(d) A foreign filing entity or foreign limited liability partnership whose name registration is effective may renew the registration for successive one (1) year periods by delivering, not earlier than three (3) months before the expiration of the registration, to the secretary of state for filing a renewal application that complies with this section. When filed, the renewal application renews the registration for a succeeding one (1) year period.

(e) A foreign filing entity or foreign limited liability partnership whose name registration is effective may register as a foreign filing entity or foreign limited liability partnership under the registered name or consent in a signed record to the use of that name by another entity.

SECTION 10. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 4, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 4
REGISTERED AGENT OF ENTITY

30-21-401. DEFINITIONS. In this part:

(1) "Designation of agent" means a statement designating a registered agent delivered to the secretary of state for filing under:

(A) Section 30-27-129, Idaho Code, the "Uniform Unincorporated Non-profit Association Act"; or

(B) Section 30-21-411, Idaho Code, by a nonregistered foreign entity or domestic nonfiling entity.

(2) "Registered agent filing" means:

(A) The public organic record of a domestic filing entity;

(B) A statement of qualification of a domestic limited liability partnership;

(C) A registration statement filed pursuant to section 30-21-503, Idaho Code; or

(D) A designation of agent.

(3) "Represented entity" means:

(A) A domestic filing entity;

(B) A domestic limited liability partnership;

(C) A registered foreign entity;

(D) A domestic or foreign unincorporated nonprofit association for which a designation of agent is in effect;

(E) A domestic nonfiling entity for which a designation of agent is in effect; or

(F) A nonregistered foreign entity for which a designation of agent is in effect.

30-21-402. ENTITIES REQUIRED TO DESIGNATE AND MAINTAIN REGISTERED AGENT. The following shall designate and maintain a registered agent in this state:

(1) A domestic filing entity;

(2) A domestic limited liability partnership; and

(3) A registered foreign entity.

30-21-403. ADDRESSES IN FILING. If a provision of this part other than section 30-21-410(a)(4), Idaho Code, requires that a record state an address, the record must state:

(1) A street address in this state; and

(2) A mailing address in this state if different from the address described in subsection (1) of this section.

30-21-404. DESIGNATION OF REGISTERED AGENT. (a) A registered agent filing must be signed by the represented entity and state:

(1) The name of the entity's commercial registered agent; or

(2) If the entity does not have a commercial registered agent:

(A) The name and address of the entity's noncommercial registered agent; or

(B) The title of an office or other position with the entity, if service of process, notices, and demands are to be sent to whichever individual is holding that office or position, and the address to which process, notices or demands are to be sent.

(b) The designation of a registered agent pursuant to subsection (a)(1) or (2)(A) of this section is an affirmation of fact by the represented entity that the agent has consented to serve.

(c) The secretary of state shall make available in a record as soon as practicable a daily list of filings that contain the name of a registered agent. The list must:

(1) Be available for at least fourteen (14) calendar days;

- (2) List in alphabetical order the names of the registered agents; and
- (3) State the type of filing and name of the represented entity making the filing.

30-21-405. LISTING OF COMMERCIAL REGISTERED AGENT. (a) A person may become listed as a commercial registered agent by delivering to the secretary of state for filing a commercial registered agent listing statement signed by the person which states:

- (1) The name of the individual or the name of the entity, type of entity, and jurisdiction of formation of the entity;
- (2) That the person is in the business of serving as a commercial registered agent in this state; and
- (3) The address of a place of business of the person in this state to which service of process, notices, and demands being served on or sent to entities represented by the person may be delivered.

(b) A commercial registered agent listing statement may include the information regarding acceptance by the agent of service of process, notices, and demands in a form other than a written record as provided in section 30-21-412(d), Idaho Code.

(c) If the name of a person delivering to the secretary of state for filing a commercial registered agent listing statement is not distinguishable on the records of the secretary of state from the name of another commercial registered agent listed under this section, the person shall adopt a fictitious name that is distinguishable and use that name in its statement and when it does business in this state as a commercial registered agent.

(d) The secretary of state shall note the filing of a commercial registered agent listing statement in the index of filings maintained by the secretary of state for each entity represented by the agent at the time of the filing. The statement has the effect of amending the registered agent filing for each of those entities to:

- (1) Designate the person becoming listed as a commercial registered agent as the commercial registered agent of each of those entities; and
- (2) Delete the name and address of the former agent from the registered agent filing of each of those entities.

30-21-406. TERMINATION OF LISTING OF COMMERCIAL REGISTERED AGENT. (a) A commercial registered agent may terminate its listing as a commercial registered agent by delivering to the secretary of state for filing a commercial registered agent termination statement signed by the agent that states:

- (1) The name of the agent as listed under section 30-21-405, Idaho Code; and
- (2) That the agent is no longer in the business of serving as a commercial registered agent in this state.

(b) A commercial registered agent termination statement takes effect at 12:01 a.m. on the thirty-first day after the day on which it is filed by the secretary of state.

(c) The commercial registered agent promptly shall furnish each entity represented by the agent notice in a record of the filing of the commercial registered agent termination statement.

(d) When a commercial registered agent termination statement takes effect, the commercial registered agent ceases to be the registered agent for each entity formerly represented by it. Until an entity formerly represented by a terminated commercial registered agent designates a new registered agent, service of process may be made on the entity pursuant to section 30-21-412, Idaho Code. Termination of the listing of a commercial registered agent under this section does not affect any contractual rights a represented entity has against the agent or that the agent has against the entity.

30-21-407. CHANGE OF REGISTERED AGENT BY ENTITY. (a) A represented entity may change the information on file under section 30-21-404(a), Idaho Code, by delivering to the secretary of state for filing a statement of change signed by the entity which states:

- (1) The name of the entity; and
- (2) The information that is to be in effect as a result of the filing of the statement of change.

(b) The interest holders or governors of a domestic entity need not approve the filing of:

- (1) A statement of change under this section; or
- (2) A similar filing changing the registered agent or registered office, if any, of the entity in any other jurisdiction.

(c) A statement of change under this section designating a new registered agent is an affirmation of fact by the represented entity that the agent has consented to serve.

(d) As an alternative to using the procedure in this section, a represented entity may change the information on file under section 30-21-404(a), Idaho Code, by amending its most recent registered agent filing in a manner provided by the law of this state other than this act for amending the filing.

30-21-408. CHANGE OF NAME OR ADDRESS BY NONCOMMERCIAL REGISTERED AGENT. (a) If a noncommercial registered agent changes its name or its address in effect with respect to a represented entity under section 30-21-404(a), Idaho Code, the agent shall deliver to the secretary of state for filing, with respect to each entity represented by the agent, a statement of change signed by the agent which states:

- (1) The name of the entity;
- (2) The name and address of the agent in effect with respect to the entity;
- (3) If the name of the agent has changed, the new name;
- (4) If the address of the agent has changed, the new address; and

(b) A noncommercial registered agent promptly shall furnish the represented entity with notice in a record of the delivery to the secretary of state for filing of a statement of change and the changes made in the statement.

30-21-409. CHANGE OF NAME, ADDRESS, TYPE OF ENTITY, OR JURISDICTION OF FORMATION BY COMMERCIAL REGISTERED AGENT. (a) If a commercial registered agent changes its name, its address as listed under section 30-21-405(a), Idaho Code, its type of entity, or its jurisdiction of formation, the agent shall deliver to the secretary of state for filing a statement of change signed by the agent which states:

- (1) The name of the agent as listed under section 30-21-405(a), Idaho Code;
- (2) If the name of the agent has changed, the new name;
- (3) If the address of the agent has changed, the new address; and
- (4) If the agent is an entity:
 - (i) If the type of entity of the agent has changed, the new type of entity; and
 - (ii) If the jurisdiction of formation of the agent has changed, the new jurisdiction of formation.

(b) The filing by the secretary of state of a statement of change under subsection (a) of this section is effective to change the information regarding the agent with respect to each entity represented by the agent.

(c) A commercial registered agent shall promptly furnish to each entity represented by it a notice in a record of the filing by the secretary of state of a statement of change relating to the name or address of the agent and the changes made in the statement.

(d) If a commercial registered agent changes its address without delivering for filing a statement of change as required by this section, the secretary of state may cancel the listing of the agent under section 30-21-405, Idaho Code. A cancellation under this subsection has the same effect as a termination under section 30-21-406, Idaho Code. Promptly after canceling the listing of an agent, the secretary of state shall serve notice in a record in the manner provided in section 30-21-412 (b) or (c), Idaho Code, on:

- (1) Each entity represented by the agent, stating that the agent has ceased to be the registered agent for the entity and that, until the entity designates a new registered agent, service of process may be made on the entity as provided in section 30-21-412, Idaho Code; and
- (2) The agent stating that the listing of the agent has been canceled under this section.

30-21-410. RESIGNATION OF REGISTERED AGENT. (a) A registered agent may resign as agent for a represented entity by delivering to the secretary of state for filing a statement of resignation signed by the agent which states:

- (1) The name of the entity;
- (2) The name of the agent;
- (3) That the agent resigns from serving as registered agent for the entity; and
- (4) The address of the entity to which the agent will send the notice required by subsection (c) of this section.

(b) A statement of resignation takes effect on the earlier of:

- (1) 12:01 a.m. on the thirty-first day after the day on which it is filed by the secretary of state; or
- (2) The designation of a new registered agent for the represented entity.

(c) A registered agent shall promptly furnish to the represented entity notice in a record of the date on which a statement of resignation was filed.

(d) When a statement of resignation takes effect, the person that resigned ceases to have responsibility under this part for any matter thereafter tendered to it as agent for the represented entity. The resignation does not affect any contractual rights the entity has against the agent or that the agent has against the entity.

(e) A registered agent may resign with respect to a represented entity whether or not the entity is in good standing.

30-21-411. DESIGNATION OF REGISTERED AGENT BY NONREGISTERED FOREIGN ENTITY OR NONFILING DOMESTIC ENTITY. (a) A nonregistered foreign entity or domestic nonfiling entity may deliver to the secretary of state for filing a statement designating a registered agent signed by the entity that states:

- (1) The name, type of entity, and jurisdiction of formation of the entity; and
- (2) The information required by section 30-21-404 (a), Idaho Code.

(b) A statement under subsection (a) of this section is effective for five (5) years after the date of filing unless canceled or terminated earlier.

(c) A statement under subsection (a) of this section must be signed by a person authorized to manage the affairs of the nonregistered foreign entity or domestic nonfiling entity. The signing of the statement is an affirmation of fact that the person is authorized to manage the affairs of the entity and that the agent has consented to serve.

(d) Designation of a registered agent under subsection (a) of this section does not register a nonregistered foreign entity to do business in this state.

(e) A statement under subsection (a) of this section may not be rejected for filing because the name of the entity signing the statement is not dis-

tinguishable on the records of the secretary of state from the name of another entity appearing on those records. The filing of such a statement does not make the name of the entity signing the statement unavailable for use by another entity.

(f) An entity that delivers to the secretary of state for filing a statement under subsection (a) of this section designating a registered agent may cancel the statement by delivering to the secretary of state for filing a statement of cancellation that states the name of the entity and that the entity is canceling its designation of a registered agent in this state.

(g) A statement under subsection (a) of this section for a nonregistered foreign entity terminates on the date the entity becomes a registered foreign entity.

30-21-412. SERVICE OF PROCESS, NOTICE OR DEMAND ON ENTITY. (a) A represented entity may be served with any process, notice or demand required or permitted by law by serving its registered agent.

(b) If a represented entity ceases to have a registered agent, or if its registered agent cannot with reasonable diligence be served, the entity may be served by registered or certified mail, return receipt requested, or by similar commercial delivery service, addressed to the entity at the entity's principal office. The address of the principal office of a domestic filing entity, domestic limited liability partnership, or registered foreign entity must be as shown in the entity's most recent annual report filed by the secretary of state. Service is effected under this subsection on the earliest of:

- (1) The date the entity receives the mail or delivery by the commercial delivery service;
- (2) The date shown on the return receipt, if signed by the entity; or
- (3) Five (5) days after its deposit with the United States postal service or commercial delivery service, if correctly addressed and with sufficient postage or payment.

(c) If process, notice or demand cannot be served on an entity pursuant to subsection (a) or (b) of this section, service may be made by handing a copy to the individual in charge of any regular place of business or activity of the entity if the individual served is not a plaintiff in the action.

(d) Service of process, notice, or demand on a registered agent must be in a written record, but service may be made on a commercial registered agent in other forms and subject to such requirements as the agent has stated in its listing under section 30-21-405, Idaho Code, that it will accept.

(e) Service of process, notice or demand may be made by other means under law other than this act.

30-21-413. DUTIES OF REGISTERED AGENT. The only duties under this part of a registered agent that has complied with this part are:

- (1) To forward to the represented entity at the address most recently supplied to the agent by the entity any process, notice or demand pertaining to the entity which is served on or received by the agent;
- (2) To provide the notices required by this act to the entity at the address most recently supplied to the agent by the entity;
- (3) If the agent is a noncommercial registered agent, to keep current the information required by section 30-21-404(a), Idaho Code, in the most recent registered agent filing for the entity; and
- (4) If the agent is a commercial registered agent, to keep current the information listed for it under section 30-21-405(a), Idaho Code.

30-21-414. JURISDICTION AND VENUE. The designation or maintenance in this state of a registered agent does not by itself create the basis for personal jurisdiction over the represented entity in this state. The address of

the agent does not determine venue in an action or a proceeding involving the entity.

SECTION 11. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 5, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 5
FOREIGN ENTITIES

30-21-501. GOVERNING LAW. (a) The law of the jurisdiction of formation of an entity governs:

- (1) The internal affairs of the entity;
- (2) The liability that a person has as an interest holder or governor for a debt, obligation, or other liability of the entity;
- (3) The liability of a series of a limited liability company, a statutory trust, or any other unincorporated entity.

(b) A foreign entity is not precluded from registering to do business in this state because of any difference between the law of the entity's jurisdiction of formation and the law of this state.

(c) Registration of a foreign entity to do business in this state does not authorize the foreign entity to engage in any activities or affairs or exercise any power that the domestic entity of the type to which it most closely corresponds may not engage in or exercise in this state.

(d) A foreign professional entity rendering services in this state shall be subject to the laws of this state and the code of ethics or professional responsibility that are applicable to the profession in which such professional entity is rendering services in this state.

30-21-502. REGISTRATION TO DO BUSINESS IN THIS STATE. (a) A foreign filing entity or foreign limited liability partnership may not do business in this state until it registers with the secretary of state under this chapter.

(b) A foreign filing entity or foreign limited liability partnership doing business in this state may not maintain an action or proceeding in this state unless it is registered to do business in this state.

(c) The failure of a foreign filing entity or foreign limited liability partnership to register to do business in this state does not impair the validity of a contract or act of the foreign filing entity or foreign limited liability partnership or preclude it from defending an action or proceeding in this state.

(d) A limitation on the liability of a series of foreign unincorporated entity or an interest holder or governor of a foreign filing entity or of a partner of a foreign limited liability partnership is not waived solely because the foreign unincorporated entity or any series thereof, foreign filing entity or foreign limited liability partnership does business in this state without registering.

(e) Section 30-21-501(a) and (b), Idaho Code, applies even if a foreign entity fails to register under this chapter.

30-21-503. FOREIGN REGISTRATION STATEMENT. (a) To register to do business in this state, a foreign filing entity or foreign limited liability partnership must deliver a foreign registration statement to the secretary of state for filing. The statement must be signed by the entity and state:

- (1) The name of the foreign filing entity or foreign limited liability partnership and, if the name does not comply with section 30-21-301, Idaho Code, an alternate name adopted pursuant to section 30-21-506(a), Idaho Code;

- (2) The type of entity and, if it is a foreign limited partnership, whether it is a foreign limited liability limited partnership;
- (3) The entity's jurisdiction of formation;
- (4) The street and mailing addresses of the entity's principal office and, if the law of the entity's jurisdiction of formation requires the entity to maintain an office in that jurisdiction, the street and mailing addresses of the office;
- (5) The information required by section 30-21-404(a), Idaho Code; and
- (6) The name and mailing address of at least one (1) governor.

(b) A foreign filing entity or foreign limited liability partnership must deliver to the secretary of state with a foreign registration statement a certificate of existence or a record of similar import signed by the secretary of state or other official having custody of the entity's public organic record in the entity's jurisdiction of formation.

30-21-504. AMENDMENT OF FOREIGN REGISTRATION STATEMENT. (a) A registered foreign entity shall sign and deliver to the secretary of state for filing an amendment to its foreign registration statement if there is a change in:

- (1) The name of the entity;
- (2) The type of entity, including, if it is a foreign limited partnership, whether the entity became or ceased to be a foreign limited liability limited partnership;
- (3) The entity's jurisdiction of formation;
- (4) An address required by section 30-21-503(4), Idaho Code; or
- (5) The information required by section 30-21-404(a), Idaho Code.

(b) A registered foreign entity must deliver to the secretary of state with an amendment to its foreign registration statement for a change under subsection (a) (1), (2) or (3) of this section, a certificate of existence or a record of similar import signed by the secretary of state or other official having custody of the entity's public organic record in the entity's jurisdiction of formation.

30-21-505. ACTIVITIES NOT CONSTITUTING DOING BUSINESS. (a) Activities of a foreign filing entity or foreign limited liability partnership that do not constitute doing business in this state under this chapter include:

- (1) Maintaining, defending, mediating, arbitrating, or settling an action or proceeding;
- (2) Carrying on any activity concerning its internal affairs, including holding meetings of its interest holders or governors;
- (3) Maintaining accounts in financial institutions;
- (4) Maintaining offices or agencies for the transfer, exchange and registration of securities of the entity or maintaining trustees or depositories with respect to those securities;
- (5) Selling through independent contractors;
- (6) Soliciting or obtaining orders by any means if the orders require acceptance outside this state before they become contracts;
- (7) Creating or acquiring indebtedness, mortgages or security interests in property;
- (8) Securing or collecting debts or enforcing mortgages or security interests in property securing the debts, and holding, protecting or maintaining property so acquired;
- (9) Conducting an isolated transaction that is not in the course of similar transactions;
- (10) Owning, without more, property; and
- (11) Doing business in interstate commerce.

(b) A person does not do business in this state solely by being an interest holder or governor of a foreign entity that does business in this state.

(c) This section does not apply in determining the contacts or activities that may subject a foreign filing entity or foreign limited liability partnership to service of process, taxation or regulation under the law of this state other than this act.

30-21-506. NONCOMPLYING NAME OF FOREIGN ENTITY. (a) A foreign filing entity or foreign limited liability partnership whose name does not comply with section 30-21-301, Idaho Code, for an entity of its type may not register to do business in this state until it adopts, for the purpose of doing business in this state, an alternate name that complies with section 30-21-301, Idaho Code. A foreign entity that registers under an alternate name under this subsection need not comply with this state's assumed or fictitious name statute. After registering to do business in this state with an alternate name, a foreign entity shall do business in this state under:

- (1) The alternate name;
- (2) The foreign entity's name with the addition of its jurisdiction of formation; or
- (3) Name the foreign entity is authorized to use under this state's assumed or fictitious name statute.

(b) If a registered foreign entity changes its name to one that does not comply with section 30-21-301, Idaho Code, it may not do business in this state until it complies with subsection (a) of this section by amending its registration to adopt an alternate name that complies with section 30-21-301, Idaho Code.

30-21-507. WITHDRAWAL OF REGISTRATION OF REGISTERED FOREIGN ENTITY. (a) A registered foreign entity may withdraw its registration by delivering a statement of withdrawal to the secretary of state for filing. The statement of withdrawal must be signed by the entity and state:

- (1) The name of the entity and its jurisdiction of formation;
- (2) That the entity is not doing business in this state and that it withdraws its registration to do business in this state;
- (3) That the entity revokes the authority of its registered agent to accept service on its behalf in this state; and
- (4) An address to which service of process may be made under subsection (b) of this section.

(b) After the withdrawal of the registration of an entity, service of process in any action or proceeding based on a cause of action arising during the time the entity was registered to do business in this state may be made pursuant to section 30-21-412, Idaho Code.

30-21-508. WITHDRAWAL DEEMED ON CONVERSION OR DOMESTICATION TO DOMESTIC FILING ENTITY OR DOMESTIC LIMITED LIABILITY PARTNERSHIP. A registered foreign entity that converts or domesticates to any type of domestic filing entity or to a domestic limited liability partnership is deemed to have withdrawn its registration on the effective date of the conversion or domestication.

30-21-509. WITHDRAWAL ON DISSOLUTION OR CONVERSION TO NONFILING ENTITY OTHER THAN LIMITED LIABILITY PARTNERSHIP. (a) A registered foreign entity that has dissolved and completed winding up or has converted to a domestic or foreign nonfiling entity other than a limited liability partnership shall deliver a statement of withdrawal to the secretary of state for filing. The statement must be signed by the dissolved or converted entity and state:

- (1) In the case of a foreign entity that has completed winding up:
 - (A) Its name and jurisdiction of formation; and
 - (B) That the foreign entity surrenders its registration to do business in this state; and

(2) In the case of a foreign entity that has converted to a domestic or foreign nonfiling entity other than a limited liability partnership:

(A) The name of the converting foreign entity and its jurisdiction of formation;

(B) The type of nonfiling entity to which it has converted and its jurisdiction of formation;

(C) That it withdraws its registration to do business in this state and revokes the authority of its registered agent to accept service on its behalf; and

(D) A mailing address to which service of process may be made under subsection (b) of this section.

(b) After a withdrawal under this section is effective, service of process in any action or proceeding based on a cause of action arising during the time the foreign filing entity was registered to do business in this state may be made pursuant to section 30-21-412, Idaho Code.

30-21-510. TRANSFER OF REGISTRATION. (a) If a registered foreign entity merges into a nonregistered foreign entity or converts to a foreign entity required to register with the secretary of state to do business in this state, the foreign entity shall deliver to the secretary of state for filing an application for transfer of registration. The application must be signed by the surviving or converted entity and state:

(1) The name of the registered foreign entity before the merger or conversion;

(2) The type of entity it was before the merger or conversion;

(3) The name of the applicant entity and, if the name does not comply with section 30-21-301, Idaho Code, an alternate name adopted pursuant to section 30-21-506(a), Idaho Code;

(4) The type of entity of the applicant entity and its jurisdiction of formation; and

(5) The following information regarding the applicant entity, if different than the information for the foreign entity before the merger or conversion:

(A) The street and mailing addresses of the principal office of the entity and, if the law of the entity's jurisdiction of formation requires it to maintain an office in that jurisdiction, the street and mailing addresses of that office; and

(B) The information required pursuant to section 30-21-404(a), Idaho Code.

(b) When an application for transfer of registration takes effect, the registration of the registered foreign entity to do business in this state is transferred without interruption to the entity into which it has merged or to which it has been converted.

30-21-511. TERMINATION OF REGISTRATION. (a) The secretary of state may terminate the registration of a registered foreign entity in the manner provided in subsections (b) and (c) of this section if the entity does not:

(1) Deliver its annual report to the secretary of state for filing not later than the date it is due;

(2) Have a registered agent as required by section 30-21-402, Idaho Code; or

(3) Deliver to the secretary of state for filing a statement of change under section 30-21-407, Idaho Code, not later than thirty (30) days after a change occurs in the name or address of the entity's registered agent.

(b) The secretary of state may terminate the registration of a registered foreign entity by:

(1) Filing a notice of termination or noting the termination in the records of the secretary of state; and

(2) Delivering a copy of the notice or the information in the notation to the entity's registered agent or, if the entity does not have a registered agent, to the entity's principal office.

(c) The notice must state or the information in the notation under subsection (b) of this section must include:

(1) The effective date of the termination, which must be at least sixty (60) days after the date the secretary of state delivers the copy; and

(2) The grounds for termination under subsection (a) of this section.

(d) The registration of a registered foreign entity to do business in this state ceases on the effective date of the notice of termination or notation under subsection (b) of this section, unless before that date the entity cures each ground for termination stated in the notice or notation. If the entity cures each ground, the secretary of state shall file a record so stating.

30-21-512. ACTION BY ATTORNEY GENERAL. The attorney general may maintain an action to enjoin a foreign filing entity or foreign limited liability partnership from doing business in this state in violation of this act.

SECTION 12. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 6, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 6

ADMINISTRATIVE DISSOLUTION

30-21-601. GROUNDS. The secretary of state may commence a proceeding under section 30-21-602, Idaho Code, to dissolve a domestic filing entity administratively if the entity does not:

(1) Deliver an annual report to the secretary of state by the date it is due;

(2) Have a registered agent in this state for sixty (60) consecutive days; or

(3) The secretary of state has credible information that the domestic filing entity has failed to notify the secretary of state within sixty (60) days after the occurrence that its registered agent has been changed or that its registered agent has resigned.

30-21-602. PROCEDURE AND EFFECT. (a) If the secretary of state determines that one (1) or more grounds exist under section 30-21-601, Idaho Code, for administratively dissolving a domestic filing entity, the secretary of state shall serve the entity pursuant to section 30-21-212, Idaho Code, with notice in a record of the secretary of state's determination.

(b) If a domestic filing entity, not later than sixty (60) days after service of the notice required by subsection (a) of this section, does not cure or demonstrate to the satisfaction of the secretary of state the nonexistence of each ground determined by the secretary of state, the secretary of state shall administratively dissolve the entity by signing a statement of administrative dissolution that recites the grounds for dissolution and the effective date of dissolution. The secretary of state shall file the statement and serve a copy on the entity pursuant to section 30-21-212, Idaho Code.

(c) A domestic filing entity that is dissolved administratively continues its existence as the same type of entity but may not carry on any activities except as necessary to wind up its activities and affairs and liquidate its assets in the manner provided in its organic law or to apply for reinstatement under section 30-21-603, Idaho Code.

(d) The administrative dissolution of a domestic filing entity does not terminate the authority of its registered agent.

30-21-603. REINSTATEMENT. (a) A domestic filing entity that is dissolved administratively under section 30-21-602, Idaho Code, may apply to the secretary of state for reinstatement not later than ten (10) years after the effective date of dissolution. The application must be signed by the entity and state:

- (1) The name of the entity at the time of its administrative dissolution and, if needed, a different name that satisfies section 30-21-301, Idaho Code;
- (2) The address of the principal office of the entity and the information required by section 30-21-404(a), Idaho Code;
- (3) The effective date of the entity's administrative dissolution; and
- (4) That the grounds for dissolution did not exist or have been cured.

(b) To be reinstated, an entity must pay all fees, taxes, interest, and penalties that were due to the secretary of state at the time of the entity's administrative dissolution and all fees, taxes, interest, and penalties that would have been due to the secretary of state while the entity was dissolved administratively.

(c) If the secretary of state determines that an application under subsection (a) of this section contains the required information, is satisfied that the information is correct, and determines that all payments required to be made to the secretary of state by subsection (b) of this section have been made, the secretary of state shall:

- (1) Cancel the statement of administrative dissolution and prepare a statement of reinstatement that states the secretary of state's determination and the effective date of reinstatement;
- (2) File the statement of reinstatement; and
- (3) Serve a copy on the entity.

(d) When reinstatement under this section is effective the following rules apply:

- (1) The reinstatement relates back to and takes effect as of the effective date of the administrative dissolution.
- (2) The domestic filing entity resumes carrying on its activities and affairs as if the administrative dissolution had never occurred.
- (3) The rights of a person arising out of an act or omission in reliance on the dissolution before the person knew or had notice of the reinstatement are not affected.

30-21-604. JUDICIAL REVIEW OF DENIAL OF REINSTATEMENT. (a) If the secretary of state denies a domestic filing entity's application for reinstatement following administrative dissolution, the secretary of state shall serve the entity with a notice in a record that explains the reasons for denial.

(b) Within thirty (30) days after service of a notice of denial of reinstatement under subsection (a) of this section, an entity may appeal from the denial by petitioning the district court of Ada county to set aside the dissolution. The petition must be served on the secretary of state and contain a copy of the secretary of state's notice of dissolution, the company's application for reinstatement, and the secretary of state's notice of denial.

(c) The district court may, if grounds exist, order the secretary of state to reinstate a dissolved entity or take other action the court considers appropriate.

SECTION 13. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 7, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 7
MISCELLANEOUS PROVISIONS

30-21-701. RESERVATION OF POWER TO AMEND OR REPEAL. The legislature of this state has power to amend or repeal all or part of this act at any time, and all domestic and foreign entities subject to this act are governed by the amendment or repeal.

30-21-702. SUPPLEMENTAL PRINCIPLES OF LAW. Unless displaced by particular provisions of this act, the principles of law and equity supplement this act.

30-21-703. UNIFORMITY OR CONSISTENCY OF APPLICATION AND CONSTRUCTION. In applying and construing the chapters of this act based on uniform or model acts, consideration must be given to the need to promote uniformity or consistency of the law with respect to its subject matter among states that enact it.

30-21-704. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This act modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. 7003(b).

30-21-705. SAVINGS CLAUSE. The repeal of a statute by this act does not affect:

- (1) The operation of the statute or any action taken under it before its repeal;
- (2) Any ratification, right, remedy, privilege, obligation or liability acquired, accrued or incurred under the statute before its repeal;
- (3) Any violation of the statute or any penalty, forfeiture or punishment incurred because of the violation before its repeal; or
- (4) Any proceeding, reorganization or dissolution commenced under the statute before its repeal, and the proceeding, reorganization or dissolution may be completed in accordance with the statute as if it had not been repealed.

30-21-706. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

30-21-707 -- RESERVED.

30-21-708. EFFECTIVE DATE. This act takes effect July 1, 2015, except as otherwise provided.

SECTION 14. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 8, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 8
ASSUMED BUSINESS NAMES

30-21-801. SHORT TITLE. This part may be cited as the "Idaho Assumed Business Names Act."

30-21-802. PURPOSE. The purpose of this part is to ensure disclosure on the public record of the true names of persons who transact business in Idaho. Compliance with the provisions of this part does not confer any exclusive right to the use of an assumed business name in Idaho.

30-21-803. DEFINITIONS. When used in this part, the terms defined in this section shall have the following meanings:

(1) "Assumed business name" means:

(A) Any name other than the true name of any filing entity or limited liability partnership, under which name the entity holds itself out for the transaction of business in the state of Idaho; or

(B) Any name under which any individual, any group of individuals or other persons, or any entity other than a filing entity or limited liability partnership, holds itself out for the transaction of business in the state of Idaho, if that name does not include in full the true names of all individuals and other persons who have a financial interest in the business which is or may be transacted; which name shall not include words or abbreviations which falsely state or imply governmental affiliation or the existence of a filing entity or limited liability partnership.

(2) "Individual" means a natural person.

(3) "Transact business" means to engage in any commercial or other activity that is intended to or likely to produce a financial benefit, whether it is for the purpose of profit to the person who engages in the activity or for the purpose of supporting a charitable, benevolent or other nonprofit function.

(4) "True name" has the following meanings:

(A) When applied to a formally organized or registered entity, the name by which the entity is identified on its public organic record, application for authority to do business or registration statement which is on file with the appropriate governmental entity. As to a foreign formally organized or registered entity which has been required to adopt an assumed business name on its application for authority to do business or its registration statement as a condition of obtaining authority to do business in Idaho, the term "true name" shall include the assumed business name which appears on the application for authority to do business or registration statement.

(B) When applied to an individual, the name that the individual uses to bind himself or herself to legal obligations, or to obtain privileges, licenses or benefits from government. The true name will include the surname and some combination of given names or initials, and may include other identifiers such as "Jr.," "3d" or "III."

30-21-804. NAME USED AS ASSUMED BUSINESS NAME. (a) On or after July 1, 2014, an assumed business name:

(1) Must comply with section 30-21-301 (a) and (e), Idaho Code; and

(2) May not contain any of the words or abbreviations required for an entity under section 30-21-302, Idaho Code; and

(3) May not be only the true name of an individual.

(b) The name of a filing entity or limited liability partnership does not have to be distinguishable from an assumed business name in a certificate of assumed business name filed before the entity's public organic record, statement of qualification, or foreign entity registration statement is filed, and the assumed business name is not invalidated by the subsequent filing by the filing entity or limited liability partnership.

30-21-805. FILING OF CERTIFICATE REQUIRED. (a) Any person who proposes to or intends to transact business in Idaho under an assumed business name shall, before beginning to transact business, deliver to the secretary of state for filing a certificate of assumed business name in a form prescribed by the secretary of state.

(b) A separate certificate of assumed business name must be filed for each assumed business name a person uses.

30-21-806. CONTENTS OF CERTIFICATE. The certificate of assumed business name shall include:

(1) The assumed business name as it is used in the transaction of business;

(2) The true names and business addresses of every person who has a financial or control interest in the business to be transacted under the assumed business name;

(3) The general type of business to be transacted under the assumed business name using categories prescribed on the form by the secretary of state;

(4) The signature of each person included on the certificate or the signature of an agent acting on behalf of all persons included on the certificate; and

(5) Other information as the secretary of state may require.

30-21-807. EFFECT OF FILING -- DURATION -- CONTINUATION. (a) A person may conduct business under an assumed business name if a certificate of assumed business name has been filed with the secretary of state and is in effect.

(b) A certificate of assumed business name is in effect upon filing until it is canceled pursuant to section 30-21-809, Idaho Code.

(c) A certificate of assumed business name does not create an entity separate from the person doing business under the assumed business name.

30-21-808. AMENDMENT OF CERTIFICATE. (a) If the identity or business address of any person who has a financial or control interest in the business transacted under the assumed business name changes, or if the certificate of assumed business name becomes materially misleading in any other way, the person who transacts that business shall, within ninety (90) days thereafter, file with the secretary of state a certificate of amendment to the certificate of assumed business name in a form prescribed by the secretary of state. The form may be in any medium permitted by the secretary of state.

(b) The certificate of amendment shall specify how the certificate of assumed business name is to be amended and shall be executed in the same manner as required for a certificate of assumed business name.

30-21-809. CANCELLATION OF CERTIFICATE. (a) A person who discontinues use of an assumed business name may cancel its certificate of assumed business name by filing with the secretary of state a certificate of cancellation in a form prescribed by the secretary of state. The form may be in any medium permitted by the secretary of state.

(b) The certificate of cancellation shall be executed in the same manner as required for a certificate of assumed business name.

30-21-810. CONSEQUENCES OF NONCOMPLIANCE. (a) Any person who transacts business in Idaho under an assumed business name without having complied with the requirements of this chapter shall not be entitled to maintain any legal action in the courts of this state until the person has filed a certificate of assumed business name as required by this chapter.

(b) Any person who suffers a loss because of another person's noncompliance with the requirements of this chapter shall be entitled to recover damages in the amount of the loss and attorney's fees and costs incurred in connection with recovery of damages.

(c) Noncompliance shall be held to include false, misleading or incomplete information in a certificate of assumed business name, as well as failure to file.

SECTION 15. That Chapter 21, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 9, Chapter 21, Title 30, Idaho Code, and to read as follows:

PART 9
PROFESSIONAL ENTITIES

30-21-901. PROFESSIONAL ENTITIES. (a) "Allied professional services" means professional services that are so related in substance that they are frequently offered in conjunction with one another as parts of the same service package to the consumer.

(b) For the purpose of this act, the professions shall include the practices of architecture, chiropractic, dentistry, engineering, landscape architecture, law, medicine, nursing, occupational therapy, optometry, physical therapy, podiatry, professional geology, psychology, certified or licensed public accountancy, social work, surveying and veterinary medicine, and no others.

(c) This act shall not be deemed to authorize a professional entity to render allied professional services where the laws pertaining to specific professions or the codes of ethics or professional responsibility of any of the professions involved in such a proposed professional entity prohibit such a combination of professional services.

(d) No professional entity may render professional services in this state except through its managers, members, employees and agents who are duly licensed or otherwise legally authorized to render such professional services within this state. The term "employee," as used in this section, does not include clerks, secretaries, bookkeepers, technicians and other assistants who are not usually and ordinarily considered by custom and practice to be rendering professional services to the public for which a license or other legal authorization is required.

(e) Nothing contained in this act shall be interpreted to abolish, repeal, modify, restrict or limit the law now in effect in this state applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional services or to the standards for professional conduct. Any governor, interest holder, agent, or employee of a professional entity shall remain personally and fully liable and accountable for any negligent or wrongful acts or misconduct committed by him, or by any person under his direct supervision and control, while rendering professional services on behalf of the professional entity to the person for whom such professional services were being rendered. The professional entity shall be liable up to the full value of its property for any negligent or wrongful acts or misconduct committed by any of its governors, interest holders, agents, or employees while they are engaged on behalf of the professional entity in the rendering of professional services.

(f) The relationship of a person, whether as an individual or interest holder of a professional entity, to a professional entity with which such person is associated, whether as governor, interest holder, or employee, shall in no way modify or diminish the jurisdiction over such person of the governmental authority or state agency that licensed, certified or registered such person for a particular profession.

(g) No professional entity may offer an interest to or accept as an interest holder anyone other than an individual who is duly licensed or otherwise legally authorized to render the same specific professional services as those for which the entity was formed or professional entities, all of whose interest holders are duly licensed or otherwise legally authorized to render the same specific professional services as those for which the professional entity was formed. No member of a professional entity shall enter into a voting trust agreement or any other type of agreement vesting another person with the authority to exercise the voting power of his interest.

(h) If any governor, interest holder, agent, or employee of a professional entity who has been rendering professional services within this state accepts employment that, pursuant to existing law, places restrictions or limitations upon his continued rendering of such professional services, he shall be dissociated, and the remaining governors and interest holders of the professional entity shall take such action as is required to terminate such interest.

(i) No member of a professional entity may sell or transfer his interest in such professional entity except to another individual or professional entity eligible to be a member of such professional entity.

(j) The provisions of this section shall not be considered as repealing, modifying or restricting the applicable provisions of law regulating the several professions except insofar as such laws conflict with this section.

SECTION 16. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 22, Title 30, Idaho Code, and to read as follows:

CHAPTER 22 ENTITY TRANSACTIONS

SECTION 17. That Chapter 22, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 22, Title 30, Idaho Code, and to read as follows:

PART 1 GENERAL PROVISIONS

30-22-101. **SHORT TITLE.** This chapter may be cited as the "Idaho Model Entity Transactions Act."

30-22-102. **DEFINITIONS.** (a) As used in this chapter:

(1) "Acquired entity" means the entity, all of one (1) or more classes or series of interests that are acquired in an interest exchange.

(2) "Acquiring entity" means the entity that acquires all of one (1) or more classes or series of interests of the acquired entity in an interest exchange.

(3) "Approve" means, in the case of an entity, for its governors and interest holders to take whatever steps are necessary under the entity's organic rules, organic law, and other law to:

(A) Propose a transaction subject to this part;

(B) Adopt and approve the terms and conditions of the transaction;

and

- (C) Conduct any required proceedings or otherwise obtain any required votes or consents of the governors or interest holders.
- (4) "Conversion" means a transaction authorized by part 4 of this chapter.
- (5) "Converted entity" means the converting entity as it continues in existence after a conversion.
- (6) "Converting entity" means the domestic entity that approves a plan of conversion pursuant to section 30-22-403, Idaho Code, or the foreign entity that approves a conversion pursuant to the law of its jurisdiction of formation.
- (7) "Domesticated entity" means the domesticating entity as it continues in existence after a domestication.
- (8) "Domesticating entity" means the domestic entity that approves a plan of domestication pursuant to section 30-22-503, Idaho Code, or the foreign entity that approves a domestication pursuant to the law of its jurisdiction of formation.
- (9) "Domestication" means a transaction authorized by part 5 of this chapter.
- (10) "Interest exchange" means a transaction authorized by part 3 of this chapter.
- (11) "Interest holder liability" means:
- (A) Personal liability for a liability of an entity which is imposed on a person:
 - (i) Solely by reason of the status of the person as an interest holder; or
 - (ii) By the organic rules of the entity that make one (1) or more specified interest holders or categories of interest holders liable in their capacity as interest holders for all or specified liabilities of the entity; or
 - (B) An obligation of an interest holder under the organic rules of an entity to contribute to the entity.
- (12) "Merger" means a transaction in which two (2) or more merging entities are combined into a surviving entity pursuant to a record filed by the secretary of state.
- (13) "Merging entity" means an entity that is a party to a merger and exists immediately before the merger becomes effective.
- (14) "Plan" means a plan of merger, plan of interest exchange, plan of conversion or plan of domestication.
- (15) "Plan of conversion" means a plan under section 30-22-402, Idaho Code.
- (16) "Plan of domestication" means a plan under section 30-22-502, Idaho Code.
- (17) "Plan of interest exchange" means a plan under section 30-22-302, Idaho Code.
- (18) "Plan of merger" means a plan under section 30-22-202, Idaho Code.
- (19) "Protected agreement" means:
- (A) A record evidencing indebtedness and any related agreement in effect on July 1, 2007;
 - (B) An agreement that is binding on an entity on July 1, 2007;
 - (C) The organic rules of an entity in effect on July 1, 2007; or
 - (D) An agreement that is binding on any of the governors or interest holders of an entity on July 1, 2007.
- (20) "Statement of conversion" means a statement under section 30-22-405, Idaho Code.
- (21) "Statement of domestication" means a statement under section 30-22-505, Idaho Code.
- (22) "Statement of interest exchange" means a statement under section 30-22-305, Idaho Code.

(23) "Statement of merger" means a statement under section 30-22-205, Idaho Code.

(24) "Surviving entity" means the entity that continues in existence after or is created by a merger under part 2 of this chapter.

(b) The following definitions outside this chapter apply to this chapter:

- (1) "Distributional interest" - section 30-21-102(8), Idaho Code.
- (2) "Domestic" - section 30-21-102(9), Idaho Code.
- (3) "Entity" - section 30-21-102(11), Idaho Code.
- (4) "Filing entity" - section 30-21-102(14), Idaho Code.
- (5) "Foreign" - section 30-21-102(15), Idaho Code.
- (6) "Governance interest" - section 30-21-102(18), Idaho Code.
- (7) "Governor" - section 30-21-102(19), Idaho Code.
- (8) "Interest" - section 30-21-102(20), Idaho Code.
- (9) "Interest holder" - section 30-21-102(21), Idaho Code.
- (10) "Jurisdiction" - section 30-21-102(22), Idaho Code.
- (11) "Jurisdiction of formation" - section 30-21-102(23), Idaho Code.
- (12) "Organic law" - section 30-21-102(33), Idaho Code.
- (13) "Organic rules" - section 30-21-102(34), Idaho Code.
- (14) "Person" - section 30-21-102(35), Idaho Code.
- (15) "Private organic rules" - section 30-21-102(37), Idaho Code.
- (16) "Property" - section 30-21-102(41), Idaho Code.
- (17) "Public organic record" - section 30-21-102(42), Idaho Code.
- (18) "Record" - section 30-21-102(44), Idaho Code.
- (19) "Registered foreign entity" - section 30-21-102(46), Idaho Code.
- (20) "Sign" - section 30-21-102(47), Idaho Code.
- (21) "State" - section 30-21-102(48), Idaho Code.
- (22) "Transfer" - section 30-21-102(50), Idaho Code.
- (23) "Type of entity" - section 30-21-102(51), Idaho Code.

30-22-103. RELATIONSHIP OF CHAPTER TO OTHER LAWS. (a) This chapter does not authorize an act prohibited by, and does not affect the application or requirements of, law other than this chapter.

(b) A transaction effected under this chapter may not create or impair any right or obligation on the part of a person under the statutory law of this state relating to a change in control, takeover, business combination, control-share acquisition, or similar transaction involving a domestic merging, acquired, converting, or domesticating business corporation unless:

- (1) If the corporation does not survive the transaction, the transaction satisfies any requirements of the law; or
- (2) If the corporation survives the transaction, the approval of the plan is by a vote of the shareholders or directors which would be sufficient to create or impair the right, duty or obligation directly under the law.

30-22-104. REQUIRED NOTICE OR APPROVAL. (a) A domestic or foreign entity that is required to give notice to, or obtain the approval of, a governmental agency or officer of this state before engaging in a merger transaction of a type covered by this chapter must give the notice or obtain the approval in order to be a party to an interest exchange, conversion, or domestication.

(b) Property held for a charitable purpose under the law of this state by a domestic or foreign entity immediately before a transaction under this chapter becomes effective may not, as a result of the transaction, be diverted from the objects for which it was donated, granted, devised, or otherwise transferred unless, to the extent required by or pursuant to the law of this state concerning cy pres or other law dealing with nondiversion of

charitable assets, the entity obtains an appropriate order of the attorney general specifying the disposition of the property.

(c) A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance that is made to a merging entity that is not the surviving entity and that takes effect or remains payable after the merger inures to the surviving entity.

(d) A trust obligation that would govern property if transferred to the nonsurviving entity applies to property that is transferred to the surviving entity under this section.

30-22-105. STATUS OF FILINGS. A filing under this chapter signed by a domestic entity becomes part of the public organic record of the entity if the entity's organic law provides that similar filings under that law become part of the public organic record of the entity.

30-22-106. NONEXCLUSIVITY. The fact that a transaction under this chapter produces a certain result does not preclude the same result from being accomplished in any other manner permitted by law other than this chapter.

30-22-107. REFERENCE TO EXTERNAL FACTS. A plan may refer to facts ascertainable outside the plan if the manner in which the facts will operate upon the plan is specified in the plan. The facts may include the occurrence of an event or a determination or action by a person, whether or not the event, determination, or action is within the control of a party to the transaction.

30-22-108. ALTERNATIVE MEANS OF APPROVAL OF TRANSACTIONS. Except as otherwise provided in the organic law or organic rules of a domestic entity, approval of a transaction under this chapter by the affirmative vote or consent of all its interest holders satisfies the requirements of this chapter for approval of the transaction.

30-22-109. APPRAISAL RIGHTS. (a) An interest holder of a domestic merging, acquired, converting, or domesticating entity is entitled to appraisal rights in connection with the transaction if the interest holder would have been entitled to appraisal rights under the entity's organic law in connection with a merger in which the interest of the interest holder was changed, converted or exchanged unless:

(1) The organic law permits the organic rules to limit the availability of appraisal rights; and

(2) The organic rules provide such a limit.

(b) An interest holder of a domestic merging, acquired, converting, or domesticating entity is entitled to contractual appraisal rights in connection with a transaction under this chapter to the extent provided in:

(1) The entity's organic rules;

(2) The plan; or

(3) The case of a business corporation by action of its governors.

(c) If an interest holder is entitled to contractual appraisal rights under subsection (b) of this section and the entity's organic law does not provide procedures for the conduct of an appraisal rights proceeding, part 13, chapter 29, title 30, Idaho Code, applies to the extent practicable or as otherwise provided in the entity's organic rules or the plan.

30-22-110. CONFLICT OF LAWS AND EXCLUDED TRANSACTIONS. (a) In the event of any conflict between the provisions of this chapter and the provisions of the following laws, the following laws shall control:

(1) The Idaho bank act, as defined in section 26-101, Idaho Code;

(2) The Idaho credit union act, chapter 21, title 26, Idaho Code;

(3) Chapters 28, 32, 34, 38 and 48, title 41, Idaho Code;

(4) The business and industrial development corporation act, chapter 27, title 26, Idaho Code.

(b) This chapter may not be used to effect a transaction that results in a domestic entity of a type that cannot be formed by the filing of a public organic record with the secretary of state, except for a general partnership and an unincorporated nonprofit association.

SECTION 18. That Chapter 22, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 2, Chapter 22, Title 30, Idaho Code, and to read as follows:

PART 2
MERGER

30-22-201. MERGER AUTHORIZED. (a) Except as otherwise provided in this section, by complying with this part:

(1) One (1) or more domestic entities may merge with one (1) or more domestic or foreign entities into a domestic or foreign surviving entity; and

(2) Two (2) or more foreign entities may merge into a domestic entity.

(b) Except as otherwise provided in this section, by complying with the provisions of this part applicable to foreign entities, a foreign entity may be a party to a merger under this part or may be the surviving entity in such a merger if the merger is authorized by the law of the foreign entity's jurisdiction of formation.

30-22-202. PLAN OF MERGER. (a) A domestic entity may become a party to a merger under this part by approving a plan of merger. The plan must be in a record and contain:

(1) As to each merging entity, its name, jurisdiction of formation, and type of entity;

(2) If the surviving entity is to be created in the merger, a statement to that effect and the entity's name, jurisdiction of formation, and type of entity;

(3) The manner of converting the interests in each party to the merger into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing;

(4) If the surviving entity exists before the merger, any proposed amendments to:

(A) Its public organic record, if any; and

(B) Its private organic rules that are, or are proposed to be, in a record;

(5) If the surviving entity is to be created in the merger:

(A) Its proposed public organic record, if any; and

(B) The full text of its private organic rules that are proposed to be in a record;

(6) The other terms and conditions of the merger; and

(7) Any other provision required by the law of a merging entity's jurisdiction of formation or the organic rules of a merging entity.

(b) In addition to the requirements of subsection (a) of this section, a plan of merger may contain any other provision not prohibited by law.

30-22-203. APPROVAL OF MERGER. (a) A plan of merger is not effective unless it has been approved:

(1) By a domestic merging entity:

(A) In accordance with the requirements, if any, in its organic law and organic rules for approval of:

- (i) In the case of an entity that is not a limited cooperative association, the merger; or
 - (ii) In the case of a limited cooperative association, a transaction under this chapter;
- (B) By all of the interest holders of the entity entitled to vote on or consent to any matter if:
- (i) In the case of an entity that is not a business corporation or limited cooperative association, neither its organic law nor organic rules provide for approval of the merger; or
 - (ii) In the case of an entity that is a limited cooperative association, neither its organic law nor organic rules provide for approval of a transaction under this chapter; and
- (2) In a record, by each interest holder of a domestic merging entity that will have interest holder liability for debts, obligations, and other liabilities that arise after the merger becomes effective, unless, in the case of an entity that is not a business corporation or non-profit corporation:
- (A) The organic rules of the entity provide in a record for the approval of a merger in which some or all of its interest holders become subject to interest holder liability by the affirmative vote or consent of fewer than all the interest holders; and
 - (B) The interest holder consented in a record to or voted for that provision of the organic rules or became an interest holder after the adoption of that provision.
- (b) A merger under this part involving a foreign merging entity is not effective unless the merger is approved by the foreign entity in accordance with the law of the foreign entity's jurisdiction of formation.

30-22-204. AMENDMENT OR ABANDONMENT OF PLAN OF MERGER. (a) A plan of merger may be amended only with the consent of each party to the plan, except as otherwise provided in the plan.

(b) A domestic merging entity may approve an amendment of a plan of merger:

(1) In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended; or

(2) By its governors or interest holders in the manner provided in the plan, but an interest holder that was entitled to vote on or consent to approval of the merger is entitled to vote on or consent to any amendment of the plan that will change:

(A) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by the interest holders of any party to the plan;

(B) The public organic record, if any, or private organic rules of the surviving entity that will be in effect immediately after the merger becomes effective, except for changes that do not require approval of the interest holders of the surviving entity under its organic law or organic rules; or

(C) Any other terms or conditions of the plan, if the change would adversely affect the interest holder in any material respect.

(c) After a plan of merger has been approved and before a statement of merger becomes effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a domestic merging entity may abandon the plan in the same manner as the plan was approved.

(d) If a plan of merger is abandoned after a statement of merger has been delivered to the secretary of state for filing and before the statement becomes effective, a statement of abandonment, signed by a party to the plan, must be delivered to the secretary of state for filing before the statement

of merger becomes effective. The statement of abandonment takes effect on filing, and the merger is abandoned and does not become effective. The statement of abandonment must contain:

- (1) The name of each party to the plan of merger;
- (2) The date on which the statement of merger was filed; and
- (3) A statement that the merger has been abandoned in accordance with this section.

30-22-205. STATEMENT OF MERGER -- EFFECTIVE DATE OF MERGER. (a) A statement of merger must be signed by each merging entity and delivered to the secretary of state for filing.

(b) A statement of merger must contain:

- (1) The name, jurisdiction of formation, and type of entity of each merging entity that is not the surviving entity;
- (2) The name, jurisdiction of formation, and type of entity of the surviving entity;
- (3) If the statement of merger is not to be effective upon filing, the later date and time on which it will become effective, which may not be more than ninety (90) days after the date of filing;
- (4) A statement that the merger was approved by each domestic merging entity, if any, in accordance with this part and by each foreign merging entity, if any, in accordance with the law of its jurisdiction of formation;
- (5) If the surviving entity exists before the merger and is a domestic filing entity, any amendment to its public organic record approved as part of the plan of merger;
- (6) If the surviving entity is created by the merger and is a domestic filing entity, its public organic record, as an attachment;
- (7) If the surviving entity is created by the merger and is a domestic limited liability partnership, its statement of qualification, as an attachment; and
- (8) If the surviving entity is a foreign entity that is not a registered foreign entity, a statement designating a registered agent in compliance with section 30-21-411, Idaho Code.

(c) In addition to the requirements of subsection (b) of this section, a statement of merger may contain any other provision not prohibited by law.

(d) If the surviving entity is a domestic entity, its public organic record, if any, must satisfy the requirements of the law of this state, except that the public organic record does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic record.

(e) A plan of merger that is signed by all the merging entities and meets all the requirements of subsection (b) of this section may be delivered to the secretary of state for filing instead of a statement of merger and on filing has the same effect. If a plan of merger is filed as provided in this subsection, references in this act to a statement of merger refer to the plan of merger filed under this subsection.

(f) A statement of merger is effective on the date and time of filing or the later date and time specified in the statement of merger.

(g) If the surviving entity is a domestic entity, the merger is effective when the statement of merger is effective. If the surviving entity is a foreign entity, the merger is effective on the later of:

- (1) The date and time provided by the organic law of the surviving entity; or
- (2) When the statement is effective.

30-22-206. EFFECT OF MERGER. (a) When a merger under this part becomes effective:

- (1) The surviving entity continues or comes into existence;
- (2) Each merging entity that is not the surviving entity ceases to exist;
- (3) All property of each merging entity vests in the surviving entity without transfer, reversion or impairment;
- (4) All debts, obligations and other liabilities of each merging entity are debts, obligations and other liabilities of the surviving entity;
- (5) Except as otherwise provided by law or the plan of merger, all the rights, privileges, immunities, powers and purposes of each merging entity vest in the surviving entity;
- (6) If the surviving entity exists before the merger:
 - (A) All its property continues to be vested in it without transfer, reversion or impairment;
 - (B) It remains subject to all its debts, obligations and other liabilities; and
 - (C) All its rights, privileges, immunities, powers and purposes continue to be vested in it;
- (7) The name of the surviving entity may be substituted for the name of any merging entity that is a party to any pending action or proceeding;
- (8) If the surviving entity exists before the merger:
 - (A) Its public organic record, if any, is amended to the extent provided in the statement of merger; and
 - (B) Its private organic rules that are to be in a record, if any, are amended to the extent provided in the plan of merger;
- (9) If the surviving entity is created by the merger, its private organic rules are effective and:
 - (A) If it is a filing entity, its public organic record is effective; and
 - (B) If it is a limited liability partnership, its statement of qualification is effective; and
- (10) The interests in each merging entity which are to be converted in the merger are converted, and the interest holders of those interests are entitled only to the rights provided to them under the plan of merger and to any appraisal rights they have under section 30-22-109, Idaho Code, and the merging entity's organic law.

(b) Except as otherwise provided in the organic law or organic rules of a merging entity, a merger under this part does not give rise to any rights that an interest holder, governor, or third party would have upon a dissolution, liquidation or winding up of the merging entity.

(c) When a merger under this part becomes effective, a person that did not have interest holder liability with respect to any of the merging entities and becomes subject to interest holder liability with respect to a domestic entity as a result of the merger has interest holder liability only to the extent provided by the organic law of that entity and only for those debts, obligations, and other liabilities that arise after the merger becomes effective.

(d) When a merger becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic merging entity with respect to which the person had interest holder liability is subject to the following rules:

- (1) The merger does not discharge any interest holder liability under the organic law of the domestic merging entity to the extent the interest holder liability arose before the merger became effective.
- (2) The person does not have interest holder liability under the organic law of the domestic merging entity for any debt, obligation, or other liability that arises after the merger becomes effective.

(3) The organic law of the domestic merging entity continues to apply to the release, collection, or discharge of any interest holder liability preserved under paragraph (1) of this subsection as if the merger had not occurred.

(4) The person has whatever rights of contribution from any other person as are provided by law other than this chapter or the organic rules of the domestic merging entity with respect to any interest holder liability preserved under paragraph (1) of this subsection as if the merger had not occurred.

(e) When a merger under this part becomes effective, a foreign entity that is the surviving entity may be served with process in this state for the collection and enforcement of any debts, obligations, or other liabilities of a domestic merging entity in accordance with applicable law.

(f) When a merger under this part becomes effective, registration to do business in this state of any foreign merging entity that is not the surviving entity is canceled.

SECTION 19. That Chapter 22, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 3, Chapter 22, Title 30, Idaho Code, and to read as follows:

PART 3
INTEREST EXCHANGE

30-22-301. INTEREST EXCHANGE AUTHORIZED. (a) Except as otherwise provided in this section, by complying with this part:

(1) A domestic entity may acquire all of one (1) or more classes or series of interests of another domestic entity or a foreign entity in exchange for interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing; or

(2) All of one (1) or more classes or series of interests of a domestic entity may be acquired by another domestic entity or a foreign entity in exchange for interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing.

(b) Except as otherwise provided in this section, by complying with the provisions of this part applicable to foreign entities a foreign entity may be the acquiring or acquired entity in an interest exchange under this part if the interest exchange is authorized by the law of the foreign entity's jurisdiction of formation.

(c) If a protected agreement contains a provision that applies to a merger of a domestic entity but does not refer to an interest exchange, the provision applies to an interest exchange in which the domestic entity is the acquired entity as if the interest exchange were a merger until the provision is amended after July 1, 2007.

30-22-302. PLAN OF INTEREST EXCHANGE. (a) A domestic entity may be the acquired entity in an interest exchange under this part by approving a plan of interest exchange. The plan must be in a record and contain:

(1) The name and type of entity of the acquired entity;

(2) The name, jurisdiction of formation, and type of entity of the acquiring entity;

(3) The manner of converting the interests in the acquired entity into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing;

(4) Any proposed amendments to:

(A) The public organic record, if any, of the acquired entity; and

- (B) The private organic rules of the acquired entity that are, or are proposed to be, in a record;
 - (5) The other terms and conditions of the interest exchange; and
 - (6) Any other provision required by the law of this state or the organic rules of the acquired entity.
- (b) In addition to the requirements of subsection (a) of this section, a plan of interest exchange may contain any other provision not prohibited by law.

30-22-303. APPROVAL OF INTEREST EXCHANGE. (a) A plan of interest exchange is not effective unless it has been approved:

(1) By a domestic acquired entity:

(A) In accordance with the requirements, if any, in its organic law and organic rules for approval of an interest exchange;

(B) If neither its organic law nor organic rules provide for approval of an interest exchange, in accordance with the requirements, if any, in its organic law and organic rules for approval of:

(i) In the case of an entity that is not a business corporation or a limited cooperative association, a merger, as if the interest exchange were a merger;

(ii) In the case of a business corporation, a merger requiring approval by a vote of the interest holders of the business corporation, as if the interest exchange were that type of merger; or

(iii) In the case of a limited cooperative association, a transaction under this chapter; or

(C) By all of the interest holders of the entity entitled to vote on or consent to any matter if:

(i) In the case of an entity that is not a business corporation or limited cooperative association, neither its organic law nor organic rules provide for approval of an interest exchange or merger; or

(ii) In the case of a limited cooperative association, neither its organic law nor organic rules provide for approval of an interest exchange or a transaction under this chapter; and

(2) In a record, by each interest holder of a domestic acquired entity that will have interest holder liability for debts, obligations, and other liabilities that arise after the interest exchange becomes effective, unless, in the case of an entity that is not a business corporation or nonprofit corporation:

(A) The organic rules of the entity provide in a record for the approval of an interest exchange or a merger in which some or all of its interest holders become subject to interest holder liability by the vote or consent of fewer than all the interest holders; and

(B) The interest holder consented in a record to or voted for that provision of the organic rules or became an interest holder after the adoption of that provision.

(b) An interest exchange involving a foreign acquired entity is not effective unless it is approved by the foreign entity in accordance with the law of the foreign entity's jurisdiction of formation.

(c) Except as otherwise provided in its organic law or organic rules, the interest holders of the acquiring entity are not required to approve the interest exchange.

30-22-304. AMENDMENT OR ABANDONMENT OF PLAN OF INTEREST EXCHANGE. (a) A plan of interest exchange may be amended only with the consent of each party to the plan, except as otherwise provided in the plan.

(b) A domestic acquired entity may approve an amendment of a plan of interest exchange:

(1) In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended; or

(2) By its governors or interest holders in the manner provided in the plan, but an interest holder that was entitled to vote on or consent to approval of the interest exchange is entitled to vote on or consent to any amendment of the plan that will change:

(A) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by any of the interest holders of the acquired entity under the plan;

(B) The public organic record, if any, or private organic rules of the acquired entity that will be in effect immediately after the interest exchange becomes effective, except for changes that do not require approval of the interest holders of the acquired entity under its organic law or organic rules; or

(C) Any other terms or conditions of the plan, if the change would adversely affect the interest holder in any material respect.

(c) After a plan of interest exchange has been approved and before a statement of interest exchange becomes effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a domestic acquired entity may abandon the plan in the same manner as the plan was approved.

(d) If a plan of interest exchange is abandoned after a statement of interest exchange has been delivered to the secretary of state for filing and before the statement becomes effective, a statement of abandonment, signed by the acquired entity, must be delivered to the secretary of state for filing before the statement of interest exchange becomes effective. The statement of abandonment takes effect on filing, and the interest exchange is abandoned and does not become effective. The statement of abandonment must contain:

(1) The name of the acquired entity;

(2) The date on which the statement of interest exchange was filed by the secretary of state; and

(3) A statement that the interest exchange has been abandoned in accordance with this section.

30-22-305. STATEMENT OF INTEREST EXCHANGE -- EFFECTIVE DATE OF INTEREST EXCHANGE. (a) A statement of interest exchange must be signed by a domestic acquired entity and delivered to the secretary of state for filing.

(b) A statement of interest exchange must contain:

(1) The name and type of entity of the acquired entity;

(2) The name, jurisdiction of formation, and type of entity of the acquiring entity;

(3) If the statement of interest exchange is not to be effective upon filing, the later date and time on which it will become effective, which may not be more than ninety (90) days after the date of filing;

(4) A statement that the plan of interest exchange was approved by the acquired entity in accordance with this part; and

(5) Any amendments to the acquired entity's public organic record, if any, approved as part of the plan of interest exchange.

(c) In addition to the requirements of subsection (b) of this section, a statement of interest exchange may contain any other provision not prohibited by law.

(d) A plan of interest exchange that is signed by a domestic acquired entity and meets all the requirements of subsection (b) of this section may be delivered to the secretary of state for filing instead of a statement of interest exchange and on filing has the same effect. If a plan of interest exchange is filed as provided in this subsection, references in this chapter

to a statement of interest exchange refer to the plan of interest exchange filed under this subsection.

(e) A statement of interest exchange becomes effective on the date and time of filing or the later date and time specified in the statement of interest exchange.

(f) An interest exchange in which the acquired entity is a domestic entity is effective when the statement of interest exchange is effective.

30-22-306. EFFECT OF INTEREST EXCHANGE. (a) When an interest exchange in which the acquired entity is a domestic entity becomes effective:

(1) The interests in the domestic acquired entity that are the subject of the interest exchange are converted, and the interest holders of those interests are entitled only to the rights provided to them under the plan of interest exchange and to any appraisal rights as provided in section 30-22-109, Idaho Code, and the acquired entity's organic law;

(2) The acquiring entity becomes the interest holder of the interests in the acquired entity stated in the plan of interest exchange to be acquired by the acquiring entity;

(3) The public organic record, if any, of the acquired entity is amended as provided in the statement of interest exchange; and

(4) The private organic rules of the acquired entity that are to be in a record, if any, are amended to the extent provided in the plan of interest exchange.

(b) Except as otherwise provided in the organic law or organic rules of the acquired entity, the interest exchange does not give rise to any rights that an interest holder, governor, or third party would have upon a dissolution, liquidation, or winding up of the acquired entity.

(c) When an interest exchange becomes effective, a person that did not have interest holder liability with respect to the acquired entity and becomes subject to interest holder liability with respect to a domestic entity as a result of the interest exchange has interest holder liability only to the extent provided by the organic law of the entity and only for those debts, obligations, and other liabilities that arise after the interest exchange becomes effective.

(d) When an interest exchange becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic acquired entity with respect to which the person had interest holder liability is subject to the following rules:

(1) The interest exchange does not discharge any interest holder liability under the organic law of the domestic acquired entity to the extent the interest holder liability arose before the interest exchange became effective.

(2) The person does not have interest holder liability under the organic law of the domestic acquired entity for any debt, obligation, or other liability that arises after the interest exchange becomes effective.

(3) The organic law of the domestic acquired entity continues to apply to the release, collection, or discharge of any interest holder liability preserved under paragraph (1) of this subsection as if the interest exchange had not occurred.

(4) The person has whatever rights of contribution from any other person as are provided by law other than this chapter or the organic law or organic rules of the domestic acquired entity with respect to any interest holder liability preserved under paragraph (1) of this subsection as if the interest exchange had not occurred.

SECTION 20. That Chapter 22, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 4, Chapter 22, Title 30, Idaho Code, and to read as follows:

PART 4
CONVERSION

30-22-401. CONVERSION AUTHORIZED. (a) By complying with this part, a domestic entity may become:

- (1) A domestic entity that is a different type of entity; or
- (2) A foreign entity that is a different type of entity, if the conversion is authorized by the law of the foreign entity's jurisdiction of formation.

(b) By complying with the provisions of this part applicable to foreign entities, a foreign entity may become a domestic entity that is a different type of entity if the conversion is authorized by the law of the foreign entity's jurisdiction of formation.

(c) If a protected agreement contains a provision that applies to a merger of a domestic entity but does not refer to a conversion, the provision applies to a conversion of the entity as if the conversion were a merger until the provision is amended after July 1, 2007.

30-22-402. PLAN OF CONVERSION. (a) A domestic entity may convert to a different type of entity under this part by approving a plan of conversion. The plan must be in a record and contain:

- (1) The name and type of entity of the converting entity;
- (2) The name, jurisdiction of formation, and type of entity of the converted entity;
- (3) The manner of converting the interests in the converting entity into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing;
- (4) The proposed public organic record of the converted entity if it will be a filing entity;
- (5) The full text of the private organic rules of the converted entity that are proposed to be in a record;
- (6) The other terms and conditions of the conversion; and
- (7) Any other provision required by the law of this state or the organic rules of the converting entity.

(b) In addition to the requirements of subsection (a) of this section, a plan of conversion may contain any other provision not prohibited by law.

30-22-403. APPROVAL OF CONVERSION. (a) A plan of conversion is not effective unless it has been approved:

- (1) By a domestic converting entity:
 - (A) In accordance with the requirements, if any, in its organic rules for approval of a conversion;
 - (B) If its organic rules do not provide for approval of a conversion, in accordance with the requirements, if any, in its organic law and organic rules for approval of:
 - (i) In the case of an entity that is not a business corporation or limited cooperative association, a merger, as if the conversion were a merger; or
 - (ii) In the case of a business corporation, a merger requiring approval by a vote of the interest holders of the business corporation, as if the conversion were that type of merger; or
 - (iii) In the case of a limited cooperative association, a transaction under this chapter; or

(C) By all of the interest holders of the entity entitled to vote on or consent to any matter if:

(i) In the case of any entity that is not a business corporation or limited cooperative association, neither its organic law nor organic rules provide for approval of a conversion or a merger; or

(ii) In the case of a limited cooperative association, neither its organic law nor organic rules provide for approval of a conversion or a transaction under this chapter; and

(2) In a record, by each interest holder of a domestic converting entity that will have interest holder liability for debts, obligations, and other liabilities that arise after the conversion becomes effective, unless, in the case of an entity that is not a business or nonprofit corporation:

(A) The organic rules of the entity provide in a record for the approval of a conversion or a merger in which some or all of its interest holders become subject to interest holder liability by the vote or consent of fewer than all the interest holders; and

(B) The interest holder voted for or consented in a record to or voted for that provision of the organic rules or became an interest holder after the adoption of that provision.

(b) A conversion of a foreign converting entity is not effective unless it is approved by the foreign entity in accordance with the law of the foreign entity's jurisdiction of formation.

30-22-404. AMENDMENT OR ABANDONMENT OF PLAN OF CONVERSION. (a) A plan of conversion of a domestic converting entity may be amended:

(1) In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended; or

(2) By its governors or interest holders in the manner provided in the plan, but an interest holder that was entitled to vote on or consent to approval of the conversion is entitled to vote on or consent to any amendment of the plan that will change:

(A) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by any of the interest holders of the converting entity under the plan;

(B) The public organic record, if any, or private organic rules of the converted entity that will be in effect immediately after the conversion becomes effective, except for changes that do not require approval of the interest holders of the converted entity under its organic law or organic rules; or

(C) Any other terms or conditions of the plan, if the change would adversely affect the interest holder in any material respect.

(b) After a plan of conversion has been approved and before a statement of conversion becomes effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a domestic converting entity may abandon the plan in the same manner as the plan was approved.

(c) If a plan of conversion is abandoned after a statement of conversion has been delivered to the secretary of state for filing and before the statement becomes effective, a statement of abandonment, signed by the converting entity, must be delivered to the secretary of state for filing before the statement of conversion becomes effective. The statement of abandonment takes effect on filing, and the conversion is abandoned and does not become effective. The statement of abandonment must contain:

(1) The name of the converting entity;

(2) The date on which the statement of conversion was filed by the secretary of state; and

(3) A statement that the conversion has been abandoned in accordance with this section.

30-22-405. STATEMENT OF CONVERSION -- EFFECTIVE DATE OF CONVERSION. (a) A statement of conversion must be signed by the converting entity and delivered to the secretary of state for filing.

(b) A statement of conversion must contain:

- (1) The name, jurisdiction of formation, and type of entity of the converting entity;
- (2) The name, jurisdiction of formation, and type of entity of the converted entity;
- (3) If the statement of conversion is not to be effective upon filing, the later date and time on which it will become effective, which may not be more than ninety (90) days after the date of filing;
- (4) If the converting entity is a domestic entity, a statement that the plan of conversion was approved in accordance with this part or, if the converting entity is a foreign entity, a statement that the conversion was approved by the foreign entity in accordance with the law of its jurisdiction of formation;
- (5) If the converted entity is a domestic filing entity, its public organic record, as an attachment;
- (6) If the converted entity is a domestic limited liability partnership, its statement of qualification, as an attachment; and
- (7) If the converted entity is a foreign entity, a statement designating a registered agent in compliance with section 30-21-411, Idaho Code.

(c) In addition to the requirements of subsection (b) of this section, a statement of conversion may contain any other provision not prohibited by law.

(d) If the converted entity is a domestic entity, its public organic record, if any, must satisfy the requirements of the law of this state, except that the public organic record does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic record.

(e) A plan of conversion that is signed by a domestic converting entity and meets all the requirements of subsection (b) of this section may be delivered to the secretary of state for filing instead of a statement of conversion and on filing has the same effect. If a plan of conversion is filed as provided in this subsection, references in this chapter to a statement of conversion refer to the plan of conversion filed under this subsection.

(f) A statement of conversion is effective on the date and time of filing or the later date and time specified in the statement of conversion.

(g) If the converted entity is a domestic entity, the conversion is effective when the statement of conversion is effective. If the converted entity is a foreign entity, the conversion is effective on the later of:

- (1) The date and time provided by the organic law of the converted entity; or
- (2) When the statement is effective.

30-22-406. EFFECT OF CONVERSION. (a) When a conversion becomes effective:

- (1) The converted entity is:
 - (A) Organized under and subject to the organic law of the converted entity; and
 - (B) The same entity without interruption as the converting entity;
- (2) All property of the converting entity continues to be vested in the converted entity without transfer, reversion or impairment;

(3) All debts, obligations, and other liabilities of the converting entity continue as debts, obligations, and other liabilities of the converted entity;

(4) Except as otherwise provided by law or the plan of conversion, all of the rights, privileges, immunities, powers, and purposes of the converting entity remain in the converted entity;

(5) The name of the converted entity may be substituted for the name of the converting entity in any pending action or proceeding;

(6) If a converted entity is a filing entity, its public organic record is effective;

(7) If the converted entity is a limited liability partnership, its statement of qualification is effective;

(8) The private organic rules of the converted entity that are to be in a record, if any, approved as part of the plan of conversion are effective; and

(9) The interests in the converting entity are converted, and the interest holders of the converting entity are entitled only to the rights provided to them under the plan of conversion and to any appraisal rights they have under section 30-22-109, Idaho Code, and the converting entity's organic law.

(b) Except as otherwise provided in the organic law or organic rules of the converting entity, the conversion does not give rise to any rights that an interest holder, governor, or third party would have upon a dissolution, liquidation, or winding up of the converting entity.

(c) When a conversion becomes effective, a person that did not have interest holder liability with respect to the converting entity and becomes subject to interest holder liability with respect to a domestic entity as a result of the conversion has interest holder liability only to the extent provided by the organic law of the entity and only for those debts, obligations, and other liabilities that arise after the conversion becomes effective.

(d) When a conversion becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic converting entity with respect to which the person had interest holder liability is subject to the following rules:

(1) The conversion does not discharge any interest holder liability under the organic law of the domestic converting entity to the extent the interest holder liability arose before the conversion became effective.

(2) The person does not have interest holder liability under the organic law of the domestic converting entity for any debt, obligation, or other liability that arises after the conversion becomes effective.

(3) The organic law of a domestic converting entity continues to apply to the release, collection, or discharge of any interest holder liability preserved under paragraph (1) of this subsection as if the conversion had not occurred.

(4) The person has whatever rights of contribution from any other person as are provided by other law or the organic rules of the domestic converting entity with respect to any interest holder liability preserved under paragraph (1) of this subsection as if the conversion had not occurred.

(e) When a conversion becomes effective, a foreign entity that is the converted entity may be served with process in this state for the collection and enforcement of any of its debts, obligations, and other liabilities in accordance with applicable law.

(f) If the converting entity is a registered foreign entity, its registration to do business in this state is canceled when the conversion becomes effective.

(g) A conversion does not require the entity to wind up its affairs and does not constitute or cause the dissolution of the entity.

SECTION 21. That Chapter 22, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 5, Chapter 22, Title 30, Idaho Code, and to read as follows:

PART 5
DOMESTICATION

30-22-501. DOMESTICATION AUTHORIZED. (a) Except as otherwise provided in this section, by complying with this part, a domestic entity may become a domestic entity of the same type of entity in a foreign jurisdiction if the domestication is authorized by the law of the foreign jurisdiction.

(b) Except as otherwise provided in this section, by complying with the provisions of this part applicable to foreign entities a foreign entity may become a domestic entity of the same type of entity in this state if the domestication is authorized by the law of the foreign entity's jurisdiction of formation.

(c) If a protected agreement contains a provision that applies to a merger of a domestic entity but does not refer to a domestication, the provision applies to a domestication of the entity as if the domestication were a merger until the provision is amended after July 1, 2007.

30-22-502. PLAN OF DOMESTICATION. (a) A domestic entity may become a foreign entity in a domestication by approving a plan of domestication. The plan must be in a record and contain:

- (1) The name and type of entity of the domesticating entity;
- (2) The name and jurisdiction of formation of the domesticated entity;
- (3) The manner of converting the interests in the domesticating entity into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing;
- (4) The proposed public organic record of the domesticated entity if it is a filing entity;
- (5) The full text of the private organic rules of the domesticated entity that are proposed to be in a record;
- (6) The other terms and conditions of the domestication; and
- (7) Any other provision required by the law of this state or the organic rules of the domesticating entity.

(b) In addition to the requirements of subsection (a) of this section, a plan of domestication may contain any other provision not prohibited by law.

30-22-503. APPROVAL OF DOMESTICATION. (a) A plan of domestication is not effective unless it has been approved:

- (1) By a domestic domesticating entity:
 - (A) In accordance with the requirements, if any, in its organic rules for approval of a domestication;
 - (B) If its organic rules do not provide for approval of a domestication, in accordance with the requirements, if any, in its organic law and organic rules for approval of:
 - (i) In the case of an entity that is not a business corporation or limited cooperative association, a merger, as if the domestication were a merger;
 - (ii) In the case of a business corporation, a merger requiring approval by a vote of the interest holders of the business corporation, as if the domestication were that type of merger; or

- (iii) In the case of a limited cooperative association, a transaction under this chapter;
- (C) By all of the interest holders of the entity entitled to vote on or consent to any matter if:
 - (i) In the case of an entity that is not a business corporation or limited cooperative association, neither its organic law nor organic rules provide for approval of a domestication or a merger; or
 - (ii) In the case of a limited cooperative association, neither its organic law nor organic rules provide for approval of a domestication or a transaction under this chapter; and
- (2) In a record, by each interest holder of a domestic domesticating entity that will have interest holder liability for debts, obligations, and other liabilities that arise after the domestication becomes effective, unless, in the case of an entity that is not a business corporation or nonprofit corporation:
 - (A) The organic rules of the entity in a record provide for the approval of a domestication or merger in which some or all of its interest holders become subject to interest holder liability by the vote or consent of fewer than all of the interest holders; and
 - (B) The interest holder consented in a record to or voted for that provision of the organic rules or became an interest holder after the adoption of that provision.
- (b) A domestication of a foreign domesticating entity is not effective unless it is approved in accordance with the law of the foreign entity's jurisdiction of formation.

30-22-504. AMENDMENT OR ABANDONMENT OF PLAN OF DOMESTICATION. (a) A plan of domestication of a domestic domesticating entity may be amended:

- (1) In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended; or
- (2) By its governors or interest holders in the manner provided in the plan, but an interest holder that was entitled to vote on or consent to approval of the domestication is entitled to vote on or consent to any amendment of the plan that will change:
 - (A) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by any of the interest holders of the domesticating entity under the plan;
 - (B) The public organic record, if any, or private organic rules of the domesticated entity that will be in effect immediately after the domestication becomes effective, except for changes that do not require approval of the interest holders of the domesticated entity under its organic law or organic rules; or
 - (C) Any other terms or conditions of the plan, if the change would adversely affect the interest holder in any material respect.
- (b) After a plan of domestication has been approved by a domestic domesticating entity and before a statement of domestication becomes effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a domestic domesticating entity may abandon the plan in the same manner as the plan was approved.
- (c) If a plan of domestication is abandoned after a statement of domestication has been delivered to the secretary of state for filing and before the statement becomes effective, a statement of abandonment, signed by the entity, must be delivered to the secretary of state for filing before the statement of domestication becomes effective. The statement of abandonment takes effect on filing, and the domestication is abandoned and does not become effective. The statement of abandonment must contain:

- (1) The name of the domesticating entity;
- (2) The date on which the statement of domestication was filed by the secretary of state; and
- (3) A statement that the domestication has been abandoned in accordance with this section.

30-22-505. STATEMENT OF DOMESTICATION -- EFFECTIVE DATE OF DOMESTICATION. (a) A statement of domestication must be signed by the domesticating entity and delivered to the secretary of state for filing.

(b) A statement of domestication must contain:

- (1) The name, jurisdiction of formation, and type of entity of the domesticating entity;
- (2) The name and jurisdiction of formation of the domesticated entity;
- (3) If the statement of domestication is not to be effective upon filing, the later date and time on which it will become effective, which may not be more than ninety (90) days after the date of filing;
- (4) If the domesticating entity is a domestic entity, a statement that the plan of domestication was approved in accordance with this part or, if the domesticating entity is a foreign entity, a statement that the domestication was approved in accordance with the law of its jurisdiction of formation;
- (5) If the domesticated entity is a domestic filing entity, its public organic record, as an attachment;
- (6) If the domesticated entity is a domestic limited liability partnership, its statement of qualification, as an attachment; and
- (7) If the domesticated entity is a foreign entity that is not a registered foreign entity, a statement designating a registered agent in compliance with section 30-21-411, Idaho Code.

(c) In addition to the requirements of subsection (b) of this section, a statement of domestication may contain any other provision not prohibited by law.

(d) If the domesticated entity is a domestic entity, its public organic record, if any, must satisfy the requirements of the law of this state, but the public organic record does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic record.

(e) A plan of domestication that is signed by a domesticating domestic entity and meets all the requirements of subsection (b) of this section may be delivered to the secretary of state for filing instead of a statement of domestication and on filing has the same effect. If a plan of domestication is filed as provided in this subsection, references in this chapter to a statement of domestication refer to the plan of domestication filed under this subsection.

(f) A statement of domestication is effective on the date and time of filing or the later date and time specified in the statement of domestication.

(g) A domestication in which the domesticated entity is a domestic entity is effective when the statement of domestication is effective. A domestication in which the domesticated entity is a foreign entity is effective on the later of:

- (1) The date and time provided by the organic law of the domesticated entity; or
- (2) When the statement is effective.

30-22-506. EFFECT OF DOMESTICATION. (a) When a domestication becomes effective:

- (1) The domesticated entity is:
 - (A) Organized under and subject to the organic law of the domesticated entity; and

(B) The same entity without interruption as the domesticating entity;

(2) All property of the domesticating entity continues to be vested in the domesticated entity without transfer, reversion or impairment;

(3) All debts, obligations, and other liabilities of the domesticating entity continue as debts, obligations, and other liabilities of the domesticated entity;

(4) Except as otherwise provided by law or the plan of domestication, all of the rights, privileges, immunities, powers, and purposes of the domesticating entity remain in the domesticated entity;

(5) The name of the domesticated entity may be substituted for the name of the domesticating entity in any pending action or proceeding;

(6) If the domesticated entity is a filing entity, its public organic record is effective;

(7) If the domesticated entity is a limited liability partnership, its statement of qualification is effective simultaneously;

(8) The private organic rules of the domesticated entity that are to be in a record, if any, approved as part of the plan of domestication are effective; and

(9) The interests in the domesticating entity are converted to the extent and as approved in connection with the domestication, and the interest holders of the domesticating entity are entitled only to the rights provided to them under the plan of domestication and to any appraisal rights as provided in section 30-22-109, Idaho Code, and the domesticating entity's organic law.

(b) Except as otherwise provided in the organic law or organic rules of the domesticating entity, the domestication does not give rise to any rights that an interest holder, governor, or third party would have upon a dissolution, liquidation, or winding up of the domesticating entity.

(c) When a domestication becomes effective, a person that did not have interest holder liability with respect to the domesticating entity and becomes subject to interest holder liability with respect to a domestic entity as a result of the domestication has interest holder liability only to the extent provided by the organic law of the entity and only for those debts, obligations, and other liabilities that arise after the domestication becomes effective.

(d) When a domestication becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic domesticating entity with respect to which the person had interest holder liability is subject to the following rules:

(1) The domestication does not discharge any interest holder liability under the organic law of the domesticating domestic entity to the extent the interest holder liability arose before the domestication became effective.

(2) A person does not have interest holder liability under the organic law of the domestic domesticating entity for any debt, obligation, or other liability that arises after the domestication becomes effective.

(3) The organic law of the domestic domesticating entity continues to apply to the release, collection, or discharge of any interest holder liability preserved under paragraph (1) of this subsection as if the domestication had not occurred.

(4) A person has whatever rights of contribution from any other person as are provided by other law or the organic rules of the domestic domesticating entity with respect to any interest holder liability preserved under paragraph (1) of this subsection as if the domestication had not occurred.

(e) When a domestication becomes effective, a foreign entity that is the domesticated entity may be served with process in this state for the col-

lection and enforcement of any of its debts, obligations, and other liabilities in accordance with applicable law.

(f) If a domesticating entity is a registered foreign entity, the registration to do business in this state of the domesticating entity is canceled when the domestication becomes effective.

(g) A domestication does not require the entity to wind up its affairs and does not constitute or cause the dissolution of the entity.

SECTION 22. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 23, Title 30, Idaho Code, and to read as follows:

CHAPTER 23
GENERAL PARTNERSHIPS

SECTION 23. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 1
GENERAL PROVISIONS

30-23-101. **SHORT TITLE.** This chapter may be cited as the "Idaho Uniform Partnership Act."

30-23-102. **DEFINITIONS.** (a) In this chapter:

(1) "Business" includes every trade, occupation and profession.

(2) "Contribution," except in the phrase "right of contribution," means property or a benefit described in section 30-23-403, Idaho Code, that is provided by a person to a partnership to become a partner or in the person's capacity as a partner.

(3) "Distribution" means a transfer of money or other property from a partnership to a person on account of a transferable interest or in a person's capacity as a partner. The term:

(A) Includes:

(i) A redemption or other purchase by a partnership of a transferable interest; and

(ii) A transfer to a partner in return for the partner's relinquishment of any right to participate as a partner in the management or conduct of the partnership's business or have access to records or other information concerning the partnership's business; and

(B) Does not include amounts constituting reasonable compensation for present or past service or payments made in the ordinary course of business under a bona fide retirement plan or other bona fide benefits program.

(4) "Foreign limited liability partnership" means a foreign partnership whose partners have limited liability for the debts, obligations, or other liabilities of the foreign partnership under a provision similar to section 30-23-306(c), Idaho Code.

(5) "Foreign partnership" means an unincorporated entity formed under the law of a jurisdiction other than this state which would be a partnership if formed under the law of this state. The term includes a foreign limited liability partnership.

(6) "Limited liability partnership" means a partnership that has filed a statement of qualification under section 30-21-503, Idaho Code, and does not have a similar statement in effect in any other jurisdiction.

(7) "Partner" means a person that:

(A) Has become a partner in a partnership under section 30-23-402, Idaho Code, or was a partner in a partnership when the partnership became subject to this chapter under section 30-23-110, Idaho Code; and

(B) Has not dissociated as a partner under section 30-23-601, Idaho Code.

(8) "Partnership" means an association of two (2) or more persons to carry on as co-owners a business for profit formed under this chapter or that becomes subject to this chapter under article 2 or section 30-23-110, Idaho Code. The term includes a limited liability partnership.

(9) "Partnership agreement" means the agreement, whether or not referred to as a partnership agreement and whether oral, implied, in a record, or in any combination thereof, of all the partners of a partnership concerning the matters described in section 33-22-105(a), Idaho Code. The term includes the agreement as amended or restated.

(10) "Partnership at will" means a partnership in which the partners have not agreed to remain partners until the expiration of a definite term or the completion of a particular undertaking.

(11) "Transferable interest" means the right, as initially owned by a person in the person's capacity as a partner, to receive distributions from a partnership in accordance with the partnership agreement, whether or not the person remains a partner or continues to own any part of the right. The term applies to any fraction of the interest, by whomever owned.

(12) "Transferee" means a person to which all or part of a transferable interest has been transferred, whether or not the transferor is a partner.

(b) The following definitions outside this chapter apply to this chapter:

- (1) "Debtor in bankruptcy" - section 30-21-102(7), Idaho Code.
- (2) "Jurisdiction" - section 30-21-102(22), Idaho Code.
- (3) "Jurisdiction of formation" - section 30-21-102(23), Idaho Code.
- (4) "Person" - section 30-21-102(35), Idaho Code.
- (5) "Principal office" - section 30-21-102(36), Idaho Code.
- (6) "Property" - section 30-21-102(41), Idaho Code.
- (7) "Record" - section 30-21-102(44), Idaho Code.
- (8) "Registered agent" - section 30-21-102(45), Idaho Code.
- (9) "Sign" - section 30-21-102(47), Idaho Code.
- (10) "State" - section 30-21-102(48), Idaho Code.
- (11) "Transfer" - section 30-21-102(50), Idaho Code.

30-23-103. KNOWLEDGE -- NOTICE. (a) A person knows a fact if the person:

- (1) Has actual knowledge of it; or
- (2) Is deemed to know it under subsection (d) (1) of this section or law other than this chapter.

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

- (1) Has reason to know the fact from all the facts known to the person at the time in question; or
- (2) As deemed to have notice of the fact under subsection (d) (2) of this section.

(c) Subject to section 30-21-212, Idaho Code, a person notifies another person of a fact by taking steps reasonably required to inform the other person in ordinary course, whether or not those steps cause the other person to know the fact.

(d) A person not a partner is deemed:

- (1) To know of a limitation on authority to transfer real property as provided in section 30-23-303(g), Idaho Code; and
- (2) To have notice of:

(A) A person's dissociation as a partner ninety (90) days after a statement of dissociation under section 30-23-704, Idaho Code, becomes effective; and

(B) A partnership's:

(i) Dissolution ninety (90) days after a statement of dissolution under section 30-23-802, Idaho Code, becomes effective;

(ii) Termination ninety (90) days after a statement of termination under section 30-23-802, Idaho Code, becomes effective; and

(iii) Participation in a merger, interest exchange, conversion, or domestication ninety (90) days after articles of merger, interest exchange, conversion, or domestication under chapter 21, title 30, Idaho Code, become effective.

(e) A partner's knowledge or notice of a fact relating to the partnership is effective immediately as knowledge of or notice to the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

30-23-104. GOVERNING LAW. The internal affairs of a partnership and the liability of a partner as a partner for the debts, obligations, or other liabilities of the partnership are governed by:

(1) In the case of a limited liability partnership, the law of this state; and

(2) In the case of a partnership that is not a limited liability partnership, the law of the jurisdiction in which the partnership has its principal office.

30-23-105. PARTNERSHIP AGREEMENT -- SCOPE, FUNCTION AND LIMITATIONS. (a) Except as otherwise provided in subsections (c) and (d) of this section, the partnership agreement governs:

(1) Relations among the partners as partners and between the partners and the partnership;

(2) The business of the partnership and the conduct of that business; and

(3) The means and conditions for amending the partnership agreement.

(b) To the extent the partnership agreement does not provide for a matter described in subsection (a) of this section, this chapter governs the matter.

(c) A partnership agreement may not:

(1) Vary the provisions of section 30-23-110, Idaho Code;

(2) Vary the law applicable under section 30-23-104(1), Idaho Code;

(3) Vary the provisions of section 30-21-210, Idaho Code;

(4) Vary the provisions of section 30-23-307, Idaho Code;

(5) Unreasonably restrict the duties and rights under section 30-23-408, Idaho Code, but the partnership agreement may impose reasonable restrictions on the availability and use of information obtained under that section and may define appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on use;

(6) Alter or eliminate the duty of loyalty or the duty of care, except as otherwise provided in subsection (d) of this section;

(7) Eliminate the contractual obligation of good faith and fair dealing under section 30-23-409(d), Idaho Code, but the partnership agreement may prescribe the standards, if not manifestly unreasonable, by which the performance of the obligation is to be measured;

(8) Unreasonably restrict the right of a person to maintain an action under section 30-23-410(b), Idaho Code;

- (9) Relieve or exonerate a person from liability for conduct involving bad faith, willful or intentional misconduct, or a knowing violation of the law;
- (10) Vary the power of a person to dissociate as a partner under section 30-23-602(a), Idaho Code, except to require that the notice under section 30-23-601(1), Idaho Code, be in a record;
- (11) Vary the right of a court to expel a partner in the events specified in section 30-23-601(5), Idaho Code;
- (12) Vary the causes of dissolution specified in section 30-23-801(4) or (5), Idaho Code;
- (13) Vary the requirement to wind up the partnership's business as specified in section 30-23-802(a), (b) (1), and (d), Idaho Code;
- (14) Vary the right of a partner under section 30-23-901(f), Idaho Code, to vote on or consent to a cancellation of a statement of qualification;
- (15) Vary the right of a partner to approve a merger, interest exchange, conversion, or domestication under section 30-22-203(a) (2), 30-22-303(a) (2), 30-22-403(a) (2), or 30-22-503(a) (2), Idaho Code;
- (16) Vary the required contents of a plan of merger under section 30-22-202(a), Idaho Code, plan of interest exchange under section 30-22-302(a), Idaho Code, plan of conversion under section 30-22-402(a), Idaho Code, or plan of domestication under section 30-22-502(a), Idaho Code;
- (17) Vary any requirement, procedure, or other provision of this act pertaining to:
 - (A) Registered agents; or
 - (B) The secretary of state, including provisions pertaining to records authorized or required to be delivered to the secretary of state for filing under this act; or
- (18) Except as otherwise provided in sections 30-23-106 and 30-23-107(2), Idaho Code, restrict the rights under this act of a person other than a partner.
 - (d) Subject to subsection (c) (8) of this section, without limiting other terms that may be included in a partnership agreement, the following rules apply:
 - (1) The partnership agreement may:
 - (A) Specify the method by which a specific act or transaction that would otherwise violate the duty of loyalty may be authorized or ratified by one (1) or more disinterested and independent persons after full disclosure of all material facts; and
 - (B) Alter the prohibition stated in section 30-23-406(2) (b), Idaho Code, so that the prohibition requires only that the partnership's total assets not be less than the sum of its total liabilities.
 - (2) To the extent the partnership agreement expressly relieves a partner of a responsibility that the partner would otherwise have under this chapter and imposes the responsibility on one (1) or more other partners, the agreement also may eliminate or limit any fiduciary duty of the partner relieved of the responsibility that would have pertained to the responsibility.
 - (3) If not manifestly unreasonable, the partnership agreement may:
 - (A) Alter or eliminate the aspects of the duty of loyalty stated in section 30-23-409(b), Idaho Code;
 - (B) Identify specific types or categories of activities that do not violate the duty of loyalty;
 - (C) Alter the duty of care, but may not authorize conduct involving bad faith, willful or intentional misconduct or a knowing violation of the law; and
 - (D) Alter or eliminate any other fiduciary duty.

(e) The court shall decide as a matter of law whether a term of a partnership agreement is manifestly unreasonable under subsection (c) (6) or (d) (3) of this section. The court:

(1) Shall make its determination as of the time the challenged term became part of the partnership agreement and by considering only circumstances existing at that time; and

(2) May invalidate the term only if, in light of the purposes and business of the partnership, it is readily apparent that:

(A) The objective of the term is unreasonable; or

(B) The term is an unreasonable means to achieve the provision's objective.

30-23-106. PARTNERSHIP AGREEMENT -- EFFECT ON PARTNERSHIP AND PERSON BECOMING PARTNER -- PREFORMATION AGREEMENT. (a) A partnership is bound by and may enforce the partnership agreement, whether or not the partnership has itself manifested assent to the agreement.

(b) A person that becomes a partner is deemed to assent to the partnership agreement.

(c) Two (2) or more persons intending to become the initial partners of a partnership may make an agreement providing that upon the formation of the partnership the agreement will become the partnership agreement.

30-23-107. PARTNERSHIP AGREEMENT -- EFFECT ON THIRD PARTIES AND RELATIONSHIP TO RECORDS EFFECTIVE ON BEHALF OF PARTNERSHIP. (a) A partnership agreement may specify that its amendment requires the approval of a person that is not a party to the agreement or the satisfaction of a condition. An amendment is ineffective if its adoption does not include the required approval or satisfy the specified condition.

(b) The obligations of a partnership and its partners to a person in the person's capacity as a transferee or person dissociated as a partner are governed by the partnership agreement. Subject only to a court order issued under section 30-23-504 (b) (2), Idaho Code, to effectuate a charging order, an amendment to the partnership agreement made after a person becomes a transferee or is dissociated as a partner:

(1) Is effective with regard to any debt, obligation, or other liability of the partnership or its partners to the person in the person's capacity as a transferee or person dissociated as a partner; and

(2) Is not effective to the extent the amendment:

(A) Imposes a new debt, obligation, or other liability on the transferee or person dissociated as a partner; or

(B) Prejudices the rights under section 30-23-701, Idaho Code, of a person that dissociated as a partner before the amendment was made.

(c) If a record delivered by a partnership to the secretary of state for filing becomes effective under this chapter and contains a provision that would be ineffective under section 33-22-105 (c) or (d) (3), Idaho Code, if contained in the partnership agreement, the provision is ineffective in the record.

(d) Subject to subsection (c) of this section, if a record delivered by a partnership to the secretary of state for filing becomes effective and conflicts with a provision of the partnership agreement:

(1) The agreement prevails as to partners, persons dissociated as partners, and transferees; and

(2) The record prevails as to other persons to the extent they reasonably rely on the record.

30-23-108. SIGNING OF RECORDS TO BE DELIVERED FOR FILING TO SECRETARY OF STATE. (a) A record delivered to the secretary of state for filing pursuant to this act must be signed as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a record signed by a partnership must be signed by a person authorized by the partnership.

(2) A record filed on behalf of a dissolved partnership that has no partner must be signed by the person winding up the partnership's business under section 30-23-802(3), Idaho Code, or a person appointed under section 30-23-802(4), Idaho Code, to wind up the business.

(3) A statement of denial by a person under section 30-23-304, Idaho Code, must be signed by that person.

(4) Any other record delivered on behalf of a person to the secretary of state for filing must be signed by that person.

(b) A record filed under this chapter may be signed by an agent. Whenever this chapter requires a particular individual to sign a record and the individual is deceased or incompetent, the record may be signed by a legal representative of the individual.

(c) A person that signs a record as an agent or legal representative affirms as a fact that the person is authorized to sign the record.

30-23-109. LIABILITY FOR INACCURATE INFORMATION IN FILED RECORD. (a) If a record delivered to the secretary of state for filing under this act and filed by the secretary of state contains inaccurate information, a person that suffers loss by reliance on the information may recover damages for the loss from a partner if:

(1) A person that signed the record, or caused another to sign it on the person's behalf, and knew the information to be inaccurate at the time the record was signed; and

(2) Subject to subsection (b) of this section:

(A) The record was delivered for filing on behalf of the partnership; and

(B) The partner had notice of the inaccuracy for a reasonably sufficient time before the information was relied upon so that, before the reliance, the partner reasonably could have:

(i) Effected an amendment under section 30-23-901(f), Idaho Code;

(ii) Filed a petition under section 30-23-112, Idaho Code;

or

(iii) Delivered to the secretary of state for filing a statement of change under section 30-23-906, Idaho Code, or a statement of correction under section 30-23-116, Idaho Code.

(b) To the extent the partnership agreement expressly relieves a partner of responsibility for maintaining the accuracy of information contained in records delivered on behalf of the partnership to the secretary of state for filing under this act and imposes that responsibility on one (1) or more other partners, the liability stated in subsection (a) (2) of this section applies to those other partners and not to the partner that the partnership agreement relieves of the responsibility.

(c) An individual who signs a record authorized or required to be filed under this act affirms under penalty of perjury that the information stated in the record is accurate.

30-23-110. APPLICATION TO EXISTING RELATIONSHIPS. (a) Before July 1, 2017, this chapter governs only:

(1) A partnership formed on or after July 1, 2015; and

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

(b) Except as otherwise provided in subsection (c) of this section, on and after July 1, 2017, this chapter governs all partnerships.

(c) With respect to a partnership that elects pursuant to subsection (a) (2) of this section to be subject to this chapter, after the election takes effect the provisions of this chapter relating to the liability of the partnership's partners to third parties apply:

(1) Before July 1, 2015, to:

(A) A third party that had not done business with the partnership in the year before the election took effect; and

(B) A third party that had done business with the partnership in the year before the election took effect only if the third party knows or has been notified of the election; and

(2) On and after July 1, 2017, to all third parties, but those provisions remain inapplicable to any obligation incurred while those provisions were inapplicable under paragraph (1) (B) of this subsection.

30-23-111. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

(1) Delivery of record - section 30-21-104, Idaho Code.

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

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

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

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

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

(7) Duty of secretary of state to file; review of refusal to file; delivery of record by secretary of state - sections 30-21-206 and 30-21-211, Idaho Code.

(8) Reservation of power to amend or repeal - section 30-21-701, Idaho Code.

(9) Supplemental principles of law - section 30-21-702, Idaho Code.

SECTION 24. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 2, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 2

NATURE OF PARTNERSHIP

30-23-201. PARTNERSHIP AS ENTITY. (a) A partnership is an entity distinct from its partners.

(b) A partnership is the same entity regardless of whether the partnership has a statement of qualification in effect under section 30-23-901, Idaho Code.

30-23-202. FORMATION OF PARTNERSHIP. (a) Except as otherwise provided in subsection (b) of this section, the association of two (2) or more persons to carry on as co-owners a business for profit forms a partnership, whether or not the persons intend to form a partnership.

(b) An association formed under a statute other than this chapter, a predecessor statute, or a comparable statute of another jurisdiction is not a partnership under this chapter.

(c) In determining whether a partnership is formed, the following rules apply:

(1) Joint tenancy, tenancy in common, tenancy by the entirety, joint property, common property, or part ownership does not by itself establish a partnership, even if the co-owners share profits made by the use of the property.

(2) The sharing of gross returns does not by itself establish a partnership, even if the persons sharing them have a joint or common right or interest in property from which the returns are derived.

(3) A person who receives a share of the profits of a business is presumed to be a partner in the business, unless the profits were received in payment:

(A) Of a debt by installments or otherwise;

(B) For services as an independent contractor or of wages or other compensation to an employee;

(C) Of rent;

(D) Of an annuity or other retirement or health benefit to a deceased or retired partner or a beneficiary, representative, or designee of a deceased or retired partner;

(E) Of interest or other charge on a loan, even if the amount of payment varies with the profits of the business, including a direct or indirect present or future ownership of the collateral, or rights to income, proceeds, or increase in value derived from the collateral; or

(F) For the sale of the goodwill of a business or other property by installments or otherwise.

30-23-203. PARTNERSHIP PROPERTY. Property acquired by a partnership is property of the partnership and not of the partners individually.

30-23-204. WHEN PROPERTY IS PARTNERSHIP PROPERTY. (a) Property is partnership property if acquired in the name of:

(1) The partnership; or

(2) One (1) or more partners with an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership but without an indication of the name of the partnership.

(b) Property is acquired in the name of the partnership by a transfer to:

(1) The partnership in its name; or

(2) One (1) or more partners in their capacity as partners in the partnership, if the name of the partnership is indicated in the instrument transferring title to the property.

(c) Property is presumed to be partnership property if purchased with partnership assets, even if not acquired in the name of the partnership or of one (1) or more partners with an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership.

(d) Property acquired in the name of one (1) or more of the partners, without an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership and without use of partnership assets, is presumed to be separate property, even if used for partnership purposes.

SECTION 25. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 3, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 3

RELATIONS OF PARTNERS TO PERSONS DEALING WITH PARTNERSHIP

30-23-301. PARTNER AGENT OF PARTNERSHIP. Subject to the effect of a statement of partnership authority under section 30-23-303, Idaho Code, the following rules apply:

(1) Each partner is an agent of the partnership for the purpose of its business. An act of a partner, including the signing of an instrument in the partnership name, for apparently carrying on in the ordinary course of the partnership business or business of the kind carried on by the partnership binds the partnership, unless the partner did not have authority to act for the partnership in the particular matter and the person with which the partner was dealing knew, or had notice, that the partner lacked authority.

(2) An act of a partner that is not apparently for carrying on in the ordinary course of the partnership's business or business of the kind carried on by the partnership binds the partnership only if the act was actually authorized by all the other partners.

30-23-302. TRANSFER OF PARTNERSHIP PROPERTY. (a) Partnership property may be transferred as follows:

(1) Subject to the effect of a statement of partnership authority under section 30-23-303, Idaho Code, partnership property held in the name of the partnership may be transferred by an instrument of transfer executed by a partner in the partnership name.

(2) Partnership property held in the name of one (1) or more partners with an indication in the instrument transferring the property to them of their capacity as partners or of the existence of a partnership, but without an indication of the name of the partnership, may be transferred by an instrument of transfer executed by the persons in whose name the property is held.

(3) Partnership property held in the name of one (1) or more persons other than the partnership, without an indication in the instrument transferring the property to them of their capacity as partners or of the existence of a partnership, may be transferred by an instrument of transfer executed by the persons in whose name the property is held.

(b) A partnership may recover partnership property from a transferee only if it proves that execution of the instrument of initial transfer did not bind the partnership under section 30-23-301, Idaho Code, and:

(1) As to a subsequent transferee who gave value for property transferred under subsection (a) (1) and (2) of this section, proves that the subsequent transferee knew or had been notified that the person who executed the instrument of initial transfer lacked authority to bind the partnership; or

(2) As to a transferee who gave value for property transferred under subsection (a) (3) of this section, proves that the transferee knew or had been notified that the property was partnership property and that the person who executed the instrument of initial transfer lacked authority to bind the partnership.

(c) A partnership may not recover partnership property from a subsequent transferee if the partnership would not have been entitled to recover the property, under subsection (b) of this section, from any earlier transferee of the property.

(d) If a person holds all the partners' interests in the partnership, all the partnership property vests in that person. The person may sign a record in the name of the partnership to evidence vesting of the property in that person and may file or record the record.

30-23-303. STATEMENT OF PARTNERSHIP AUTHORITY. (a) A partnership may deliver to the secretary of state for filing a statement of partnership authority. The statement:

(1) Must include the name of the partnership; and if the partnership is not a limited liability partnership, the street and mailing addresses of its principal office;

(2) With respect to any position that exists in or with respect to the partnership, may state the authority, or limitations on the authority, of all persons holding the position to:

(A) Execute an instrument transferring real property held in the name of the partnership; or

(B) Enter into other transactions on behalf of, or otherwise act for or bind, the partnership; and

(3) May state the authority, or limitations on the authority, of a specific person to:

(A) Execute an instrument transferring real property held in the name of the partnership; or

(B) Enter into other transactions on behalf of, or otherwise act for or bind, the partnership.

(b) To amend or cancel a statement of authority filed by the secretary of state, a partnership must deliver to the secretary of state for filing an amendment or cancellation stating:

(1) The name of the partnership;

(2) If the partnership is not a limited liability partnership, the street and mailing addresses of the partnership's principal office;

(3) If the partnership is a limited liability partnership, the name and street and mailing addresses of its registered agent;

(4) The date the statement being affected became effective; and

(5) The contents of the amendment or a declaration that the statement is canceled.

(c) A statement of authority affects only the power of a person to bind a partnership to persons that are not partners.

(d) Subject to subsection (c) of this section and section 30-23-103(4)(a), Idaho Code, and except as otherwise provided in subsections (f), (g) and (h) of this section, a limitation on the authority of a person or a position contained in an effective statement of authority is not by itself evidence of any person's knowledge or notice of the limitation.

(e) Subject to subsection (c) of this section, a grant of authority not pertaining to transfers of real property and contained in an effective statement of authority is conclusive in favor of a person that gives value in reliance on the grant, except to the extent that if the person gives value:

(1) The person has knowledge to the contrary;

(2) The statement has been canceled or restrictively amended under subsection (b) of this section; or

(3) A limitation on the grant is contained in another statement of authority that became effective after the statement containing the grant became effective.

(f) Subject to subsection (c) of this section, an effective statement of authority that grants authority to transfer real property held in the name of the partnership is conclusive in favor of a person that gives value in reliance on the grant without knowledge to the contrary, except to the extent that when the person gives value:

(1) The statement has been canceled or restrictively amended under subsection (b) of this section; or

(2) A limitation on the grant is contained in another statement of authority that became effective after the statement containing the grant became effective.

(g) Subject to subsection (c) of this section, if an effective statement of authority containing a limitation on the authority to transfer real property held in the name of a partnership is filed by the secretary of state, all persons are deemed to know of the limitation.

(h) Subject to subsection (i) of this section, an effective statement of dissolution is a cancellation of any filed statement of authority for the purposes of subsection (f) of this section and is a limitation on authority for purposes of subsection (g) of this section.

(i) After a statement of dissolution becomes effective, a partnership may deliver to the secretary of state for filing a statement of authority that is designated as a post-dissolution statement of authority. The statement operates as provided in subsections (f) and (g) of this section.

(j) Unless canceled earlier, an effective statement of authority is canceled by operation of law five (5) years after the date on which the statement, or its most recent amendment, becomes effective.

(k) An effective statement of denial operates as a restrictive amendment under this section.

30-23-304. STATEMENT OF DENIAL. A person named in a filed statement of authority granting that person authority may deliver to the secretary of state for filing a statement of denial that:

- (1) Provides the name of the partnership and the caption of the statement of authority to which the statement of denial pertains; and
- (2) Denies the grant of authority.

30-23-305. PARTNERSHIP LIABLE FOR PARTNER'S ACTIONABLE CONDUCT. (a) A partnership is liable for loss or injury caused to a person, or for a penalty incurred, as a result of a wrongful act or omission, or other actionable conduct, of a partner acting in the ordinary course of business of the partnership or with the actual or apparent authority of the partnership.

(b) If, in the course of the partnership's business or while acting with actual or apparent authority of the partnership, a partner receives or causes the partnership to receive money or property of a person not a partner, and the money or property is misapplied by a partner, the partnership is liable for the loss.

30-23-306. PARTNER'S LIABILITY. (a) Except as otherwise provided in subsections (b) and (c) of this section, all partners are liable jointly and severally for all debts, obligations, and other liabilities of the partnership unless otherwise agreed by the claimant or provided by law.

(b) A person that becomes a partner is not personally liable for a debt, obligation, or other liability of the partnership incurred before the person became a partner.

(c) A debt, obligation, or other liability of a partnership incurred while the partnership is a limited liability partnership is solely the debt, obligation, or other liability of the limited liability partnership. A partner is not personally liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the limited liability partnership solely by reason of being or so acting as a partner. This subsection applies:

- (1) Despite anything inconsistent in the partnership agreement that existed immediately before the vote or consent required to become a limited liability partnership under section 30-23-901(b), Idaho Code; and
- (2) Regardless of the dissolution of the limited liability partnership.

(d) The failure of a limited liability partnership to observe formalities relating to the exercise of its powers or management of its business is not a ground for imposing liability on a partner for a debt, obligation, or other liability of the partnership.

(e) The cancellation or administrative revocation of a limited liability partnership's statement of qualification does not affect the limitation in this section on the liability of a partner for a debt, obligation, or other liability of the partnership incurred while the statement was in effect.

30-23-307. ACTIONS BY AND AGAINST PARTNERSHIP AND PARTNERS. (a) A partnership may sue and be sued in the name of the partnership.

(b) To the extent not inconsistent with section 30-23-306, Idaho Code, a partner may be joined in an action against the partnership or named in a separate action.

(c) A judgment against a partnership is not by itself a judgment against a partner. A judgment against a partnership may not be satisfied from a partner's assets unless there is also a judgment against the partner.

(d) A judgment creditor of a partner may not levy execution against the assets of the partner to satisfy a judgment based on a claim against the partnership unless the partner is personally liable for the claim under section 30-23-306, Idaho Code, and:

(1) A judgment based on the same claim has been obtained against the partnership and a writ of execution on the judgment has been returned unsatisfied in whole or in part;

(2) The partnership is a debtor in bankruptcy;

(3) The partner has agreed that the creditor need not exhaust partnership assets;

(4) A court grants permission to the judgment creditor to levy execution against the assets of a partner based on a finding that partnership assets subject to execution are clearly insufficient to satisfy the judgment, that exhaustion of partnership assets is excessively burdensome, or that the grant of permission is an appropriate exercise of the court's equitable powers; or

(5) Liability is imposed on the partner by law or contract independent of the existence of the partnership.

(e) This section applies to any partnership liability or obligation resulting from a representation by a partner or purported partner under section 30-23-308, Idaho Code.

30-23-308. LIABILITY OF PURPORTED PARTNER. (a) If a person, by words or conduct, purports to be a partner, or consents to being represented by another as a partner, in a partnership or with one (1) or more persons not partners, the purported partner is liable to a person to whom the representation is made, if that person, relying on the representation, enters into a transaction with the actual or purported partnership. If the representation, either by the purported partner or by a person with the purported partner's consent, is made in a public manner, the purported partner is liable to a person who relies upon the purported partnership even if the purported partner is not aware of being held out as a partner to the claimant. If partnership liability results, the purported partner is liable with respect to that liability as if the purported partner were a partner. If no partnership liability results, the purported partner is liable with respect to that liability jointly and severally with any other person consenting to the representation.

(b) If a person is thus represented to be a partner in an existing partnership, or with one (1) or more persons not partners, the purported partner is an agent of persons consenting to the representation to bind them to the same extent and in the same manner as if the purported partner were a partner, with respect to persons who enter into transactions in reliance upon the representation. If all the partners of the existing partnership consent to the representation, a partnership act or obligation results. If fewer than all the partners of the existing partnership consent to the representation, the person acting and the partners consenting to the representation are jointly and severally liable.

(c) A person is not liable as a partner merely because the person is named by another in a statement of partnership authority.

(d) A person does not continue to be liable as a partner merely because of a failure to file a statement of dissociation or to amend a statement of

partnership authority to indicate the partner's dissociation from the partnership.

(e) Except as otherwise provided in subsections (a) and (b) of this section, persons who are not partners as to each other are not liable as partners to other persons.

SECTION 26. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 4, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 4

RELATIONS OF PARTNERS TO EACH OTHER AND TO PARTNERSHIP

30-23-401. PARTNER'S RIGHTS AND DUTIES. (a) Each partner is entitled to an equal share of the partnership profits and, except in the case of a limited liability partnership, is chargeable with a share of the partnership losses in proportion to the partner's share of the profits.

(b) A partnership shall reimburse a partner for any payment made by the partner in the course of the partner's activities on behalf of the partnership, if the partner complied with this section and section 30-23-409, Idaho Code, in making the payment.

(c) A partnership shall indemnify and hold harmless a person with respect to any claim or demand against the person and any debt, obligation, or other liability incurred by the person by reason of the person's former or present capacity as partner, if the claim, demand, debt, obligation, or other liability does not arise from the person's breach of this section or section 30-23-407 or 30-23-409, Idaho Code.

(d) In the ordinary course of its business, a partnership may advance reasonable expenses, including attorney's fees and costs, incurred by a person in connection with a claim or demand against the person by reason of the person's former or present capacity as a partner, if the person promises to repay the partnership if the person ultimately is determined not to be entitled to be indemnified under subsection (c) of this section.

(e) A partnership may purchase and maintain insurance on behalf of a partner against liability asserted against or incurred by the partner in that capacity or arising from that status even if, under section 33-22-105(c) (7), Idaho Code, the partnership agreement could not eliminate or limit the person's liability to the partnership for the conduct giving rise to the liability.

(f) A partnership shall reimburse a partner for an advance to the partnership beyond the amount of capital the partner agreed to contribute.

(g) A payment or advance made by a partner which gives rise to a partnership obligation under subsection (b) or (f) of this section constitutes a loan to the partnership which accrues interest from the date of the payment or advance.

(h) Each partner has equal rights in the management and conduct of the partnership's business.

(i) A partner may use or possess partnership property only on behalf of the partnership.

(j) A partner is not entitled to remuneration for services performed for the partnership, except for reasonable compensation for services rendered in winding up the business of the partnership.

(k) A difference arising as to a matter in the ordinary course of business of a partnership may be decided by a majority of the partners. An act outside the ordinary course of business of a partnership, and an amendment to the partnership agreement, may be undertaken only with the affirmative vote or consent of all of the partners.

30-23-402. BECOMING PARTNER. (a) Upon formation of a partnership, a person becomes a partner under section 30-23-202 (a) , Idaho Code.

(b) After formation of a partnership, a person becomes a partner:

(1) As provided in the partnership agreement;

(2) As a result of a transaction effective under chapter 21, title 30, Idaho Code; or

(3) With the affirmative vote or consent of all the partners.

(c) A person may become a partner without:

(1) Acquiring a transferable interest; or

(2) Making or being obligated to make a contribution to the partnership.

30-23-403. FORM OF CONTRIBUTION. A contribution may consist of property transferred to, services performed for, or another benefit provided to the partnership or an agreement to transfer property to, perform services for, or provide another benefit to the partnership.

30-23-404. LIABILITY FOR CONTRIBUTION. (a) A person's obligation to make a contribution to a partnership is not excused by the person's death, disability, termination, or other inability to perform personally.

(b) If a person does not fulfill an obligation to make a contribution other than money, the person is obligated at the option of the partnership to contribute money equal to the value of the part of the contribution which has not been made.

(c) The obligation of a person to make a contribution may be compromised only by the affirmative vote or consent of all the partners. If a creditor of a limited liability partnership extends credit or otherwise acts in reliance on an obligation described in subsection (a) of this section, without knowledge or notice of a compromise under this subsection, the creditor may enforce the obligation.

30-23-405. SHARING OF AND RIGHT TO DISTRIBUTIONS BEFORE DISSOLUTION. (a) Any distributions made by a partnership before its dissolution and winding up must be in equal shares among partners, except to the extent necessary to comply with a transfer effective under section 30-23-503, Idaho Code, or charging order in effect under section 30-23-504, Idaho Code.

(b) Subject to section 30-23-701, Idaho Code, a person has a right to a distribution before the dissolution and winding up of a partnership only if the partnership decides to make an interim distribution.

(c) A person does not have a right to demand or receive a distribution from a partnership in any form other than money. Except as otherwise provided in section 30-23-806, Idaho Code, a partnership may distribute an asset in kind only if each part of the asset is fungible with each other part and each person receives a percentage of the asset equal in value to the person's share of distributions.

(d) If a partner or transferee becomes entitled to receive a distribution, the partner or transferee is entitled to all remedies available to a creditor of the partnership with respect to the distribution. However, the partnership's obligation to make a distribution is subject to offset for any amount owed to the partnership by the partner or a person dissociated as partner on whose account the distribution is made.

30-23-406. LIMITATIONS ON DISTRIBUTIONS BY LIMITED LIABILITY PARTNERSHIP. (a) A limited liability partnership may not make a distribution, including a distribution under section 30-23-806, Idaho Code, if after the distribution:

(1) The partnership would not be able to pay its debts as they become due in the ordinary course of the partnership's business; or

(2) The partnership's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the partnership were to be dissolved and wound up at the time of the distribution, to satisfy the preferential rights upon dissolution and winding up of partners and transferees whose preferential rights are superior to the rights of persons receiving the distribution.

(b) A limited liability partnership may base a determination that a distribution is not prohibited under subsection (a) of this section on:

(1) Financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances; or

(2) A fair valuation or other method that is reasonable under the circumstances.

(c) Except as otherwise provided in subsection (e) of this section, the effect of a distribution under subsection (a) of this section is measured:

(1) In the case of a distribution as defined in section 30-23-102(4)(A), Idaho Code, as of the earlier of:

(A) The date money or other property is transferred or debt is incurred by the limited liability partnership; or

(B) The date the person entitled to the distribution ceases to own the interest or rights being acquired by the partnership in return for the distribution;

(2) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed; and

(3) In all other cases, as of the date:

(A) The distribution is authorized, if the payment occurs not later than one hundred twenty (120) days after that date; or

(B) The payment is made, if the payment occurs more than one hundred twenty (120) days after the distribution is authorized.

(d) A limited liability partnership's indebtedness to a partner or transferee incurred by reason of a distribution made in accordance with this section is at parity with the partnership's indebtedness to its general, unsecured creditors, except to the extent subordinated by agreement.

(e) A limited liability partnership's indebtedness, including indebtedness issued as a distribution, is not a liability for purposes of subsection (a) of this section if the terms of the indebtedness provide that payment of principal and interest is made only if and to the extent that a payment of a distribution could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is made.

(f) In measuring the effect of a distribution under section 30-23-806, Idaho Code, the liabilities of a dissolved limited liability partnership do not include any claim that has been disposed of under section 30-23-807, 30-23-808 or 30-23-809, Idaho Code.

30-23-407. LIABILITY OF IMPROPER DISTRIBUTIONS BY LIMITED LIABILITY PARTNERSHIP. (a) Except as provided in subsection (b) of this section, if a partner of a limited liability partnership consents to a distribution made in violation of section 30-23-406, Idaho Code, and in consenting to the distribution fails to comply with section 30-23-409, Idaho Code, the partner is personally liable to the partnership for the amount of the distribution that exceeds the amount that could have been distributed without the violation of section 30-23-406, Idaho Code.

(b) To the extent the partnership agreement of a limited liability partnership expressly relieves a partner of the authority and responsibility to consent to distributions and imposes that authority and responsibility on one (1) or more other partners, the liability stated in subsection (a) of this section applies to the other partners and not to

the partner that the partnership agreement relieves of the authority and responsibility.

(c) A person that receives a distribution knowing that the distribution violated section 30-23-406, Idaho Code, is personally liable to the limited liability partnership but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under section 30-23-406, Idaho Code.

(d) A person against which an action is commenced because the person is liable under subsection (a) of this section may:

(1) Implead any other person that is liable under subsection (a) of this section and seek to enforce a right of contribution from the person; and

(2) Implead any person that received a distribution in violation of subsection (c) of this section and seek to enforce a right of contribution from the person in the amount the person received in violation of subsection (c) of this section.

(e) An action under this section is barred unless commenced not later than two (2) years after the distribution.

30-23-408. RIGHTS TO INFORMATION OF PARTNERS AND PERSONS DISSOCIATED AS PARTNER. (a) A partnership shall keep its books and records, if any, at its principal office.

(b) On reasonable notice, a partner may inspect and copy during regular business hours, at a reasonable location specified by the partnership, any record maintained by the partnership regarding the partnership's business, financial condition, and other circumstances, to the extent the information is material to the partner's rights and duties under the partnership agreement or this act.

(c) The partnership shall furnish to each partner:

(1) Without demand, any information concerning the partnership's business, financial condition, and other circumstances that the partnership knows and is material to the proper exercise of the partner's rights and duties under the partnership agreement or this act, except to the extent the partnership can establish that it reasonably believes the member already knows the information; and

(2) On demand, any other information concerning the partnership's business, financial condition, and other circumstances, except to the extent the demand or the information demanded is unreasonable or otherwise improper under the circumstances.

(d) The duty to furnish information under subsection (c) of this section also applies to each partner to the extent the partner knows any of the information described in subsection (c) of this section.

(e) Subject to subsection (j) of this section, on ten (10) days' demand made in a record received by a partnership, a person dissociated as a partner may have access to information to which the person was entitled while a partner if:

(1) The information pertains to the period during which the person was a partner;

(2) The person seeks the information in good faith; and

(3) The person satisfies the requirements imposed on a partner by subsection (b) of this section.

(f) Not later than ten (10) days after receiving a demand under subsection (e) of this section, the partnership in a record shall inform the person that made the demand of:

(1) The information that the partnership will provide in response to the demand and when and where the partnership will provide the information; and

(2) The partnership's reasons for declining, if the partnership declines to provide any demanded information.

(g) A partnership may charge a person that makes a demand under this section the reasonable costs of copying, limited to the costs of labor and material.

(h) A partner or person dissociated as a partner may exercise the rights under this section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the partnership agreement or under subsection (j) of this section applies both to the agent or legal representative and to the partner or person dissociated as a partner.

(i) Subject to section 30-23-505, Idaho Code, the rights under this section do not extend to a person as transferee.

(j) In addition to any restriction or condition stated in the partnership agreement, a partnership, as a matter within the ordinary course of its business, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this section, including designating information confidential and imposing nondisclosure and safeguarding obligations on the recipient. In a dispute concerning the reasonableness of a restriction under this subsection, the partnership has the burden of proving reasonableness.

30-23-409. STANDARDS OF CONDUCT FOR PARTNERS. (a) A partner owes to the partnership and the other partners the duties of loyalty and care stated in subsections (b) and (c) of this section.

(b) The fiduciary duty of loyalty of a partner includes the duties:

(1) To account to the partnership and hold as trustee for it any property, profit, or benefit derived by the partner:

(A) In the conduct or winding up of the partnership's business;

(B) From a use by the partner of the partnership's property; or

(C) From the appropriation of a partnership opportunity;

(2) To refrain from dealing with the partnership in the conduct or winding up of the partnership business as or on behalf of a person having an interest adverse to the partnership; and

(3) To refrain from competing with the partnership in the conduct of the partnership's business before the dissolution of the partnership.

(c) The duty of care of a partner in the conduct or winding up of the partnership business is to refrain from engaging in grossly negligent or reckless conduct, willful or intentional misconduct, or a knowing violation of law.

(d) A partner shall discharge the duties and obligations under this chapter or under the partnership agreement and exercise any rights consistently with the contractual obligation of good faith and fair dealing.

(e) A partner does not violate a duty or obligation under this act or under the partnership agreement solely because the partner's conduct furthers the partner's own interest.

(f) All the partners may authorize or ratify, after full disclosure of all material facts, a specific act or transaction by a partner that otherwise would violate the duty of loyalty.

(g) It is a defense to a claim under subsection (b) (2) of this section and any comparable claim in equity or at common law that the transaction was fair to the partnership.

(h) If, as permitted by subsection (f) of this section or by the partnership agreement, a partner enters into a transaction with the partnership that otherwise would be prohibited by subsection (b) (2) of this section, the partner's rights and obligations arising from the transaction are the same as those of a person that is not a partner.

30-23-410. ACTIONS BY PARTNERSHIP AND PARTNERS. (a) A partnership may maintain an action against a partner for a breach of the partnership agree-

ment, or for the violation of a duty to the partnership, causing harm to the partnership.

(b) A partner may maintain an action against the partnership or another partner, with or without an accounting as to partnership business, to enforce the partner's rights and protect the partner's interests, including rights and interests under the partnership agreement or this act or arising independently of the partnership relationship.

(c) A right to an accounting on dissolution and winding up does not revive a claim barred by law.

30-23-411. CONTINUATION OF PARTNERSHIP BEYOND DEFINITE TERM OR PARTICULAR UNDERTAKING. (a) If a partnership for a definite term or particular undertaking is continued, without an express agreement, after the expiration of the term or completion of the undertaking, the rights and duties of the partners remain the same as they were at the expiration or completion, so far as is consistent with a partnership at will.

(b) If the partners, or those of them who habitually acted in the business during the term or undertaking, continue the business without any settlement or liquidation of the partnership, they are presumed to have agreed that the partnership will continue.

SECTION 27. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 5, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 5

TRANSFERABLE INTERESTS AND RIGHTS OF TRANSFEREES AND CREDITORS

30-23-501. PARTNER NOT CO-OWNER OF PARTNERSHIP PROPERTY. A partner is not a co-owner of partnership property and has no interest in partnership property that can be transferred, either voluntarily or involuntarily.

30-23-502. NATURE OF TRANSFERABLE INTEREST. A transferable interest is personal property.

30-23-503. TRANSFER OF TRANSFERABLE INTEREST. (a) A transfer, in whole or in part, of a transferable interest:

(1) Is permissible, except the transfer of a transferable interest in a professional entity is not permissible without compliance with section 30-21-901(i), Idaho Code;

(2) Does not by itself cause a partner's dissociation or a dissolution and winding up of the partnership business; and

(3) Subject to section 30-23-505, Idaho Code, does not entitle the transferee to:

(A) Participate in the management or conduct of the partnership's business; or

(B) Except as otherwise provided in subsection (c) of this section, have access to records or other information concerning the partnership's business.

(b) A transferee has the right to:

(1) Receive, in accordance with the transfer, distributions to which the transferor would otherwise be entitled; and

(2) Seek under section 30-23-801(5), Idaho Code, a judicial determination that it is equitable to wind up the partnership business.

(c) In a dissolution and winding up of a partnership, a transferee is entitled to an account of the partnership's transactions only from the date of dissolution.

(d) A partnership need not give effect to a transferee's rights under this section until the partnership knows or has notice of the transfer.

(e) A transfer of a transferable interest in violation of a restriction on transfer contained in the partnership agreement is ineffective as to a person having knowledge or notice of the restriction at the time of transfer.

(f) Except as otherwise provided in section 30-23-601(4)(B), Idaho Code, if a partner transfers a transferable interest, the transferor retains the rights of a partner other than the transferable interest transferred and retains all the duties and obligations of a partner.

(g) If a partner transfers a transferable interest to a person that becomes a partner with respect to the transferred interest, the transferee is liable for the partner's obligations under sections 30-23-404 and 30-23-407, Idaho Code, known to the transferee when the transferee becomes a partner.

30-23-504. CHARGING ORDER. (a) On application by a judgment creditor of a partner or transferee, a court may enter a charging order against the transferable interest of the judgment debtor for the unsatisfied amount of the judgment. A charging order constitutes a lien on a judgment debtor's transferable interest and requires the partnership to pay over to the person to which the charging order was issued any distribution that otherwise would be paid to the judgment debtor.

(b) To the extent necessary to effectuate the collection of distributions pursuant to a charging order in effect under subsection (a) of this section, the court may:

(1) Appoint a receiver of the distributions subject to the charging order, with the power to make all inquiries the judgment debtor might have made; and

(2) Make all other orders necessary to give effect to the charging order.

(c) Upon a showing that distributions under a charging order will not pay the judgment debt within a reasonable time, the court may foreclose the lien and order the sale of the transferable interest. The purchaser at the foreclosure sale obtains only the transferable interest, does not thereby become a partner, and is subject to section 30-23-503, Idaho Code.

(d) At any time before foreclosure under subsection (c) of this section, the partner or transferee whose transferable interest is subject to a charging order under subsection (a) of this section may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order.

(e) At any time before foreclosure under subsection (c) of this section, a partnership or one (1) or more partners whose transferable interests are not subject to the charging order may pay to the judgment creditor the full amount due under the judgment and thereby succeed to the rights of the judgment creditor, including the charging order.

(f) This chapter does not deprive any partner or transferee of the benefit of any exemption law applicable to the transferable interest of the partner or transferee.

(g) This section provides the exclusive remedy by which a person seeking, in the capacity of a judgment creditor, to enforce a judgment against a partner or transferee may satisfy the judgment from the judgment debtor's transferable interest.

30-23-505. POWER OF LEGAL REPRESENTATIVE OF DECEASED PARTNER. If a partner dies, the deceased partner's legal representative may exercise:

(1) The rights of a transferee provided in section 30-23-503(c), Idaho Code; and

(2) For purposes of settling the estate, the rights the deceased partner had under section 30-23-408, Idaho Code.

SECTION 28. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 6, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 6
DISSOCIATION

30-23-601. **EVENTS CAUSING DISSOCIATION.** A person is dissociated as a partner when:

(1) The partnership has notice of the person's express will to withdraw as a partner, but, if the person has specified a withdrawal date later than the date the partnership knew or had notice, on that later date;

(2) An event stated in the partnership agreement as causing the person's dissociation occurs;

(3) The person is expelled as a partner pursuant to the partnership agreement;

(4) The person is expelled as a partner by the affirmative vote or consent of all the other partners if:

(A) It is unlawful to carry on the partnership business with the person as a partner;

(B) There has been a transfer of all of the person's transferable interest in the partnership other than:

(i) A transfer for security purposes; or

(ii) A charging order in effect under section 30-23-504, Idaho Code, that has not been foreclosed;

(C) The person is an entity and:

(i) The partnership notifies the person that it will be expelled as a partner because the person has filed a statement of dissolution or the equivalent, the person has been administratively dissolved, the person's charter or the equivalent has been revoked, or the person's right to conduct business has been suspended by the person's jurisdiction of formation; and

(ii) Not later than ninety (90) days after the notification, the statement of dissolution or the equivalent has not been withdrawn, rescinded or revoked or the person's charter or the equivalent or right to conduct business has not been reinstated; or

(D) The person is an unincorporated entity that has been dissolved and whose activities and affairs are being wound up;

(5) On application by the partnership or another partner, the person is expelled as a partner by judicial order because the person:

(A) Has engaged or is engaging in wrongful conduct that has affected adversely and materially, or will affect adversely and materially, the partnership's business;

(B) Has committed willfully or persistently, or is committing willfully or persistently, a material breach of the partnership agreement or a duty or obligation under section 30-23-409, Idaho Code; or

(C) Has engaged or is engaging in conduct relating to the partnership's business which makes it not reasonably practicable to carry on the business with the person as a partner;

(6) The person:

(A) Becomes a debtor in bankruptcy;

(B) Executes an assignment for the benefit of creditors; or

(C) Seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the person or of all or substantially all the person's property;

(7) In the case of an individual:

(A) The individual dies;

(B) A guardian or general conservator for the individual is appointed;

or

(C) A court orders that the individual has otherwise become incapable of performing the individual's duties as a partner under this chapter or the partnership agreement;

(8) In the case of a person that is a testamentary or inter vivos trust or is acting as a partner by virtue of being a trustee of such a trust, the trust's entire transferable interest in the partnership is distributed;

(9) In the case of a person that is an estate or is acting as a partner by virtue of being a personal representative of an estate, the estate's entire transferable interest in the partnership is distributed;

(10) In the case of a person that is not an individual, the existence of the person terminates;

(11) The partnership participates in a merger under chapter 21, title 30, Idaho Code, and:

(A) The partnership is not the surviving entity; or

(B) Otherwise as a result of the merger, the person ceases to be a partner;

(12) The partnership participates in an interest exchange under chapter 21, title 30, Idaho Code, and, as a result of the interest exchange, the person ceases to be a partner;

(13) The partnership participates in a conversion under chapter 21, title 30, Idaho Code;

(14) The partnership participates in a domestication under chapter 21, title 30, Idaho Code, and, as a result of the domestication, the person ceases to be a partner;

(15) The partnership dissolves and completes winding up;

(16) In the case of a professional entity, restrictions or limitations are placed upon a partner's ability to continue to render professional services.

30-23-602. POWER TO DISSOCIATE AS PARTNER -- WRONGFUL DISSOCIATION. (a) A person has the power to dissociate as a partner at any time, rightfully or wrongfully, by withdrawing as a partner by express will under section 30-23-601(1), Idaho Code.

(b) A person's dissociation as a partner is wrongful only if the dissociation:

(1) Is in breach of an express provision of the partnership agreement; or

(2) In the case of a partnership for a definite term or particular undertaking, occurs before the expiration of the term or the completion of the undertaking and:

(A) The person withdraws as a partner by express will, unless the withdrawal follows not later than ninety (90) days after another person's dissociation by death or otherwise under section 30-23-601(6) through (10), Idaho Code, or wrongful dissociation under this subsection;

(B) The person is expelled as a partner by judicial order under section 30-23-601(5), Idaho Code;

(C) The person is dissociated under section 30-23-601(6), Idaho Code; or

(D) In the case of a person that is not a trust other than a business trust, an estate, or an individual, the person is expelled or otherwise dissociated because it willfully dissolved or terminated.

(c) A person that wrongfully dissociates as a partner is liable to the partnership and to the other partners for damages caused by the dissociation. The liability is in addition to any debt, obligation, or other liability of the partner to the partnership or the other partners.

30-23-603. EFFECT OF DISSOCIATION. (a) If a person's dissociation results in a dissolution and winding up of the partnership business, part 8 of this chapter applies; otherwise, part 7 of this chapter applies.

(b) If a person is dissociated as a partner:

(1) The person's right to participate in the management and conduct of the partnership business terminates, except as otherwise provided in section 30-23-802(c), Idaho Code; and

(2) The person's duties and obligations under section 30-23-409, Idaho Code, end with regard to matters arising and events occurring after the person's dissociation except to the extent the partner participates in winding up the partnership's business pursuant to section 30-23-802, Idaho Code.

(c) A person's dissociation does not of itself discharge the person from a debt, obligation, or other liability to the partnership or the other partners that the person incurred while a partner.

SECTION 29. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 7, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 7

PARTNER'S DISSOCIATION WHEN BUSINESS NOT WOUND UP

30-23-701. PERSONS DISSOCIATED AS A PARTNER WITHOUT DISSOLUTION OF PARTNERSHIP. (a) If a person is dissociated as a partner without the dissociation resulting in a dissolution and winding up of the partnership business under section 30-23-801, Idaho Code, the partnership shall cause the person's interest in the partnership to be purchased for a buyout price determined pursuant to subsection (b) of this section.

(b) The buyout price of the interest of a person dissociated as a partner is the amount that would have been distributable to the person under section 30-23-806(b), Idaho Code, if, on the date of dissociation, the assets of the partnership were sold and the partnership were wound up, with the sale price equal to the greater of:

(1) The liquidation value; or

(2) The value based on a sale of the entire business as a going concern without the person.

(c) Interest accrues on the buyout price from the date of dissociation to the date of payment, but damages for wrongful dissociation under section 30-23-602(b), Idaho Code, and all other amounts owing, whether or not presently due, from the person dissociated as a partner to the partnership, must be offset against the buyout price.

(d) A partnership shall defend, indemnify, and hold harmless a person dissociated as a partner whose interest is being purchased against all partnership liabilities, whether incurred before or after the dissociation, except liabilities incurred by an act of the person under section 30-23-702, Idaho Code.

(e) If no agreement for the purchase of the interest of a person dissociated as a partner is reached not later than one hundred twenty (120) days after a written demand for payment, the partnership shall pay, or cause to be paid, in money to the person the amount the partnership estimates to be the buyout price and accrued interest, reduced by any offsets and accrued interest under subsection (c) of this section.

(f) If a deferred payment is authorized under subsection (h) of this section, the partnership may tender a written offer to pay the amount it estimates to be the buyout price and accrued interest, reduced by any offsets under subsection (c) of this section, stating the time of payment, the amount and type of security for payment, and the other terms and conditions of the obligation.

(g) The payment or tender required by subsection (e) or (f) of this section must be accompanied by the following:

- (1) A statement of partnership assets and liabilities as of the date of dissociation;
- (2) The latest available partnership balance sheet and income statement, if any;
- (3) An explanation of how the estimated amount of the payment was calculated; and
- (4) Written notice that the payment is in full satisfaction of the obligation to purchase unless, not later than one hundred twenty (120) days after the written notice, the person dissociated as a partner commences an action to determine the buyout price, any offsets under subsection (c) of this section, or other terms of the obligation to purchase.

(h) A person that wrongfully dissociates as a partner before the expiration of a definite term or the completion of a particular undertaking is not entitled to payment of any part of the buyout price until the expiration of the term or completion of the undertaking, unless the person establishes to the satisfaction of the court that earlier payment will not cause undue hardship to the business of the partnership. A deferred payment must be adequately secured and bear interest.

(i) A person dissociated as a partner may maintain an action against the partnership, pursuant to section 30-23-410 (2) (b), Idaho Code, to determine the buyout price of that person's interest, any offsets under subsection (c) of this section, or other terms of the obligation to purchase. The action must be commenced not later than one hundred twenty (120) days after the partnership has tendered payment or an offer to pay or within one (1) year after written demand for payment if no payment or offer to pay is tendered. The court shall determine the buyout price of the person's interest, any offset due under subsection (c) of this section, and accrued interest, and enter judgment for any additional payment or refund. If deferred payment is authorized under subsection (h) of this section, the court shall also determine the security for payment and other terms of the obligation to purchase. The court may assess reasonable attorney's fees and the fees and expenses of appraisers or other experts for a party to the action, in amounts the court finds equitable, against a party that the court finds acted arbitrarily, vexatiously, or not in good faith. The finding may be based on the partnership's failure to tender payment or an offer to pay or to comply with subsection (g) of this section.

30-23-702. POWER TO BIND AND LIABILITY OF PERSON DISSOCIATED AS PARTNER. (a) After a person is dissociated as a partner without the dissociation resulting in a dissolution and winding up of the partnership business and before the partnership is merged out of existence, converted, or domesticated under chapter 21, title 30, Idaho Code, or dissolved, the partnership is bound by an act of the person only if:

- (1) The act would have bound the partnership under section 30-23-301, Idaho Code, before dissociation; and
- (2) At the time the other party enters into the transaction:
 - (A) Less than two (2) years has passed since the dissociation; and
 - (B) The other party does not know or have notice of the dissociation and reasonably believes that the person is a partner.

(b) If a partnership is bound under subsection (a) of this section, the person dissociated as a partner that caused the partnership to be bound is liable:

- (1) To the partnership for any damage caused to the partnership arising from the obligation incurred under subsection (a) of this section; and
- (2) If a partner or another person dissociated as a partner is liable for the obligation, to the partner or other person for any damage caused to the partner or other person arising from the liability.

30-23-703. LIABILITY OF PERSON DISSOCIATED AS PARTNER TO OTHER PERSONS. (a) Except as otherwise provided in subsection (b) of this section, a person dissociated as a partner is not liable for a partnership obligation incurred after dissociation.

(b) A person that is dissociated as a partner is liable on a transaction entered into by the partnership after the dissociation only if:

(1) The partner would be liable on the transaction; and

(2) At the time the other party enters into the transaction:

(A) Less than two (2) years has passed since the dissociation; and

(B) The other party does not have knowledge or notice of the dissociation and reasonably believes that the person is a partner.

(c) By agreement with a creditor of a partnership and the partnership, a person dissociated as a partner may be released from liability for a debt, obligation, or other liability of the partnership.

(d) A person dissociated as a partner is released from liability for a debt, obligation, or other liability of the partnership if the partnership's creditor, with knowledge or notice of the person's dissociation but without the person's consent, agrees to a material alteration in the nature or time of payment of the debt, obligation or other liability.

30-23-704. STATEMENT OF DISSOCIATION. (a) A person dissociated as a partner or the partnership may deliver to the secretary of state for filing a statement of dissociation stating the name of the partnership and that the person has dissociated from the partnership.

(b) A statement of dissociation is a limitation on the authority of a person dissociated as a partner for the purposes of section 30-23-303(d) and (e), Idaho Code.

30-23-705. CONTINUED USE OF PARTNERSHIP NAME. Continued use of a partnership name, or the name of a person dissociated as a partner as part of the partnership name, by partners continuing the business does not of itself make the person dissociated as a partner liable for an obligation of the partners or the partnership continuing the business.

SECTION 30. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 8, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 8

DISSOLUTION AND WINDING UP

30-23-801. EVENTS CAUSING DISSOLUTION. A partnership is dissolved, and its business must be wound up, upon the occurrence of any of the following:

(1) In a partnership at will, the partnership knows or has notice of a person's express will to withdraw as a partner, other than a partner that has dissociated under section 30-23-601(2) through (10), Idaho Code, but, if the person has specified a withdrawal date later than the date the partnership knew or had notice, on the later date;

(2) In a partnership for a definite term or particular undertaking:

(A) Within ninety (90) days after a person's dissociation by death or otherwise under section 30-23-601(6) through (10), Idaho Code, or wrongful dissociation under section 30-23-602(b), Idaho Code, the affirmative vote or consent of at least half of the remaining partners to wind up the partnership business, for which purpose a person's rightful dissociation pursuant to section 30-23-602(b)(2)(A), Idaho Code, constitutes the expression of that partner's expression of consent to wind up the partnership business;

- (B) The affirmative vote or consent of all the partners to wind up the partnership business; or
- (C) The expiration of the term or the completion of the undertaking;
- (3) An event or circumstance that the partnership agreement states causes dissolution;
- (4) On application by a partner, the entry by the district court of an order dissolving the partnership on the ground that:
 - (A) Conduct of all or substantially all the partnership's business is unlawful;
 - (B) The economic purpose of the partnership is likely to be unreasonably frustrated;
 - (C) Another partner has engaged in conduct relating to the partnership business that makes it not reasonably practicable to carry on the business in partnership with that partner; or
 - (D) It is otherwise not reasonably practicable to carry on the partnership business in conformity with the partnership agreement;
- (5) On application by a transferee, the entry by the district court of an order dissolving the partnership on the ground that it is equitable to wind up the partnership business:
 - (A) After the expiration of the term or completion of the undertaking, if the partnership was for a definite term or particular undertaking at the time of the transfer or entry of the charging order that gave rise to the transfer; or
 - (B) At any time, if the partnership was a partnership at will at the time of the transfer or entry of the charging order that gave rise to the transfer;
- (6) The passage of ninety (90) consecutive days during which the partnership does not have at least two (2) partners.

30-23-802. WINDING UP. (a) A dissolved partnership shall wind up its business and, except as otherwise provided in section 30-23-803, Idaho Code, the partnership continues after dissolution only for the purpose of winding up.

- (b) In winding up its business, the partnership:
 - (1) Shall discharge the partnership's debts, obligations, and other liabilities, settle and close the partnership's business, and marshal and distribute the assets of the partnership; and
 - (2) May:
 - (A) Deliver to the secretary of state for filing a statement of dissolution stating the name of the partnership and that the partnership is dissolved;
 - (B) Preserve the partnership business and property as a going concern for a reasonable time;
 - (C) Prosecute and defend actions and proceedings, whether civil, criminal or administrative;
 - (D) Transfer the partnership's property;
 - (E) Settle disputes by mediation or arbitration;
 - (F) Deliver to the secretary of state for filing a statement of termination stating the name of the partnership and that the partnership is terminated; and
 - (G) Perform other acts necessary or appropriate to the winding up.
- (c) A person whose dissociation as a partner resulted in dissolution may participate in winding up as if still a partner, unless the dissociation was wrongful.
- (d) If a dissolved partnership does not have a partner and no person has the right to participate in winding up under subsection (c) of this section, the personal or legal representative of the last person to have been a partner may wind up the partnership's business. If the representative does not exercise that right, a person to wind up the partnership's business may

be appointed by the affirmative vote or consent of transferees owning a majority of the rights to receive distributions at the time the consent is to be effective. A person appointed under this subsection has the powers of a partner under section 30-23-804, Idaho Code, but is not liable for the debts, obligations, and other liabilities of the partnership solely by reason of having or exercising those powers or otherwise acting to wind up the partnership's business.

(e) On the application of any partner or person entitled under subsection (c) of this section to participate in winding up, the district court may order judicial supervision of the winding up of a dissolved partnership, including the appointment of a person to wind up the partnership's business, if:

- (1) The partnership does not have a partner and within a reasonable time following the dissolution no person has been appointed under subsection (d) of this section; or
- (2) The applicant establishes other good cause.

30-23-803. RESCINDING DISSOLUTION. (a) A partnership may rescind its dissolution, unless a statement of termination applicable to the partnership is effective or the district court has entered an order under section 30-23-801(4) or (5), Idaho Code, dissolving the partnership.

(b) Rescinding dissolution under this section requires:

- (1) The affirmative vote or consent of each partner;
- (2) If the partnership has delivered to the secretary of state for filing a statement of dissolution and:
 - (A) The statement of dissolution has not become effective, delivery to the secretary of state for filing of a statement of withdrawal under section 30-21-114, Idaho Code, applicable to the statement of dissolution; or
 - (B) If a statement of dissolution applicable to the partnership is effective, the delivery to the secretary of state for filing of a statement of recession stating the name of the partnership and that dissolution has been rescinded under this section.

(c) If a partnership rescinds its dissolution:

- (1) The partnership resumes carrying on its business as if dissolution had never occurred;
- (2) Subject to paragraph (3) of this subsection, any liability incurred by the partnership after the dissolution and before the rescission is effective is determined as if dissolution had never occurred; and
- (3) The rights of a third party arising out of conduct in reliance on the dissolution before the third party knew or had notice of the rescission may not be adversely affected.

30-23-804. POWER TO BIND PARTNERSHIP AFTER DISSOLUTION. (a) A partnership is bound by a partner's act after dissolution which:

- (1) Is appropriate for winding up the partnership business; or
- (2) Would have bound the partnership under section 30-23-301, Idaho Code, before dissolution, if, at the time the other party enters into the transaction, the other party does not know or have notice of the dissolution.

(b) A person dissociated as a general partner binds a partnership through an act occurring after dissolution if:

- (1) At the time the other party enters into the transaction:
 - (A) Less than two (2) years has passed since the dissociation; and
 - (B) The other party does not know or have notice of the dissociation and reasonably believes that the person is a partner; and
- (2) The act:
 - (A) Is appropriate for winding up the partnership's business; or

(B) Would have bound the partnership under section 30-23-301, Idaho Code, before dissolution and at the time the other party enters into the transaction the other party does not know or have notice of the dissolution.

30-23-805. LIABILITY AFTER DISSOLUTION OF PARTNER AND PERSON DISSOCIATED AS GENERAL PARTNER. (a) If a partner having knowledge of the dissolution causes a partnership to incur an obligation under section 30-23-804(a), Idaho Code, by an act that is not appropriate for winding up the partnership business, the partner is liable:

(1) To the partnership for any damage caused to the partnership arising from the obligation; and

(2) If another partner or person dissociated as a partner is liable for the obligation, to that other partner or person for any damage caused to that other partner or person arising from the liability.

(b) Except as otherwise provided in this subsection (c) of this section, if a person dissociated as a partner causes a partnership to incur an obligation under section 30-23-804(b), Idaho Code, the person is liable:

(1) To the partnership for any damage caused to the partnership arising from the obligation; and

(2) If a partner or another person dissociated as a partner is liable for the obligation, to the partner or other person for any damage caused to the partner or other person arising from the obligation.

(c) A person dissociated as a general partner is not liable under this subsection if:

(1) Section 30-23-802(c), Idaho Code, permits the person to participate in winding up; and

(2) The act that causes the partnership to be bound under section 30-23-804(b), Idaho Code, is appropriate for winding up the partnership's business.

30-23-806. DISPOSITION OF ASSETS IN WINDING UP -- WHEN CONTRIBUTIONS REQUIRED. (a) In winding up its business, a partnership shall apply its assets, including the contributions required by this section, to discharge the partnership's obligations to creditors, including partners that are creditors.

(b) After a partnership complies with subsection (a) of this section, any surplus must be distributed in the following order, subject to any charging order in effect under section 30-23-504, Idaho Code:

(1) To each person owning a transferable interest that reflects contributions made and not previously returned, an amount equal to the value of the unreturned contributions; and

(2) Among partners in proportion to their respective rights to share in distributions immediately before the dissolution of the partnership, except to the extent necessary to comply with any transfer effective under section 30-23-503, Idaho Code.

(c) If a partnership's assets are insufficient to satisfy all its obligations under subsection (a) of this section, with respect to each unsatisfied obligation incurred when the partnership was not a limited liability partnership, the following rules apply:

(1) Each person that was a partner when the obligation was incurred and that has not been released from the obligation under section 30-23-703(c) and (d), Idaho Code, shall contribute to the partnership for the purpose of enabling the partnership to satisfy the obligation. The contribution due from each of those persons is in proportion to the right to receive distributions in the capacity of a partner in effect for each of those persons when the obligation was incurred.

(2) If a person does not contribute the full amount required under paragraph (1) of this subsection with respect to an unsatisfied obligation

of the partnership, the other persons required to contribute by paragraph (a) of this section on account of the obligation shall contribute the additional amount necessary to discharge the obligation. The additional contribution due from each of those other persons is in proportion to the right to receive distributions in the capacity of a partner in effect for each of those other persons when the obligation was incurred.

(3) If a person does not make the additional contribution required by paragraph (2) of this subsection, further additional contributions are determined and due in the same manner as provided in that paragraph.

(d) A person that makes an additional contribution under subsection (c) (2) or (3) of this section may recover from any person whose failure to contribute under subsection (c) (1) or (2) of this section necessitated the additional contribution. A person may not recover under this subsection more than the amount additionally contributed. A person's liability under this subsection may not exceed the amount the person failed to contribute.

(e) If a partnership does not have sufficient surplus to comply with subsection (b) (1) of this section, any surplus must be distributed among the owners of transferable interests in proportion to the value of the respective unreturned contributions.

(f) All distributions made under subsections (b) and (c) of this section must be paid in money.

30-23-807. KNOWN CLAIMS AGAINST DISSOLVED LIMITED LIABILITY PARTNERSHIP. (a) Except as otherwise provided in subsection (d) of this section, a dissolved limited liability partnership may give notice of a known claim under subsection (b) of this section that has the effect provided in subsection (c) of this section.

(b) A dissolved limited liability partnership may in a record notify its known claimants of the dissolution. The notice must:

- (1) Specify the information required to be included in a claim;
- (2) State that a claim must be in writing and provide a mailing address to which the claim is to be sent;
- (3) State the deadline for receipt of a claim that may not be less than one hundred twenty (120) days after the date the notice is received by the claimant;
- (4) State that the claim will be barred if not received by the deadline; and
- (5) Unless the partnership has been throughout its existence a limited liability partnership, state that the barring of a claim against the partnership will also bar any corresponding claim against any partner or person dissociated as a partner based on section 30-23-306, Idaho Code.

(c) A claim against a dissolved limited liability partnership is barred if the requirements of subsection (b) of this section are met and:

- (1) The claim is not received by the specified deadline; or
- (2) If the claim is timely received but rejected by the limited liability partnership:
 - (A) The partnership causes the claimant to receive a notice in a record stating that the claim is rejected and will be barred unless the claimant commences an action against the partnership to enforce the claim not later than ninety (90) days after the claimant receives the notice; and
 - (B) The claimant does not commence the required action not later than ninety (90) days after the claimant receives the notice.

(d) This section does not apply to a claim based on an event occurring after the date of dissolution or a liability that on that date is contingent.

30-23-808. OTHER CLAIMS AGAINST DISSOLVED LIMITED LIABILITY PARTNERSHIP. (a) A dissolved limited liability partnership may publish notice of its dissolution and request persons having claims against the partnership to present them in accordance with the notice.

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

(1) Be published at least once in a newspaper of general circulation in the county in this state in which the dissolved limited liability partnership's principal office is located or, if the principal office is not located in this state, in the county in which the office of the partnership's registered agent is or was last located;

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

(3) State that a claim against the partnership is barred unless an action to enforce the claim is commenced not later than three (3) years after publication of the notice; and

(4) Unless the partnership has been throughout its existence a limited liability partnership, state that the barring of a claim against the partnership will also bar any corresponding claim against any partner or person dissociated as a partner based on section 30-23-306, Idaho Code.

(c) If a dissolved limited liability partnership publishes a notice in accordance with subsection (b) of this section, the claim of each of the following claimants is barred unless the claimant commences an action to enforce the claim against the partnership not later than three (3) years after the publication date of the notice:

(1) A claimant that did not receive notice in a record under section 30-23-807, Idaho Code;

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

(3) A claimant whose claim is contingent at or based on an event occurring after the date of dissolution.

(d) A claim not barred under this section or section 30-23-807, Idaho Code, may be enforced:

(1) Against a dissolved limited liability partnership, to the extent of its undistributed assets;

(2) Except as otherwise provided in section 30-23-809, Idaho Code, if assets of the partnership have been distributed after dissolution, against a partner or transferee to the extent of that person's proportionate share of the claim or of the partnership's assets distributed to the partner or transferee after dissolution, whichever is less, but a person's total liability for all claims under this paragraph may not exceed the total amount of assets distributed to the person after dissolution; and

(3) Against any person liable on the claim under sections 30-23-306, 30-23-703 and 30-23-805, Idaho Code.

30-23-809. COURT PROCEEDINGS. (a) A dissolved limited liability partnership that has published a notice under section 30-23-808, Idaho Code, may file an application with the district court in the county where the partnership's principal office is located or, if the principal office is not located in this state, where the office of its registered agent is or was last located, for a determination of the amount and form of security to be provided for payment of claims that are reasonably expected to arise after the date of dissolution based on facts known to the partnership and:

(1) At the time of the application;

(A) Are contingent; or

(B) Have not been made known to the partnership; or

(2) Are based on an event occurring after the date of dissolution.

(b) Security is not required for any claim that is or is reasonably anticipated to be barred under section 30-23-807, Idaho Code.

(c) Not later than ten (10) days after the filing of an application under subsection (a) of this section, the dissolved limited liability partnership shall give notice of the proceeding to each claimant holding a contingent claim known to the partnership.

(d) In any proceeding under this section, the court may appoint a guardian ad litem to represent all claimants whose identities are unknown. The reasonable fees and expenses of the guardian, including all reasonable expert witness fees, must be paid by the dissolved limited liability partnership.

(e) A dissolved limited liability partnership that provides security in the amount and form ordered by the court under subsection (a) of this section satisfies the partnership's obligations with respect to claims that are contingent, have not been made known to the partnership, or are based on an event occurring after the date of dissolution, and such claims may not be enforced against a partner or transferee on account of assets received in liquidation.

30-23-810. LIABILITY OF PARTNER AND PERSON DISSOCIATED AS PARTNER WHEN CLAIM AGAINST PARTNERSHIP BARRED. If a claim against a dissolved partnership is barred under section 30-23-807, 30-23-808 or 30-23-809, Idaho Code, any corresponding claim under section 30-23-306, 30-23-703 or 30-23-805, Idaho Code, is also barred.

SECTION 31. That Chapter 23, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 9, Chapter 23, Title 30, Idaho Code, and to read as follows:

PART 9

LIMITED LIABILITY PARTNERSHIP

30-23-901. STATEMENT OF QUALIFICATION. (a) A partnership may become a limited liability partnership pursuant to this section.

(b) The terms and conditions on which a partnership becomes a limited liability partnership must be approved by the affirmative vote or consent necessary to amend the partnership agreement except, in the case of a partnership agreement that expressly addresses obligations to contribute to the partnership, the affirmative vote or consent necessary to amend those provisions.

(c) After the approval required by subsection (b) of this section, a partnership may become a limited liability partnership by delivering to the secretary of state for filing a statement of qualification. The statement must contain:

- (1) The name of the partnership;
- (2) The street and mailing addresses of the partnership's principal office and, if different, the street address of an office in this state, if any;
- (3) The information required by section 30-21-404 (a), Idaho Code;
- (4) A statement that the partnership elects to become a limited liability partnership; and
- (5) If the partnership is a professional entity, a statement that the partnership is a professional limited liability partnership and the principal profession or professions for which the partnership's partners are duly licensed or otherwise legally authorized to render professional services.

(d) A partnership's status as a limited liability partnership remains effective, regardless of changes in the partnership, until it is canceled

pursuant to subsection (f) of this section or administratively revoked pursuant to section 30-23-902, Idaho Code.

(e) The status of a partnership as a limited liability partnership and the protection against liability of its partners for the debts, obligations, or other liabilities of the partnership while it is a limited liability partnership is not affected by errors or later changes in the information required to be contained in the statement of qualification.

(f) A limited liability partnership may amend or cancel its statement of qualification by delivering to the secretary of state for filing a statement of amendment or cancellation. The statement must be approved by the affirmative vote or consent of all the partners and state the name of the limited liability partnership and in the case of:

- (1) An amendment, state the text of the amendment; and
- (2) A cancellation, state that the statement of qualification is canceled.

30-23-902. PERMITTED NAMES. The name of a partnership that is not a limited liability partnership may not contain the phrase "Registered Limited Liability Partnership" or "Limited Liability Partnership" or the abbreviation "R.L.L.P.," "L.L.P.," "RLLP" or "LLP."

30-23-903. ADMINISTRATIVE REVOCATION OF STATEMENT OF QUALIFICATION. (a) The secretary of state may commence a proceeding under subsection (b) of this section to revoke the statement of qualification of a limited liability partnership administratively if the partnership does not:

- (1) Deliver an annual report to the secretary of state by the date it is due;
- (2) Have a registered agent in this state for sixty (60) consecutive days; or
- (3) The secretary of state has credible information that the limited liability partnership has failed to notify the secretary of state within sixty (60) days after the occurrence that its registered agent has been changed or that its registered agent has resigned.

(b) If the secretary of state determines that one (1) or more grounds exist for administratively revoking a statement of qualification, the secretary of state shall serve the partnership pursuant to section 30-21-212, Idaho Code, with notice in a record of the secretary of state's determination.

(c) If a limited liability partnership, not later than sixty (60) days after service of the notice is effected under subsection (b) of this section, does not cure or demonstrate to the satisfaction of the secretary of state the nonexistence of each ground determined by the secretary of state, the secretary of state shall administratively revoke the statement of qualification by signing a statement of administrative revocation that recites the grounds for revocation and the effective date of the revocation. The secretary of state shall file the statement and serve a copy on the partnership pursuant to section 30-21-212, Idaho Code.

(d) An administrative revocation under subsection (c) of this section affects only a partnership's status as a limited liability partnership and is not an event causing dissolution of the partnership.

(e) The administrative revocation of a statement of qualification of a limited liability partnership does not terminate the authority of its registered agent.

30-23-904. REINSTATEMENT. (a) A partnership whose statement of qualification has been revoked administratively under section 30-23-903, Idaho Code, may apply to the secretary of state for reinstatement of the statement of qualification not later than ten (10) years after the effective date of the revocation. The application must state:

- (1) The name of the partnership at the time of the administrative revocation of its statement of qualification and, if needed, a different name that satisfies sections 30-21-301 and 30-21-302, Idaho Code;
- (2) The address of the principal office of the partnership and the information required by section 30-21-404(a), Idaho Code;
- (3) The effective date of administrative revocation of the partnership's statement of qualification; and
- (4) That the grounds for revocation did not exist or have been cured.

(b) To have its statement of qualification reinstated, a partnership must pay all fees, taxes, interest and penalties that were due to the secretary of state at the time of the administrative revocation and all fees, taxes, interest and penalties that would have been due to the secretary of state while the partnership's statement of qualification was revoked administratively.

(c) If the secretary of state determines that an application under subsection (a) of this section contains the required information, is satisfied that the information is correct, and determines that all payments required to be made to the secretary of state by subsection (b) of this section have been made, the secretary of state shall:

- (1) Cancel the statement of revocation and prepare a statement of reinstatement that states the secretary of state's determination and the effective date of reinstatement; and
- (2) File the statement of reinstatement and serve a copy on the partnership.

(d) When reinstatement under this section is effective, the following rules apply:

- (1) The reinstatement relates back to and takes effect as of the effective date of the administrative revocation;
- (2) The partnership's status as a limited liability partnership continues as if the revocation had not occurred; and
- (3) The rights of a person arising out of an act or omission in reliance on the revocation before the person knew or had notice of the reinstatement.

30-23-905. JUDICIAL REVIEW OF DENIAL OF REINSTATEMENT. (a) If the secretary of state denies a partnership's application for reinstatement following administrative revocation of the partnership's statement of qualification, the secretary of state shall serve the partnership with notice in a record that explains the reasons for the denial.

(b) Within thirty (30) days after service of a notice of denial of reinstatement under subsection (a) of this section, a partnership may appeal from the denial by petitioning the district court of Ada county to set aside the revocation. The petition must be served on the secretary of state and contain a copy of the secretary of state's notice of revocation, the company's application for reinstatement, and the secretary of state's notice of denial.

(c) The district court may, if grounds exist, order the secretary of state to reinstate a partnership or take other action the court considers appropriate.

30-23-906. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

- (1) Reservation of name - section 30-21-303, Idaho Code.
- (2) Registration of name - section 30-21-304, Idaho Code.
- (3) Registered agent - section 30-21-404, Idaho Code.
- (4) Change of registered agent or address for registered agent by limited liability partnership - section 30-21-407, Idaho Code.
- (5) Resignation of registered agent - section 30-21-410, Idaho Code.

(6) Change of name or address by registered agent - sections 30-21-408 and 30-21-409, Idaho Code.

(7) Service of process, notice, or demand - section 30-21-412, Idaho Code.

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

SECTION 32. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 24, Title 30, Idaho Code, and to read as follows:

CHAPTER 24
LIMITED PARTNERSHIPS

SECTION 33. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 1
GENERAL PROVISIONS

30-24-101. **SHORT TITLE.** This chapter may be cited as the Idaho Uniform Limited Partnership Act.

30-24-102. **DEFINITIONS.** (a) In this chapter:

(1) "Certificate of limited partnership" means the certificate required by section 30-24-201, Idaho Code. The term includes the certificate as amended or restated.

(2) "Contribution," except in the phrase "right of contribution," means property or a benefit described in section 30-24-501, Idaho Code, which is provided by a person to a limited partnership to become a partner or in the person's capacity as a partner.

(3) "Distribution" means a transfer of money or other property from a limited partnership to a person on account of a transferable interest or in the person's capacity as a partner. The term:

(A) Includes:

(i) A redemption or other purchase by a limited partnership of a transferable interest; and

(ii) A transfer to a partner in return for the partner's relinquishment of any right to participate as a partner in the management or conduct of the partnership's activities and affairs or to have access to records or other information concerning the partnership's activities and affairs; and

(B) Does not include amounts constituting reasonable compensation for present or past service or payments made in the ordinary course of business under a bona fide retirement plan or other bona fide benefits program.

(4) "General partner" means a person that:

(A) Has become a general partner under section 30-24-401, Idaho Code, or was a general partner in a partnership when the partnership became subject to this chapter under section 30-24-112, Idaho Code; and

(B) Has not dissociated as a general partner under section 30-24-603, Idaho Code.

(5) "Limited liability limited partnership" means a limited partnership whose certificate of limited partnership states that the partnership is a limited liability limited partnership.

(6) "Limited partner" means a person that:

(A) Has become a limited partner under section 30-24-301, Idaho Code, or was a limited partner in a limited partnership when the partnership became subject to this chapter under section 30-24-112, Idaho Code; and

(B) Has not dissociated under section 30-24-601, Idaho Code.

(7) "Limited partnership" means an entity formed under this chapter or that becomes subject to this chapter under chapter 22, title 30, Idaho Code, or section 30-24-112, Idaho Code. The term includes a limited liability limited partnership.

(8) "Partner" means a limited partner or general partner.

(9) "Partnership agreement" means the agreement, whether or not referred to as a partnership agreement and whether oral, implied, in a record, or in any combination thereof, of all the partners of a limited partnership concerning the matters described in section 30-24-105(a), Idaho Code. The term includes the agreement as amended or restated.

(10) "Required information" means the information that a limited partnership is required to maintain under section 30-24-108, Idaho Code.

(11) "Transferable interest" means the right, as initially owned by a person in the person's capacity as a partner, to receive distributions from a limited partnership, whether or not the person remains a partner or continues to own any part of the right. The term applies to any fraction of the interest, by whomever owned.

(12) "Transferee" means a person to which all or part of a transferable interest has been transferred, whether or not the transferor is a partner. The term includes a person that owns a transferable interest under section 30-24-602(a)(3) or 30-24-605(a)(4), Idaho Code.

(b) The following definitions outside this chapter apply to this chapter:

- (1) "Debtor in bankruptcy" - section 30-21-102(7), Idaho Code.
- (2) "Foreign" - section 30-21-102(15), Idaho Code.
- (3) "Jurisdiction" - section 30-21-102(22), Idaho Code.
- (4) "Jurisdiction of formation" - section 30-21-102(23), Idaho Code.
- (5) "Person" - section 30-21-102(35), Idaho Code.
- (6) "Principal office" - section 30-21-102(36), Idaho Code.
- (7) "Property" - section 30-21-102(41), Idaho Code.
- (8) "Record" - section 30-21-102(44), Idaho Code.
- (9) "Registered agent" - section 30-21-102(45), Idaho Code.
- (10) "Sign" - section 30-21-102(47), Idaho Code.
- (11) "State" - section 30-21-102(48), Idaho Code.
- (12) "Transfer" - section 30-21-102(50), Idaho Code.

30-24-103. KNOWLEDGE -- NOTICE. (a) A person knows a fact if the person:

- (1) Has actual knowledge of it; or
- (2) Is deemed to know it under law other than this chapter.

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

- (1) Has reason to know the fact from all the facts known to the person at the time in question; or
- (2) Is deemed to have notice of the fact under subsection (c) or (d) of this section.

(c) A certificate of limited partnership on file in the office of the secretary of state is notice that the partnership is a limited partnership and the persons designated in the certificate as general partners are general partners. Except as otherwise provided in subsection (d) of this section, the certificate is not notice of any other fact.

(d) A person not a partner is deemed to have notice of:

- (1) Another person's dissociation as a general partner ninety (90) days after an amendment to the certificate of limited partnership that states that the other person has dissociated becomes effective or

ninety (90) days after a statement of dissociation pertaining to the other person becomes effective, whichever occurs first;

(2) A limited partnership's:

(A) Dissolution ninety (90) days after an amendment to the certificate of limited partnership stating that the limited partnership is dissolved becomes effective;

(B) Termination ninety (90) days after a statement of termination under section 30-24-802 (b) (2) (F), Idaho Code, becomes effective; and

(C) Participation in a merger, interest exchange, conversion, or domestication ninety (90) days after articles of merger, interest exchange, conversion, or domestication under chapter 22, title 30, Idaho Code, become effective.

(e) Subject to section 30-21-212, Idaho Code, a person notifies another person of a fact by taking steps reasonably required to inform the other person in ordinary course, whether or not those steps cause the other person to know the fact.

(f) A general partner's knowledge or notice of a fact relating to the limited partnership is effective immediately as knowledge of or notice to the partnership, except in the case of a fraud on the partnership committed by or with the consent of the general partner. A limited partner's knowledge or notice of a fact relating to the partnership is not effective as knowledge of or notice to the partnership.

30-24-104. GOVERNING LAW. The law of this state governs:

(1) The internal affairs of a limited partnership; and

(2) The liability of a partner as partner for the debts, obligations, or other liabilities of a limited partnership.

30-24-105. PARTNERSHIP AGREEMENT -- SCOPE -- FUNCTION -- LIMITATIONS. (a) Except as otherwise provided in subsections (c) and (d) of this section, the partnership agreement governs:

(1) Relations among the partners as partners and between the partners and the limited partnership;

(2) The activities and affairs of the partnership and the conduct of those activities and affairs; and

(3) The means and conditions for amending the partnership agreement.

(b) To the extent the partnership agreement does not provide for a matter described in subsection (a) of this section, this chapter governs the matter.

(c) A partnership agreement may not:

(1) Vary the provisions of chapter 21, title 30, Idaho Code;

(2) Vary the law applicable under section 30-24-104, Idaho Code;

(3) Vary a limited partnership's capacity under section 30-24-111, Idaho Code, to sue and be sued in its own name;

(4) Vary any requirement, procedure, or other provision of this act pertaining to:

(A) Registered agents; or

(B) The secretary of state, including provisions pertaining to records authorized or required to be delivered to the secretary of state for filing under this act;

(5) Vary the provisions of section 30-21-210, Idaho Code;

(6) Vary the right of a general partner under section 30-24-406 (b) (2), Idaho Code, to vote on or consent to an amendment to the certificate of limited partnership which deletes a statement that the limited partnership is a limited liability limited partnership;

(7) Alter or eliminate the duty of loyalty or the duty of care except as otherwise provided in subsection (d) of this section;

- (8) Eliminate the contractual obligation of good faith and fair dealing under sections 30-24-305(a) and 30-24-409(d), Idaho Code, but the partnership agreement may prescribe the standards, if not manifestly unreasonable, by which the performance of the obligation is to be measured;
- (9) Relieve or exonerate a person from liability for conduct involving bad faith, willful or intentional misconduct, or knowing violation of law;
- (10) Vary the information required under section 30-24-108, Idaho Code, or unreasonably restrict the duties and rights under section 30-24-304 or 30-24-407, Idaho Code, but the partnership agreement may impose reasonable restrictions on the availability and use of information obtained under those sections and may define appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on use;
- (11) Vary the power of a person to dissociate as a general partner under section 30-24-604(a), Idaho Code, except to require that the notice under section 30-24-603(1), Idaho Code, be in a record;
- (12) Vary the causes of dissolution specified in section 30-24-801(a)(6), Idaho Code;
- (13) Vary the requirement to wind up the partnership's activities and affairs as specified in section 30-24-802(a), (b)(1) and (d), Idaho Code;
- (14) Unreasonably restrict the right of a partner to maintain an action under part 9 of this chapter;
- (15) Vary the provisions of section 30-24-905, Idaho Code, but the partnership agreement may provide that the partnership may not have a special litigation committee;
- (16) Vary the right of a partner to approve a merger, interest exchange, conversion, or domestication under section 30-22-203(a)(2), 30-22-303(a)(2), 30-22-403(a)(2) or 30-22-503(a)(2), Idaho Code;
- (17) Vary any requirement, procedure, or other provision of this chapter pertaining to the secretary of state, including provisions pertaining to records authorized or required to be delivered to the secretary of state for filing under this chapter; or
- (18) Except as otherwise provided in sections 30-24-106 and 30-24-107(b), Idaho Code, restrict the rights under this chapter of a person other than a partner.
- (d) Subject to subsection (c)(8) of this section, without limiting other terms that may be included in a partnership agreement, the following rules apply:
- (1) The partnership agreement may:
 - (A) Specify the method by which a specific act or transaction that would otherwise violate the duty of loyalty may be authorized or ratified by one (1) or more disinterested and independent persons after full disclosure of all material facts; and
 - (B) Alter the prohibition in section 30-24-405(a)(2), Idaho Code, so that the prohibition requires only that the company's total assets not be less than the sum of its total liabilities.
 - (2) If not manifestly unreasonable, the partnership agreement may:
 - (A) Alter or eliminate the aspects of the duty of loyalty stated in section 30-24-409(b), Idaho Code;
 - (B) Identify specific types or categories of activities that do not violate the duty of loyalty;
 - (C) Alter the duty of care, but may not authorize conduct involving bad faith, willful or intentional misconduct, or knowing violation of law; and
 - (D) Alter or eliminate any other fiduciary duty.

(e) The court shall decide as a matter of law whether a term of a partnership agreement is manifestly unreasonable under subsection (c) (7) or (d) (2) of this section. The court:

(1) Shall make its determination as of the time the challenged term became part of the partnership agreement and by considering only circumstances existing at that time; and

(2) May invalidate the term only if, in light of the purposes, activities, and affairs of the limited partnership, it is readily apparent that:

(A) The objective of the term is unreasonable; or

(B) The term is an unreasonable means to achieve the provision's objective.

30-24-106. PARTNERSHIP AGREEMENT -- EFFECT ON LIMITED PARTNERSHIP AND PERSON BECOMING PARTNER -- PREFORMATION AGREEMENT. (a) A limited partnership is bound by and may enforce the partnership agreement, whether or not the partnership has itself manifested assent to the agreement.

(b) A person that becomes a partner of a limited partnership is deemed to assent to the partnership agreement.

(c) Two (2) or more persons intending to become the initial partners of a limited partnership may make an agreement providing that upon the formation of the partnership the agreement will become the partnership agreement.

30-24-107. PARTNERSHIP AGREEMENT -- EFFECT ON THIRD PARTIES -- RELATIONSHIP TO RECORDS EFFECTIVE ON BEHALF OF LIMITED PARTNERSHIP. (a) A partnership agreement may specify that its amendment requires the approval of a person that is not a party to the agreement or the satisfaction of a condition. An amendment is ineffective if its adoption does not include the required approval or satisfy the specified condition.

(b) The obligations of a limited partnership and its partners to a person in the person's capacity as a transferee or person dissociated as a partner are governed by the partnership agreement. Subject only to a court order issued under section 30-24-703 (b) (2), Idaho Code, to effectuate a charging order, an amendment to the partnership agreement made after a person becomes a transferee or is dissociated as a partner:

(1) Is effective with regard to any debt, obligation, or other liability of the partnership or its partners to the person in the person's capacity as a transferee or person dissociated as a partner; and

(2) Is not effective to the extent the amendment imposes a new debt, obligation, or other liability on the transferee or person dissociated as a partner.

(c) If a record delivered by a limited partnership to the secretary of state for filing becomes effective and contains a provision that would be ineffective under section 30-24-105 (c) or (d) (2), Idaho Code, if contained in the partnership agreement, the provision is ineffective in the record.

(d) Subject to subsection (c) of this section, if a record delivered by a limited partnership to the secretary of state for filing becomes effective and conflicts with a provision of the partnership agreement:

(1) The agreement prevails as to partners, persons dissociated as partners, and transferees; and

(2) The record prevails as to other persons to the extent they reasonably rely on the record.

30-24-108. REQUIRED INFORMATION. A limited partnership shall maintain at its principal office the following information:

(a) A current list showing the full name and last known street and mailing address of each partner, separately identifying the general partners, in alphabetical order, and the limited partners, in alphabetical order;

(b) A copy of the initial certificate of limited partnership and all amendments to and restatements of the certificate, together with signed copies of any powers of attorney under which any certificate, amendment, or restatement has been signed;

(c) A copy of any filed articles of merger, interest exchange, conversion, or domestication;

(d) A copy of the partnership's federal, state, and local income tax returns and reports, if any, for the three (3) most recent years;

(e) A copy of any partnership agreement made in a record and any amendment made in a record to any partnership agreement;

(f) A copy of any financial statement of the partnership for the three (3) most recent years;

(g) A copy of the three (3) most recent annual reports delivered by the partnership to the secretary of state pursuant to section 30-21-213, Idaho Code;

(h) A copy of any record made by the partnership during the past three (3) years of any consent given by or vote taken of any partner pursuant to this act or the partnership agreement; and

(i) Unless contained in a partnership agreement made in a record, a record stating:

(1) A description and statement of the agreed value of contributions other than money made and agreed to be made by each partner;

(2) The times at which, or events on the happening of which, any additional contributions agreed to be made by each partner are to be made;

(3) For any person that is both a general partner and a limited partner, a specification of what transferable interest the person owns in each capacity; and

(4) Any events upon the happening of which the partnership is to be dissolved and its activities and affairs wound up.

30-24-109. DUAL CAPACITY. A person may be both a general partner and a limited partner. A person that is both a general and limited partner has the rights, powers, duties, and obligations provided by this chapter and the partnership agreement in each of those capacities. When the person acts as a general partner, the person is subject to the obligations, duties, and restrictions under this chapter and the partnership agreement for general partners. When the person acts as a limited partner, the person is subject to the obligations, duties, and restrictions under this chapter and the partnership agreement for limited partners.

30-24-110. NATURE, PURPOSE AND DURATION OF LIMITED PARTNERSHIP. (a) A limited partnership is an entity distinct from its partners. A limited partnership is the same entity regardless of whether its certificate states that the limited partnership is a limited liability limited partnership.

(b) A limited partnership may have any lawful purpose.

(c) A limited partnership has perpetual duration.

30-24-111. POWERS. A limited partnership has the capacity to sue and be sued in its own name and the power to do all things necessary or convenient to carry on its activities and affairs.

30-24-112. APPLICATION TO EXISTING RELATIONSHIPS. (a) Before July 1, 2017, this chapter governs only:

(1) A limited partnership formed on or after July 1, 2015; and

(2) Except as otherwise provided in subsections (c) and (d) of this section, a limited partnership formed before July 1, 2015, which elects, in the manner provided in its partnership agreement or by law for amending the partnership agreement, to be subject to this chapter.

(b) Except as otherwise provided in subsections (c) and (d) of this section, on and after July 1, 2017, this chapter governs all limited partnerships.

(c) With respect to a limited partnership formed before July 1, 2006, the following rules apply except as the partners otherwise elect in the manner provided in the partnership agreement or by law for amending the partnership agreement:

(1) Section 30-24-110(c), Idaho Code, does not apply and the limited partnership has whatever duration it had under the law applicable immediately before July 1, 2006.

(2) The limited partnership is not required to amend its certificate of limited partnership to comply with section 30-24-201(b)(5), Idaho Code.

(3) Sections 30-24-601 and 30-24-602, Idaho Code, do not apply and a limited partner has the same right and power to dissociate from the limited partnership, with the same consequences, as existed immediately before July 1, 2006.

(4) Section 30-24-603(4), Idaho Code, does not apply.

(5) Section 30-24-603(5), Idaho Code, does not apply and a court has the same power to expel a general partner as the court had immediately before July 1, 2006.

(6) Section 30-24-801(a)(3) and (4), Idaho Code, does not apply and the connection between a person's dissociation as a general partner and the dissolution of the limited partnership is the same as existed immediately before July 1, 2006.

(d) With respect to a limited partnership that elects pursuant to subsection (a)(2) of this section to be subject to this chapter, after the election takes effect the provisions of this chapter relating to the liability of the limited partnership's general partners to third parties apply:

(1) Before July 1, 2017, to:

(A) A third party that had not done business with the limited partnership in the year before the election took effect; and

(B) A third party that had done business with the limited partnership in the year before the election took effect only if the third party knows or has been notified of the election; and

(2) On and after July 1, 2017, to all third parties, but those provisions remain inapplicable to any obligation incurred while those provisions were inapplicable under paragraph (1)(B) of this subsection.

30-24-113. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

(1) Supplemental principles of law - section 30-21-702, Idaho Code.

(2) Permitted names - sections 30-21-301 and 30-21-302, Idaho Code.

(3) Reservation of name - section 30-21-303, Idaho Code.

(4) Registration of name - section 30-21-304, Idaho Code.

(5) Registered agent - sections 30-21-402 and 30-21-404, Idaho Code.

(6) Change of registered agent or address for registered agent by limited partnership - section 30-21-407, Idaho Code.

(7) Resignation of registered agent - section 30-21-410, Idaho Code.

(8) Change of name or address by registered agent - sections 30-21-408 and 30-21-409, Idaho Code.

(9) Service of process, notice or demand - section 30-21-412, Idaho Code.

(10) Delivery of record - section 30-21-104, Idaho Code.

(11) Reservation of power to amend or repeal - section 30-21-701, Idaho Code.

SECTION 34. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 2, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 2

FORMATION ; CERTIFICATE OF LIMITED PARTNERSHIP AND OTHER FILINGS

30-24-201. FORMATION OF LIMITED PARTNERSHIP -- CERTIFICATE OF LIMITED PARTNERSHIP. (a) To form a limited partnership, a person must deliver a certificate of limited partnership to the secretary of state for filing.

(b) A certificate of limited partnership must state:

- (1) The name of the limited partnership, which must comply with sections 30-21-301 and 30-21-302 (b) , Idaho Code;
- (2) The street and mailing addresses of the partnership's principal office;
- (3) The information required by section 30-21-404 (a) , Idaho Code;
- (4) The name and the street and mailing addresses of each general partner;
- (5) Whether the limited partnership is a limited liability limited partnership; and
- (6) If the partnership is a professional entity, a statement that the partnership is a professional limited partnership or professional limited liability limited partnership and the principal profession or professions for which the partnership's partners are duly licensed or otherwise legally authorized to render professional services.

(c) A certificate of limited partnership may contain statements as to matters other than those required by subsection (b) of this section, but may not vary or otherwise affect the provisions specified in section 30-24-105(c) and (d) , Idaho Code, in a manner inconsistent with that section. The secretary of state shall not accept partnership agreements for filing.

(d) A limited partnership is formed when:

- (1) The certificate of limited partnership becomes effective;
- (2) At least two (2) persons have become partners;
- (3) At least one (1) person has become a general partner; and
- (4) At least one (1) person has become a limited partner.

30-24-202. AMENDMENT OR RESTATEMENT OF CERTIFICATE OF LIMITED PARTNERSHIP. (a) A certificate of limited partnership may be amended or restated at any time.

(b) To amend its certificate of limited partnership, a limited partnership must deliver to the secretary of state for filing an amendment stating:

- (1) The name of the partnership;
- (2) The date of filing of its initial certificate; and
- (3) The text of the amendment.

(c) To restate its certificate of limited partnership, a limited partnership must deliver to the secretary of state for filing a restatement designated as such in its heading.

(d) A limited partnership shall promptly deliver to the secretary of state for filing an amendment to a certificate of limited partnership to reflect:

- (1) The admission of a new general partner;
- (2) The dissociation of a person as a general partner; or
- (3) The appointment of a person to wind up the limited partnership's activities and affairs under section 30-24-802 (c) or (d) , Idaho Code.

(e) If a general partner knows that any information in a filed certificate of limited partnership was inaccurate when the certificate was filed or has become inaccurate due to changed circumstances, the general partner shall promptly:

- (1) Cause the certificate to be amended; or
- (2) If appropriate, deliver to the secretary of state for filing a statement of change under section 30-21-407, Idaho Code, or a statement of correction under section 30-21-205, Idaho Code.

30-24-203. SIGNING OF RECORDS TO BE DELIVERED FOR FILING TO SECRETARY OF STATE. (a) A record delivered to the secretary of state for filing pursuant to this act must be signed as follows:

- (1) An initial certificate of limited partnership must be signed by all general partners listed in the certificate.
 - (2) An amendment to the certificate of limited partnership adding or deleting a statement that the limited partnership is a limited liability limited partnership must be signed by all general partners listed in the certificate.
 - (3) An amendment to the certificate of limited partnership designating as general partner a person admitted under section 30-24-801(a)(3)(B), Idaho Code, following the dissociation of a limited partnership's last general partner must be signed by that person.
 - (4) An amendment to the certificate of limited partnership required by section 30-24-802(c), Idaho Code, following the appointment of a person to wind up the dissolved limited partnership's activities and affairs must be signed by that person.
 - (5) Any other amendment to the certificate of limited partnership must be signed by:
 - (A) At least one (1) general partner listed in the certificate;
 - (B) Each other person designated in the amendment as a new general partner; and
 - (C) Each person that the amendment indicates has dissociated as a general partner, unless:
 - (i) The person is deceased or a guardian or general conservator has been appointed for the person and the amendment so states; or
 - (ii) The person has previously delivered to the secretary of state for filing a statement of dissociation.
 - (6) A restated certificate of limited partnership must be signed by at least one (1) general partner listed in the certificate, and, to the extent the restated certificate effects a change under any other paragraph of this subsection, the certificate must be signed in a manner that satisfies that paragraph.
 - (7) A statement of termination must be signed by all general partners listed in the certificate of limited partnership or, if the certificate of a dissolved limited partnership lists no general partners, by the person appointed pursuant to section 30-24-802(c) or (d), Idaho Code, to wind up the dissolved limited partnership's activities and affairs.
 - (8) Any other record delivered by a limited partnership to the secretary of state for filing must be signed by at least one (1) general partner listed in the certificate of limited partnership.
 - (9) A statement by a person pursuant to section 30-24-605(a)(3), Idaho Code, stating that the person has dissociated as a general partner must be signed by that person.
 - (10) A statement of negation by a person pursuant to section 30-24-306, Idaho Code, must be signed by that person.
 - (11) Any other record delivered on behalf of any person to the secretary of state for filing must be signed by that person.
- (b) A record delivered for filing under this chapter may be signed by an agent. Whenever this chapter requires a particular individual to sign a record and the individual is deceased or incompetent, the record may be signed by a legal representative of the individual.

(c) A person who signs a record as an agent or legal representative affirms as a fact that the person is authorized to sign the record.

30-24-204. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

- (1) Signing and filing pursuant to judicial order - section 30-21-210, Idaho Code.
- (2) Liability for inaccurate information in filed record - section 30-21-211, Idaho Code.
- (3) Filing requirements - section 30-21-201, Idaho Code.
- (4) Effective date and time - section 30-21-203, Idaho Code.
- (5) Withdrawal of filed record before effectiveness - section 30-21-204, Idaho Code.
- (6) Correcting filed record - section 30-21-205, Idaho Code.
- (7) Duty of secretary of state to file; review of refusal to file; delivery of record by secretary of state - sections 30-21-206 and 30-21-211, Idaho Code.
- (8) Certificate of good standing or registration - section 30-21-208, Idaho Code.
- (9) Annual report for secretary of state - section 30-21-213, Idaho Code.

SECTION 35. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 3, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 3
LIMITED PARTNERS

30-24-301. BECOMING LIMITED PARTNER. (a) Upon formation of a limited partnership, a person becomes a limited partner as agreed among the persons that are to be the initial partners.

(b) After formation, a person becomes a limited partner:

- (1) As provided in the partnership agreement;
- (2) As the result of a transaction effective under chapter 22, title 30, Idaho Code;
- (3) With the affirmative vote or consent of all the partners; or
- (4) As provided in section 30-24-801(a) (4) or (5), Idaho Code.

(c) A person may become a limited partner without:

- (1) Acquiring a transferable interest; or
- (2) Making or being obligated to make a contribution to the limited partnership.

30-24-302. NO AGENCY POWER OF LIMITED PARTNER AS LIMITED PARTNER. (1) A limited partner is not an agent of a limited partnership solely by reason of being a limited partner.

(2) A person's status as a limited partner does not prevent or restrict law other than this chapter from imposing liability on a limited partnership because of the person's conduct.

30-24-303. NO LIABILITY AS LIMITED PARTNER FOR LIMITED PARTNERSHIP OBLIGATIONS. (a) A debt, obligation, or other liability of a limited partnership is not the debt, obligation, or other liability of a limited partner. A limited partner is not personally liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the limited partnership solely by reason of being or acting as a limited partner, even if the limited partner participates in the management and control of the limited partnership. This subsection applies regardless of the dissolution of the partnership.

(b) The failure of a limited partnership to observe formalities relating to the exercise of its powers or management of its activities and affairs is not a ground for imposing liability on a limited partner for a debt, obligation, or other liability of the partnership.

30-24-304. RIGHTS TO INFORMATION OF LIMITED PARTNER AND PERSON DISSOCIATED AS LIMITED PARTNER. (a) On ten (10) days' demand, made in a record received by the limited partnership, a limited partner may inspect and copy required information during regular business hours in the limited partnership's principal office. The limited partner need not have any particular purpose for seeking the information.

(b) During regular business hours and at a reasonable location specified by the limited partnership, a limited partner may inspect and copy information regarding the activities, affairs, financial condition, and other circumstances of the limited partnership as is just and reasonable if:

- (1) The limited partner seeks the information for a purpose reasonably related to the partner's interest as a limited partner;
- (2) The limited partner makes a demand in a record received by the limited partnership, describing with reasonable particularity the information sought and the purpose for seeking the information; and
- (3) The information sought is directly connected to the limited partner's purpose.

(c) Not later than ten (10) days after receiving a demand pursuant to subsection (b) of this section, the limited partnership shall inform in a record the limited partner that made the demand of:

- (1) What information the partnership will provide in response to the demand and when and where the partnership will provide the information; and
- (2) The partnership's reasons for declining, if the partnership declines to provide any demanded information.

(d) Whenever this act or a partnership agreement provides for a limited partner to vote on or give or withhold consent to a matter, before the vote is cast or consent is given or withheld, the limited partnership shall, without demand, provide the limited partner with all information that is known to the partnership and is material to the limited partner's decision.

(e) Subject to subsection (j) of this section, on ten (10) days' demand made in a record received by a limited partnership, a person dissociated as a limited partner may have access to information to which the person was entitled while a limited partner if:

- (1) The information pertains to the period during which the person was a limited partner;
- (2) The person seeks the information in good faith; and
- (3) The person satisfies the requirements imposed on a limited partner by subsection (b) of this section.

(f) A limited partnership shall respond to a demand made pursuant to subsection (e) of this section in the manner provided in subsection (c) of this section.

(g) A limited partnership may charge a person that makes a demand under this section reasonable costs of copying, limited to the costs of labor and material.

(h) A limited partner or person dissociated as a limited partner may exercise the rights under this section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the partnership agreement or under subsection (j) of this section applies both to the agent or legal representative and to the limited partner or person dissociated as a limited partner.

(i) Subject to section 30-24-704, Idaho Code, the rights under this section do not extend to a person as transferee.

(j) In addition to any restriction or condition stated in its partnership agreement, a limited partnership, as a matter within the ordinary course of its activities and affairs, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this section, including designating information confidential and imposing nondisclosure and safeguarding obligations on the recipient. In a dispute concerning the reasonableness of a restriction under this subsection, the partnership has the burden of proving reasonableness.

30-24-305. LIMITED DUTIES OF LIMITED PARTNERS. (a) A limited partner shall discharge any duties to the partnership and the other partners under the partnership agreement and exercise any rights under this act or the partnership agreement consistently with the contractual obligation of good faith and fair dealing.

(b) Except as otherwise provided in subsection (a) of this section, a limited partner does not have any duty to the limited partnership or to any other partner solely by reason of acting as a limited partner.

(c) If a limited partner enters into a transaction with a limited partnership, the limited partner's rights and obligations arising from the transaction are the same as those of a person that is not a partner.

30-24-306. LIABILITY FOR INACCURATE INFORMATION IN FILED RECORD. (a) Except as otherwise provided in subsection (b) of this section, a person that makes an investment in a business enterprise and erroneously but in good faith believes that the person has become a limited partner in the enterprise is not liable for the enterprise's obligations by reason of making the investment, receiving distributions from the enterprise, or exercising any rights of or appropriate to a limited partner, if, on ascertaining the mistake, the person:

(1) Causes an appropriate certificate of limited partnership, amendment, or statement of correction to be signed and delivered to the secretary of state for filing; or

(2) Withdraws from future participation as an owner in the enterprise by signing and delivering to the secretary of state for filing a statement of negation under this section.

(b) A person that makes an investment described in subsection (a) of this section is liable to the same extent as a general partner to any third party that enters into a transaction with the enterprise, believing in good faith that the person is a general partner, before the secretary of state files a statement of negation, certificate of limited partnership, amendment, or statement of correction to show that the person is not a general partner.

(c) If a person makes a diligent effort in good faith to comply with subsection (a) (1) of this section and is unable to cause the appropriate certificate of limited partnership, amendment, or statement of correction to be signed and delivered to the secretary of state for filing, the person has the right to withdraw from the enterprise pursuant to subsection (a) (2) of this section even if the withdrawal would otherwise breach an agreement with others that are or have agreed to become co-owners of the enterprise.

SECTION 36. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 4, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 4
GENERAL PARTNERS

30-24-401. BECOMING GENERAL PARTNER. (a) Upon formation of a limited partnership, a person becomes a general partner as agreed among the persons that are to be the initial partners.

(b) After formation of a limited partnership, a person becomes a general partner:

- (1) As provided in the partnership agreement;
- (2) As the result of a transaction effective under chapter 22, title 30, Idaho Code;
- (3) With the affirmative vote or consent of all the partners: or
- (4) Under section 30-24-801(a)(3)(B), Idaho Code, following the dissociation of a limited partnership's last general partner.

(c) A person may become a general partner without:

- (a) Acquiring a transferable interest; or
- (b) Making or being obligated to make a contribution to the partnership.

30-24-402. NO AGENCY POWER OF GENERAL PARTNER AS LIMITED PARTNER. (a) Each general partner is an agent of the limited partnership for the purposes of its activities and affairs. An act of a general partner, including the signing of a record in the partnership's name, for apparently carrying on in the ordinary course the partnership's activities and affairs or activities and affairs of the kind carried on by the partnership binds the partnership, unless the general partner did not have authority to act for the partnership in the particular matter and the person with which the general partner was dealing knew or had notice that the general partner lacked authority.

(b) An act of a general partner that is not apparently for carrying on in the ordinary course the limited partnership's activities and affairs or activities and affairs of the kind carried on by the partnership binds the partnership only if the act was actually authorized by all the other partners.

30-24-403. LIMITED PARTNERSHIP LIABLE FOR GENERAL PARTNER'S ACTIONABLE CONDUCT. (a) A limited partnership is liable for loss or injury caused to a person, or for a penalty incurred, as a result of a wrongful act or omission, or other actionable conduct, of a general partner acting in the ordinary course of activities and affairs of the partnership or with the actual or apparent authority of the partnership.

(b) If, in the course of a limited partnership's activities and affairs or while acting with actual or apparent authority of the partnership, a general partner receives or causes the partnership to receive money or property of a person not a partner, and the money or property is misapplied by a general partner, the partnership is liable for the loss.

30-24-404. RIGHTS TO INFORMATION OF GENERAL PARTNER AND PERSON DISSOCIATED AS LIMITED PARTNER. (a) Except as otherwise provided in subsections (b) and (c) of this section, all general partners are liable jointly and severally for all debts, obligations, and other liabilities of the limited partnership unless otherwise agreed by the claimant or provided by law.

(b) A person that becomes a general partner is not personally liable for a debt, obligation, or other liability of the limited partnership incurred before the person became a general partner.

(c) A debt, obligation, or other liability of a limited partnership incurred while the partnership is a limited liability limited partnership is solely the debt, obligation, or other liability of the limited liability limited partnership. A general partner is not personally liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the limited liability limited partnership solely by reason of being or acting as a general partner. This subsection applies:

(1) Despite anything inconsistent in the partnership agreement that existed immediately before the vote or consent required to become a limited liability limited partnership under section 30-24-406(b)(2), Idaho Code; and

(2) Regardless of the dissolution of the partnership.

(d) The failure of a limited liability limited partnership to observe formalities relating to the exercise of its powers or management of its activities and affairs is not a ground for imposing liability on a general partner for a debt, obligation, or other liability of the partnership.

(e) An amendment of a certificate of limited partnership that deletes a statement that the limited partnership is a limited liability limited partnership does not affect the limitation in this section on the liability of a general partner for a debt, obligation, or other liability of the limited partnership incurred before the amendment became effective.

30-24-405. ACTIONS BY AND AGAINST PARTNERSHIP AND PARTNERS. (a) To the extent not inconsistent with section 30-24-404, Idaho Code, a general partner may be joined in an action against the limited partnership or named in a separate action.

(b) A judgment against a limited partnership is not by itself a judgment against a general partner. A judgment against a limited partnership may not be satisfied from a general partner's assets unless there is also a judgment against the general partner.

(c) A judgment creditor of a general partner may not levy execution against the assets of the general partner to satisfy a judgment based on a claim against the limited partnership, unless the partner is personally liable for the claim under section 30-24-404, Idaho Code, and:

(1) A judgment based on the same claim has been obtained against the limited partnership and a writ of execution on the judgment has been returned unsatisfied in whole or in part;

(2) The partnership is a debtor in bankruptcy;

(3) The general partner has agreed that the creditor need not exhaust partnership assets;

(4) A court grants permission to the judgment creditor to levy execution against the assets of a general partner based on a finding that partnership assets subject to execution are clearly insufficient to satisfy the judgment, that exhaustion of assets is excessively burdensome, or that the grant of permission is an appropriate exercise of the court's equitable powers; or

(5) Liability is imposed on the general partner by law or contract independent of the existence of the partnership.

30-24-406. MANAGEMENT RIGHTS OF GENERAL PARTNER. (a) Each general partner has equal rights in the management and conduct of the limited partnership's activities and affairs. Except as otherwise provided in this chapter, any matter relating to the activities and affairs of the partnership is decided exclusively by the general partner or, if there is more than one (1) general partner, by a majority of the general partners.

(b) The affirmative vote or consent of all the partners is required to:

(1) Amend the partnership agreement;

(2) Amend the certificate of limited partnership to add or delete a statement that the limited partnership is a limited liability limited partnership; and

(3) Sell, lease, exchange, or otherwise dispose of all, or substantially all, of the limited partnership's property, with or without the goodwill, other than in the usual and regular course of the limited partnership's activities and affairs.

(c) A limited partnership shall reimburse a general partner for an advance to the partnership beyond the amount of capital the general partner agreed to contribute.

(d) A payment or advance made by a general partner that gives rise to an obligation of the limited partnership under subsection (c) of this section or section 30-24-408(a), Idaho Code, constitutes a loan to the limited partnership that accrues interest from the date of the payment or advance.

(e) A general partner is not entitled to remuneration for services performed for the partnership.

30-24-407. RIGHTS TO INFORMATION OF GENERAL PARTNER AND PERSON DISSOCIATED AS GENERAL PARTNER. (a) A general partner may inspect and copy required information during regular business hours in the limited partnership's principal office, without having any particular purpose for seeking the information.

(b) On reasonable notice, a general partner may inspect and copy during regular business hours, at a reasonable location specified by the limited partnership, any record maintained by the partnership regarding the partnership's activities, affairs, financial condition, and other circumstances, to the extent the information is material to the general partner's rights and duties under the partnership agreement or this act.

(c) A limited partnership shall furnish to each general partner:

(1) Without demand, any information concerning the partnership's activities, affairs, financial condition, and other circumstances that the partnership knows and is material to the proper exercise of the general partner's rights and duties under the partnership agreement or this act, except to the extent the partnership can establish that it reasonably believes the general partner already knows the information; and

(2) On demand, any other information concerning the partnership's activities, affairs, financial condition, and other circumstances, except to the extent the demand or the information demanded is unreasonable or otherwise improper under the circumstances.

(d) The duty to furnish information under subsection (c) of this section also applies to each general partner to the extent the general partner knows any of the information described in subsection (b) of this section.

(e) Subject to subsection (j) of this section, on ten (10) days' demand made in a record received by a limited partnership, a person dissociated as a general partner may have access to the information and records described in subsections (a) and (b) of this section at the locations specified in those subsections if:

(1) The information or record pertains to the period during which the person was a general partner;

(2) The person seeks the information or record in good faith; and

(3) The person satisfies the requirements imposed on a limited partner by section 30-24-304(b), Idaho Code.

(f) A limited partnership shall respond to a demand made pursuant to subsection (e) of this section in the manner provided in section 30-24-304(c), Idaho Code.

(g) A limited partnership may charge a person that makes a demand under this section the reasonable costs of copying, limited to the costs of labor and material.

(h) A general partner or person dissociated as a general partner may exercise the rights under this section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the partnership agreement or under subsection (j) of this section applies both to the agent or legal representative and to the general partner or person dissociated as a general partner.

(i) The rights under this section do not extend to a person as transferee, but if:

- (1) A general partner dies, section 30-24-704, Idaho Code, applies; and
- (2) An individual dissociates as a general partner under section 30-24-603(6) (B) or (C), Idaho Code, the legal representative of the individual may exercise the rights under subsection (d) of this section of a person dissociated as a general partner.

(j) In addition to any restriction or condition stated in its partnership agreement, a limited partnership, as a matter within the ordinary course of its activities and affairs, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this section, including designating information confidential and imposing nondisclosure and safeguarding obligations on the recipient. In a dispute concerning the reasonableness of a restriction under this subsection, the partnership has the burden of proving reasonableness.

30-24-408. REIMBURSEMENT -- INDEMNIFICATION -- ADVANCEMENT -- INSURANCE. (a) A limited partnership shall reimburse a general partner for any payment made by the general partner in the course of the general partner's activities on behalf of the partnership, if the general partner complied with sections 30-24-406, 30-24-409 and 30-24-504, Idaho Code, in making the payment.

(b) A limited partnership shall indemnify and hold harmless a person with respect to any claim or demand against the person and any debt, obligation, or other liability incurred by the person by reason of the person's former or present capacity as a general partner, if the claim, demand, debt, obligation, or other liability does not arise from the person's breach of section 30-24-406, 30-24-409 or 30-24-504, Idaho Code.

(c) In the ordinary course of its activities and affairs, a limited partnership may advance reasonable expenses, including attorney's fees and costs, incurred by a person in connection with a claim or demand against the person by reason of the person's former or present capacity as a general partner, if the person promises to repay the partnership if the person ultimately is determined not to be entitled to be indemnified under subsection (b) of this section.

(d) A limited partnership may purchase and maintain insurance on behalf of a general partner against liability asserted against or incurred by the general partner in that capacity or arising from that status even if, under section 30-24-105(c) (8), Idaho Code, the partnership agreement could not eliminate or limit the person's liability to the partnership for the conduct giving rise to the liability.

30-24-409. STANDARDS OF CONDUCT FOR GENERAL PARTNERS. (a) A general partner owes to the limited partnership and, subject to section 30-24-901, Idaho Code, the other partners the duties of loyalty and care stated in subsections (b) and (c) of this section.

(b) The fiduciary duty of loyalty of a general partner includes the duties:

- (1) To account to the limited partnership and hold as trustee for it any property, profit or benefit derived by the general partner:
 - (A) In the conduct or winding up of the partnership's activities and affairs;
 - (B) A use by the general partner of the partnership's property; or

(C) From the appropriation of a partnership opportunity;

(2) To refrain from dealing with the partnership in the conduct or winding up of the partnership's activities and affairs as or on behalf of a person having an interest adverse to the partnership; and

(3) To refrain from competing with the partnership in the conduct or winding up of the partnership's activities and affairs.

(c) The duty of care of a general partner in the conduct or winding up of the limited partnership's activities and affairs is to refrain from engaging in grossly negligent or reckless conduct, willful or intentional misconduct, or knowing violation of law.

(d) A general partner shall discharge the duties and obligations under this act or under the partnership agreement and exercise any rights consistently with the contractual obligation of good faith and fair dealing.

(e) A general partner does not violate a duty or obligation under this chapter or under the partnership agreement solely because the general partner's conduct furthers the general partner's own interest.

(f) All the partners of a limited partnership may authorize or ratify, after full disclosure of all material facts, a specific act or transaction by a general partner that otherwise would violate the duty of loyalty.

(g) It is a defense to a claim under subsection (b) (2) of this section and any comparable claim in equity or at common law that the transaction was fair to the limited partnership.

(h) If, as permitted by subsection (f) of this section or the partnership agreement, a general partner enters into a transaction with the limited partnership that otherwise would be prohibited by subsection (b) (2) of this section, the general partner's rights and obligations arising from the transaction are the same as those of a person that is not a general partner.

SECTION 37. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 5, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 5

CONTRIBUTIONS AND DISTRIBUTIONS

30-24-501. FORM OF CONTRIBUTION. A contribution may consist of property transferred to, services performed for, or another benefit provided to the limited partnership or an agreement to transfer property to, perform services for, or provide another benefit to the partnership.

30-24-502. LIABILITY FOR CONTRIBUTION. (a) A person's obligation to make a contribution to a limited partnership is not excused by the person's death, disability, termination, or other inability to perform personally.

(b) If a person does not fulfill an obligation to make a contribution other than money, the person is obligated at the option of the limited partnership to contribute money equal to the value, as stated in the required information, of the part of the contribution that has not been made.

(c) The obligation of a person to make a contribution may be compromised only by the affirmative vote or consent of all partners. If a creditor of a limited partnership extends credit or otherwise acts in reliance on an obligation described in subsection (a) of this section without knowledge or notice of a compromise under this subsection, the creditor may enforce the obligation.

30-24-503. SHARING OF AND RIGHT TO DISTRIBUTIONS BEFORE DISSOLUTION. (a) Any distribution made by a limited partnership before its dissolution and winding up must be shared among the partners on the basis of the value, as stated in the required information when the limited partnership decides to make the distribution, of the contributions the limited

partnership has received from each partner, except to the extent necessary to comply with a transfer effective under section 30-24-702, Idaho Code, or charging order in effect under section 30-24-703, Idaho Code.

(b) A person has a right to a distribution before the dissolution and winding up of a limited partnership only if the partnership decides to make an interim distribution. A person's dissociation does not entitle the person to a distribution.

(c) A person does not have a right to demand or receive a distribution from a limited partnership in any form other than money. Except as otherwise provided in section 30-24-810(f), Idaho Code, a partnership may distribute an asset in kind only if each part of the asset is fungible with each other part and each person receives a percentage of the asset equal in value to the person's share of distributions.

(d) If a partner or transferee becomes entitled to receive a distribution, the partner or transferee is entitled to all remedies available to a creditor of the limited partnership with respect to the distribution. However, the partnership's obligation to make a distribution is subject to offset for any amount owed to the partnership by the partner or a person dissociated as a partner on whose account the distribution is made.

30-24-504. LIMITATIONS ON DISTRIBUTIONS. (a) A limited partnership may not make a distribution, including a distribution under section 30-24-810, Idaho Code, if after the distribution:

(1) The partnership would not be able to pay its debts as they become due in the ordinary course of the partnership's activities and affairs; or

(2) The partnership's total assets would be less than the sum of its total liabilities plus, the amount that would be needed, if the partnership were to be dissolved and wound up at the time of the distribution, to satisfy the preferential rights upon dissolution and winding up of partners and transferees whose preferential rights are superior to the rights of persons receiving the distribution.

(b) A limited partnership may base a determination that a distribution is not prohibited under subsection (a) of this section on:

(1) Financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances; or

(2) A fair valuation or other method that is reasonable under the circumstances.

(c) Except as otherwise provided in subsection (e) of this section, the effect of a distribution under subsection (a) of this section is measured:

(1) In the case of distribution as defined in section 30-24-102(4)(A), Idaho Code, as of the earlier of:

(A) The date money or other property is transferred or debt is incurred by the limited partnership; or

(B) The date the person entitled to the distribution ceases to own the interest or right being acquired by the partnership in return for the distribution;

(2) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed; and

(3) In all other cases, as of the date:

(A) The distribution is authorized, if the payment occurs not later than one hundred twenty (120) days after that date; or

(B) The payment is made, if the payment occurs more than one hundred twenty (120) days after the distribution is authorized.

(d) A limited partnership's indebtedness to a partner or transferee incurred by reason of a distribution made in accordance with this section is at parity with the partnership's indebtedness to its general, unsecured creditors, except to the extent subordinated by agreement.

(e) A limited partnership's indebtedness, including indebtedness issued as a distribution, is not a liability for purposes of subsection (a) of

this section if the terms of the indebtedness provide that payment of principal and interest is made only if and to the extent that payment of a distribution could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is made.

(f) In measuring the effect of a distribution under section 30-24-810, Idaho Code, the liabilities of a dissolved limited partnership do not include any claim that has been disposed of under section 30-24-806, 30-24-807 or 30-24-808, Idaho Code.

30-24-505. LIABILITY FOR IMPROPER DISTRIBUTIONS. (a) If a general partner consents to a distribution made in violation of section 30-24-504, Idaho Code, and in consenting to the distribution fails to comply with section 30-24-409, Idaho Code, the general partner is personally liable to the limited partnership for the amount of the distribution which exceeds the amount that could have been distributed without the violation of section 30-24-504, Idaho Code.

(b) A person that receives a distribution knowing that the distribution violated section 30-24-504, Idaho Code, is personally liable to the limited partnership, but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under section 30-24-504, Idaho Code.

(c) A general partner against which an action is commenced because the general partner is liable under subsection (a) of this section may:

- (1) Implead any other person that is liable under subsection (a) of this section and seek to enforce a right of contribution from the person; and
- (2) Implead any person that received a distribution in violation of subsection (b) of this section and seek to enforce a right of contribution from the person in the amount the person received in violation of subsection (b) of this section.

(d) An action under this section is barred unless commenced not later than two (2) years after the distribution.

SECTION 38. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 6, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 6 DISSOCIATION

30-24-601. DISSOCIATION AS LIMITED PARTNER. (a) A person does not have a right to dissociate as a limited partner before the completion of the winding up of the limited partnership.

(b) A person is dissociated as a limited partner when:

- (1) The limited partnership knows or has notice of the person's express will to withdraw as a limited partner, but, if the person has specified a withdrawal date later than the date the partnership knew or had notice, on that later date;
- (2) An event stated in the partnership agreement as causing the person's dissociation as a limited partner occurs;
- (3) The person is expelled as a limited partner pursuant to the partnership agreement;
- (4) The person is expelled as a limited partner by the affirmative vote or consent of all the other partners if:
 - (A) It is unlawful to carry on the limited partnership's activities and affairs with the person as a limited partner;
 - (B) There has been a transfer of all of the person's transferable interest in the partnership, other than:
 - (i) A transfer for security purposes; or

- (ii) A charging order in effect under section 30-24-703, Idaho Code, which has not been foreclosed;
- (C) The person is an entity and:
 - (i) The partnership notifies the person that it will be expelled as a limited partner because the person has filed a statement of dissolution or the equivalent, the person has been administratively dissolved, the person's charter or the equivalent has been revoked, or the person's right to conduct business has been suspended by the person's jurisdiction of formation; and
 - (ii) Not later than ninety (90) days after the notification, the statement of dissolution or the equivalent has not been withdrawn, rescinded, or revoked, the person has not been reinstated, or the person's charter or the equivalent or right to conduct business has not been reinstated; or
- (D) The person is an unincorporated entity that has been dissolved and whose activities and affairs are being wound up;
- (5) On application by the limited partnership or a partner in a direct action under section 30-24-901, Idaho Code, the person is expelled as a limited partner by judicial order because the person:
 - (A) Has engaged or is engaging in wrongful conduct that has affected adversely and materially, or will affect adversely and materially, the partnership's activities and affairs;
 - (B) Has committed willfully or persistently, or is committing willfully and persistently, a material breach of the partnership agreement or the contractual obligation of good faith and fair dealing under section 30-24-305(a), Idaho Code; or
 - (C) Has engaged or is engaging in conduct relating to the partnership's activities and affairs that makes it not reasonably practicable to carry on the activities and affairs with the person as a limited partner;
- (6) In the case of an individual, the individual dies;
- (7) In the case of a person that is a testamentary or inter vivos trust or is acting as a limited partner by virtue of being a trustee of such a trust, the trust's entire transferable interest in the limited partnership is distributed;
- (8) In the case of a person that is an estate or is acting as a limited partner by virtue of being a personal representative of an estate, the estate's entire transferable interest in the limited partnership is distributed;
- (9) In the case of a person that is not an individual, the existence of the person terminates;
- (10) The limited partnership participates in a merger under chapter 22, title 30, Idaho Code, and:
 - (A) The partnership is not the surviving entity; or
 - (B) Otherwise as a result of the merger, the person ceases to be a limited partner;
- (11) The limited partnership participates in an interest exchange under chapter 22, title 30, Idaho Code, and as a result of the interest exchange, the person ceases to be a limited partner;
- (12) The limited partnership participates in a conversion under chapter 22, title 30, Idaho Code;
- (13) The limited partnership participates in a domestication under chapter 22, title 30, Idaho Code, and as a result of the domestication, the person ceases to be a limited partner;
- (14) The limited partnership dissolves and completes winding up; or
- (15) In the case of a professional entity, restrictions or limitations are placed upon a limited partner's ability to continue to render professional services.

30-24-602. EFFECT OF DISSOCIATION AS LIMITED PARTNER. (a) If a person is dissociated as a limited partner:

- (1) Subject to section 30-24-704, Idaho Code, the person does not have further rights as a limited partner;
- (2) The person's contractual obligation of good faith and fair dealing as a limited partner under section 30-24-305(a), Idaho Code, ends with regard to matters arising and events occurring after the person's dissociation; and
- (3) Subject to section 30-24-704, Idaho Code, and chapter 22, title 30, Idaho Code, any transferable interest owned by the person in the person's capacity as a limited partner immediately before dissociation is owned by the person solely as a transferee.

(b) A person's dissociation as a limited partner does not of itself discharge the person from any debt, obligation, or other liability to the limited partnership or the other partners that the person incurred while a limited partner.

30-24-603. DISSOCIATION AS GENERAL PARTNER. A person is dissociated as a general partner when:

- (1) The limited partnership knows or has notice of the person's express will to withdraw as a general partner, but, if the person has specified a withdrawal date later than the date the partnership knew or had notice, on that later date;
- (2) An event stated in the partnership agreement as causing the person's dissociation as a general partner occurs;
- (3) The person is expelled as a general partner pursuant to the partnership agreement;
- (4) The person is expelled as a general partner by the affirmative vote or consent of all the other partners if:
 - (A) It is unlawful to carry on the limited partnership's activities and affairs with the person as a general partner;
 - (B) There has been a transfer all of the person's transferable interest in the partnership, other than:
 - (i) A transfer for security purposes; or
 - (ii) A charging order in effect under section 30-24-703, Idaho Code, which has not been foreclosed;
 - (C) The person is an entity and:
 - (i) The partnership notifies the person that it will be expelled as a general partner because the person has filed a statement of dissolution or the equivalent, the person has been administratively dissolved, the person's charter or its equivalent has been revoked, or the person's right to conduct business has been suspended by the person's jurisdiction of its formation; and
 - (ii) Not later than ninety (90) days after the notification the statement of dissolution or the equivalent has not been withdrawn, rescinded, or revoked, the person has not been reinstated, or the person's charter or the equivalent of right to conduct business has not been reinstated; or
 - (D) The person is an unincorporated entity that has been dissolved and whose activities and affairs are being wound up;
- (5) On application by the limited partnership or a partner in a direct action under section 30-24-901, Idaho Code, the person is expelled as a general partner by judicial order because the person:
 - (A) Has engaged or is engaging in wrongful conduct that has affected adversely and materially, or will affect adversely and materially, the partnership's activities and affairs;
 - (B) Has committed willfully or persistently, or is committing willfully or persistently, a material breach of the partnership agreement or a duty or obligation under section 30-24-409, Idaho Code; or

- (C) Has engaged or is engaging in conduct relating to the partnership's activities and affairs that makes it not reasonably practicable to carry on the activities and affairs of the limited partnership with the person as a general partner;
- (6) In the case of an individual:
- (A) The individual dies;
- (B) A guardian or general conservator for the individual is appointed; or
- (C) A court orders that the individual has otherwise become incapable of performing the individual's duties as a general partner under this chapter or the partnership agreement;
- (7) The person:
- (A) Becomes a debtor in bankruptcy;
- (B) Executes an assignment for the benefit of creditors; or
- (C) Seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the person or of all or substantially all the person's property;
- (8) In the case of a person that is a testamentary or inter vivos trust or is acting as a general partner by virtue of being a trustee of such a trust, the trust's entire transferable interest in the limited partnership is distributed;
- (9) In the case of a person that is an estate or is acting as a general partner by virtue of being a personal representative of an estate, the estate's entire transferable interest in the limited partnership is distributed;
- (10) In the case of a person that is not an individual, the existence of the person terminates;
- (11) The limited partnership participates in a merger under chapter 22, title 30, Idaho Code, and:
- (A) The partnership is not the surviving entity; or
- (B) Otherwise as a result of the merger, the person ceases to be a general partner;
- (12) The limited partnership participates in an interest exchange under chapter 22, title 30, Idaho Code, and as a result of the interest exchange, the person ceases to be a general partner;
- (13) The limited partnership participates in a conversion under chapter 22, title 30, Idaho Code;
- (14) The limited partnership participates in a domestication under chapter 22, title 30, Idaho Code, and as a result of the domestication, the person ceases to be a general partner;
- (15) The limited partnership dissolves and completes winding up; or
- (16) In the case of a professional entity, restrictions or limitations are placed upon a general partner's ability to continue to render professional services.

30-24-604. POWER TO DISSOCIATE AS GENERAL PARTNER -- WRONGFUL DISSOCIATION. (a) A person has the power to dissociate as a general partner at any time, rightfully or wrongfully, by withdrawing as a general partner by express will under section 30-24-603(1), Idaho Code.

(b) A person's dissociation as a general partner is wrongful only if the dissociation:

- (1) Is in breach of an express provision of the partnership agreement; or
- (2) Occurs before the completion of the winding up of the limited partnership, and:
- (A) The person withdraws as a general partner by express will;
- (B) The person is expelled as a general partner by judicial order under section 30-24-603(5), Idaho Code;

(C) The person is dissociated as a general partner under section 30-24-603(7), Idaho Code; or

(D) In the case of a person that is not a trust other than a business trust, an estate, or an individual, the person is expelled or otherwise dissociated as a general partner because it willfully dissolved or terminated.

(c) A person that wrongfully dissociates as a general partner is liable to the limited partnership and, subject to section 30-24-901, Idaho Code, to the other partners for damages caused by the dissociation. The liability is in addition to any debt, obligation, or other liability of the general partner to the partnership or the other partners.

30-24-605. EFFECT OF DISSOCIATION AS GENERAL PARTNER. (a) If a person is dissociated as a general partner:

(1) The person's right to participate as a general partner in the management and conduct of the limited partnership's activities and affairs terminates;

(2) The person's duties and obligations as a general partner under section 30-24-409, Idaho Code, end with regard to matters arising and events occurring after the person's dissociation;

(3) The person may sign and deliver to the secretary of state for filing a statement of dissociation pertaining to the person and, at the request of the limited partnership, shall sign an amendment to the certificate of limited partnership that states the person has dissociated as a general partner; and

(4) Subject to section 30-24-704, Idaho Code, and chapter 22, title 30, Idaho Code, any transferable interest owned by the person in the person's capacity as a general partner immediately before dissociation is owned by the person solely as a transferee.

(b) A person's dissociation as a general partner does not of itself discharge the person from any debt, obligation, or other liability to the limited partnership or the other partners that the person incurred while a general partner.

30-24-606. POWER TO BIND AND LIABILITY OF PERSON DISSOCIATED AS GENERAL PARTNER. (a) After a person is dissociated as a general partner and before the limited partnership is merged out of existence, converted, or domesticated under chapter 22, title 30, Idaho Code, or dissolved, the partnership is bound by an act of the person only if:

(1) The act would have bound the partnership under section 30-24-402, Idaho Code, before the dissociation; and

(2) At the time the other party enters into the transaction:

(A) Less than two (2) years has passed since the dissociation; and

(B) The other party does not know or have notice of the dissociation and reasonably believes that the person is a general partner.

(b) If a limited partnership is bound under subsection (a) of this section, the person dissociated as a general partner that caused the partnership to be bound is liable:

(1) To the partnership for any damage caused to the partnership arising from the obligation incurred under subsection (a) of this section; and

(2) If a general partner or another person dissociated as a general partner is liable for the obligation, to the general partner or other person for any damage caused to the general partner or other person arising from the liability.

30-24-607. LIABILITY OF PERSON DISSOCIATED AS GENERAL PARTNER TO OTHER PERSONS. (a) A person's dissociation as a general partner does not of itself discharge the person's liability as a general partner for a debt, obligation, or other liability of the limited partnership incurred before

dissociation. Except as otherwise provided in subsections (b) and (c) of this section, the person is not liable for a limited partnership obligation incurred after dissociation.

(b) A person whose dissociation as a general partner results in a dissolution and winding up of the limited partnership's activities and affairs is liable on an obligation incurred by the limited partnership under section 30-24-805, Idaho Code, to the same extent as a general partner under section 30-24-404, Idaho Code.

(c) A person that is dissociated as a general partner without the dissociation resulting in a dissolution and winding up of the limited partnership's activities and affairs is liable on a transaction entered into by the partnership after the dissociation only if:

- (1) A general partner would be liable on the transaction; and
- (2) At the time the other party enters into the transaction:
 - (A) Less than two (2) years has passed since the dissociation; and
 - (B) The other party does not have knowledge or notice of the dissociation and reasonably believes that the person is a general partner.

(d) By agreement with a creditor of a limited partnership and the partnership, a person dissociated as a general partner may be released from liability for a debt, obligation, or other liability of the partnership.

(e) A person dissociated as a general partner is released from liability for a debt, obligation, or other liability of the limited partnership if the partnership's creditor, with knowledge or notice of the person's dissociation as a general partner but without the person's consent, agrees to a material alteration in the nature or time of payment of the debt, obligation, or other liability.

SECTION 39. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 7, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 7

TRANSFERABLE INTERESTS AND RIGHTS OF TRANSFEREES AND CREDITORS

30-24-701. NATURE OF TRANSFERABLE INTEREST. A transferable interest is personal property.

30-24-702. TRANSFER OF TRANSFERABLE INTEREST. (a) A transfer, in whole or in part, of a transferable interest:

- (1) Is permissible, except the transfer of a transferable interest in a professional entity is not permissible without compliance with section 30-21-901(i), Idaho Code;
- (2) Does not by itself cause a partner's dissociation or a dissolution and winding up of the limited partnership's activities and affairs; and
- (3) Subject to section 30-24-704, Idaho Code, does not entitle the transferee to:
 - (A) Participate in the management or conduct of the partnership's activities and affairs; or
 - (B) Except as otherwise provided in subsection (c) of this section, have access to required information, records, or other information concerning the partnership's activities and affairs.

(b) A transferee has the right to receive, in accordance with the transfer, distributions to which the transferor would otherwise be entitled.

(c) In a dissolution and winding up of a limited partnership, a transferee is entitled to an account of the partnership's transactions only from the date of dissolution.

(d) A transferable interest may be evidenced by a certificate of the interest issued by a limited partnership in a record, and, subject to this

section, the interest represented by the certificate may be transferred by a transfer of the certificate.

(e) A limited partnership need not give effect to a transferee's rights under this section until the partnership knows or has notice of the transfer.

(f) A transfer of a transferable interest in violation of a restriction on transfer contained in the partnership agreement is ineffective as to a person having knowledge or notice of the restriction at the time of transfer.

(g) Except as otherwise provided in sections 30-24-601(b)(4)(B) and 30-24-603(4)(B), Idaho Code, if a general or limited partner transfers a transferable interest, the transferor retains the rights of a general or limited partner other than the transferable interest transferred and retains all the duties and obligations of a general or limited partner.

(h) If a general or limited partner transfers a transferable interest to a person that becomes a general or limited partner with respect to the transferred interest, the transferee is liable for the transferor's obligations under sections 30-24-502 and 30-24-505, Idaho Code, known to the transferee when the transferee becomes a partner.

30-24-703. CHARGING ORDER. (a) On application by a judgment creditor of a partner or transferee, a court may enter a charging order against the transferable interest of the judgment debtor for the unsatisfied amount of the judgment. A charging order constitutes a lien on a judgment debtor's transferable interest and requires the limited partnership to pay over to the person to which the charging order was issued any distribution that otherwise would be paid to the judgment debtor.

(b) To the extent necessary to effectuate the collection of distributions pursuant to a charging order in effect under subsection (a) of this section, the court may:

(1) Appoint a receiver of the distributions subject to the charging order, with the power to make all inquiries the judgment debtor might have made; and

(2) Make all other orders necessary to give effect to the charging order.

(c) Upon a showing that distributions under a charging order will not pay the judgment debt within a reasonable time, the court may foreclose the lien and order the sale of the transferable interest. The purchaser at the foreclosure sale obtains only the transferable interest, does not thereby become a partner, and is subject to section 30-24-702, Idaho Code.

(d) At any time before foreclosure under subsection (c) of this section, the partner or transferee whose transferable interest is subject to a charging order under subsection (a) of this section may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order.

(e) At any time before foreclosure under subsection (c) of this section, a limited partnership or one (1) or more partners whose transferable interests are not subject to the charging order may pay to the judgment creditor the full amount due under the judgment and thereby succeed to the rights of the judgment creditor, including the charging order.

(f) This act does not deprive any partner or transferee of the benefit of any exemption law applicable to the transferable interest of the partner or transferee.

(g) This section provides the exclusive remedy by which a person seeking, in the capacity of a judgment creditor, to enforce a judgment against a partner or transferee may satisfy the judgment from the judgment debtor's transferable interest.

30-24-704. POWER OF LEGAL REPRESENTATIVE OF DECEASED PARTNER. If a partner dies, the deceased partner's legal representative may exercise:

- (1) The rights of a transferee provided in section 30-24-702(c), Idaho Code; and
- (2) For the purposes of settling the estate, the rights of a current limited partner under section 30-24-304, Idaho Code.

SECTION 40. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 8, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 8
DISSOLUTION AND WINDING UP

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

- (1) An event or circumstance that the partnership agreement states causes dissolution;
- (2) The affirmative vote or consent of all general partners and of limited partners owning a majority of the rights to receive distributions as limited partners at the time the vote or consent is to be effective;
- (3) After the dissociation of a person as a general partner:
 - (A) If the partnership has at least one (1) remaining general partner, the affirmative vote or consent to dissolve the partnership not later than ninety (90) days after the dissociation by partners owning a majority of the rights to receive distributions as partners at the time the vote or consent is to be effective; or
 - (B) If the partnership does not have a remaining general partner, the passage of ninety (90) days after the dissociation, unless before the end of the period:
 - (i) Consent to continue the activities and affairs of the partnership and admit at least one (1) general partner is given by limited partners owning a majority of the rights to receive distributions as limited partners at the time the consent is to be effective; and
 - (ii) At least one (1) person is admitted as a general partner in accordance with the consent;
- (4) The passage of ninety (90) consecutive days after the dissociation of the partnership's last limited partner, unless before the end of the period the partnership admits at least one (1) limited partner;
- (5) The passage of ninety (90) consecutive days during which the partnership has only one (1) partner, unless before the end of the period:
 - (A) The partnership admits at least one (1) person as a partner;
 - (B) If the previously sole remaining partner is only a general partner, the partnership admits the person as a limited partner; and
 - (C) If the previously sole remaining partner is only a limited partner, the partnership admits a person as a general partner;
- (6) On application by a partner, the entry by the district court of an order dissolving the partnership on the grounds that:
 - (A) The conduct of all or substantially all the partnership's activities and affairs is unlawful; or
 - (B) It is not reasonably practicable to carry on the partnership's activities and affairs in conformity with the certificate of limited partnership and partnership agreement; or
- (7) The signing and filing of a statement of administrative dissolution by the secretary of state under section 30-21-811, Idaho Code.

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

- (1) The occurrence of the second event does not affect the deadline caused by the first event; and
- (2) The partnership's meeting of the requirements of the first deadline does not extend the second deadline.

30-24-802. WINDING UP. (a) A dissolved limited partnership shall wind up its activities and affairs, and, except as otherwise provided in section 30-24-803, Idaho Code, the partnership continues after dissolution only for the purpose of winding up.

(b) In winding up its activities and affairs, the limited partnership:

- (1) Shall discharge the partnership's debts, obligations, and other liabilities, settle and close the partnership's activities and affairs, and marshal and distribute the assets of the partnership; and
- (2) May:
 - (A) Amend its certificate of limited partnership to state that the limited partnership is dissolved;
 - (B) Preserve the partnership activities, affairs, and property as a going concern for a reasonable time;
 - (C) Prosecute and defend actions and proceedings, whether civil, criminal, or administrative;
 - (D) Transfer the partnership's property;
 - (E) Settle disputes by mediation or arbitration;
 - (F) Deliver to the secretary of state for filing a statement of termination stating the name of the partnership and that the partnership is terminated; and
 - (G) Perform other acts necessary or appropriate to the winding up.

(c) If a dissolved limited partnership does not have a general partner, a person to wind up the dissolved partnership's activities and affairs may be appointed by the affirmative vote or consent of limited partners owning a majority of the rights to receive distributions as limited partners at the time the vote or consent is to be effective. A person appointed under this subsection:

- (1) Has the powers of a general partner under section 30-24-804, Idaho Code, but is not liable for the debts, obligations, and other liabilities of the partnership solely by reason of having or exercising those powers or otherwise acting to wind up the dissolved partnership's activities and affairs; and
- (2) Shall deliver promptly to the secretary of state for filing an amendment to the partnership's certificate of limited partnership stating:
 - (A) That the partnership does not have a general partner;
 - (B) The name and street and mailing addresses of the person; and
 - (C) That the person has been appointed pursuant to this subsection to wind up the partnership.

(d) On the application of a partner, the district court may order judicial supervision of the winding up of a dissolved limited partnership, including the appointment of a person to wind up the partnership's activities and affairs, if:

- (1) The partnership does not have a general partner and within a reasonable time following the dissolution no person has been appointed pursuant to subsection (c) of this section; or
- (2) The applicant establishes other good cause.

30-24-803. RESCINDING DISSOLUTION. (a) A limited partnership may rescind its dissolution, unless a statement of termination applicable to the partnership is effective, the district court has entered an order under section 30-24-801(a) (6), Idaho Code, dissolving the partnership, or the secretary of state has dissolved the partnership under section 30-24-811, Idaho Code.

(b) Rescinding dissolution under this section requires:

(1) The affirmative vote or consent of each partner; and
(2) If the limited partnership has delivered to the secretary of state for filing an amendment to the certificate of limited partnership stating that the partnership is dissolved and:

(A) The amendment is not effective, the filing by the partnership of a statement of withdrawal under section 30-21-204, Idaho Code, applicable to the amendment; or

(B) The amendment is effective, the delivery by the partnership to the secretary of state for filing of an amendment to the certificate of limited partnership stating that dissolution has been rescinded under this section.

(c) If a limited partnership rescinds its dissolution:

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

(2) Subject to paragraph (3) of this subsection, any liability incurred by the partnership after the dissolution and before the rescission is effective is determined as if dissolution had never occurred; and

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

30-24-804. POWER TO BIND PARTNERSHIP AFTER DISSOLUTION. (a) A limited partnership is bound by a general partner's act after dissolution which:

(1) Is appropriate for winding up the partnership's activities and affairs; or

(2) Would have bound the partnership under section 30-24-402, Idaho Code, before dissolution, if, at the time the other party enters into the transaction, the other party does not know or have notice of the dissolution.

(b) A person dissociated as a general partner binds a limited partnership through an act occurring after dissolution if:

(1) At the time the other party enters into the transaction:

(A) Less than two (2) years has passed since the dissociation; and

(B) The other party does not know or have notice of the dissociation and reasonably believes that the person is a general partner; and

(2) The act:

(A) Is appropriate for winding up the partnership's activities and affairs; or

(B) Would have bound the partnership under section 30-24-402, Idaho Code, before dissolution and at the time the other party enters into the transaction the other party does not know or have notice of the dissolution.

30-24-805. LIABILITY AFTER DISSOLUTION OF GENERAL PARTNER AND PERSON DISSOCIATED AS GENERAL PARTNER. (a) If a general partner having knowledge of the dissolution causes a limited partnership to incur an obligation under section 30-24-804(a), Idaho Code, by an act that is not appropriate for winding up the partnership's activities and affairs, the general partner is liable:

(1) To the partnership for any damage caused to the partnership arising from the obligation; and

(2) If another general partner or a person dissociated as a general partner is liable for the obligation, to that other general partner or person for any damage caused to that other general partner or person arising from the liability.

(b) If a person dissociated as a general partner causes a limited partnership to incur an obligation under section 30-24-804(b), Idaho Code, the person is liable:

(1) To the partnership for any damage caused to the partnership arising from the obligation; and

(2) If a general partner or another person dissociated as a general partner is liable for the obligation, to the general partner or other person for any damage caused to the general partner or other person arising from the obligation.

30-24-806. KNOWN CLAIMS AGAINST DISSOLVED LIMITED PARTNERSHIP. (a) Except as otherwise provided in subsection (d) of this section, a dissolved limited partnership may give notice of a known claim under subsection (b) of this section, which has the effect provided in subsection (c) of this section.

(b) A dissolved limited partnership may in a record notify its known claimants of the dissolution. The notice must:

(1) Specify the information required to be included in a claim;

(2) State that a claim must be in writing and provide a mailing address to which the claim is to be sent;

(3) State the deadline for receipt of a claim, which may not be less than one hundred twenty (120) days after the date the notice is received by the claimant;

(4) State that the claim will be barred if not received by the deadline; and

(5) Unless the partnership has been throughout its existence a limited liability limited partnership, state that the barring of a claim against the partnership will also bar any corresponding claim against any general partner or person dissociated as a general partner that is based on section 30-24-404, Idaho Code.

(c) A claim against a dissolved limited partnership is barred if the requirements of subsection (b) of this section are met and:

(1) The claim is not received by the specified deadline; or

(2) If the claim is timely received but rejected by the partnership:

(A) The partnership causes the claimant to receive a notice in a record stating that the claim is rejected and will be barred unless the claimant commences an action against the partnership to enforce the claim not later than ninety (90) days after the claimant receives the notice; and

(B) The claimant does not commence the required action not later than ninety (90) days after the claimant receives the notice.

(d) This section does not apply to a claim based on an event occurring after the date of dissolution or a liability that on that date is contingent.

30-24-807. OTHER CLAIMS AGAINST DISSOLVED LIMITED PARTNERSHIP. (a) A dissolved limited partnership may publish notice of its dissolution and request persons having claims against the partnership to present them in accordance with the notice.

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

(1) Be published at least once in a newspaper of general circulation in the county in this state in which the dissolved limited partnership's principal office is located or, if the principal office is not located in this state, in the county in which the office of the partnership's registered agent is or was last located;

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

(3) State that a claim against the partnership is barred unless an action to enforce the claim is commenced not later than three (3) years after publication of the notice; and

(4) Unless the partnership has been throughout its existence a limited liability limited partnership, state that the barring of a claim against the partnership will also bar any corresponding claim against any general partner or person dissociated as a general partner that is based on section 30-24-404, Idaho Code.

(c) If a dissolved limited partnership publishes a notice in accordance with subsection (b) of this section, the claim of each of the following claimants is barred unless the claimant commences an action to enforce the claim against the partnership not later than three (3) years after the publication date of the notice:

(1) A claimant that did not receive notice in a record under section 30-24-806, Idaho Code;

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

(3) A claimant whose claim is contingent at, or based on an event occurring after, the date of dissolution.

(d) A claim not barred under this section or section 30-24-806, Idaho Code, may be enforced:

(1) Against the dissolved limited partnership, to the extent of its undistributed assets;

(2) Except as otherwise provided in section 30-24-808, Idaho Code, if assets of the partnership have been distributed after dissolution, against a partner or transferee to the extent of that person's proportionate share of the claim or of the partnership's assets distributed to the partner or transferee after dissolution, whichever is less, but a person's total liability for all claims under this paragraph may not exceed the total amount of assets distributed to the person after dissolution; and

(3) Against any person liable on the claim under sections 30-24-404 and 30-24-607, Idaho Code.

30-24-808. COURT PROCEEDINGS. (1) A dissolved limited partnership that has published a notice under section 30-24-807, Idaho Code, may file an application with the district court in the county where the partnership's principal office is located or, if the principal office is not located in this state, where the office of its registered agent is or was last located, for a determination of the amount and form of security to be provided for payment of claims that are reasonably expected to arise after the date of dissolution based on facts known to the partnership and:

(1) At the time of the application:

(A) Are contingent; or

(B) Have not been made known to the partnership; or

(2) Are based on an event occurring after the date of dissolution.

(b) Security is not required for any claim that is or is reasonably anticipated to be barred under section 30-24-807, Idaho Code.

(c) Not later than ten (10) days after the filing of an application under subsection (a) of this section, the dissolved limited partnership shall give notice of the proceeding to each claimant holding a contingent claim known to the partnership.

(d) In a proceeding brought under this section, the court may appoint a guardian ad litem to represent all claimants whose identities are unknown. The reasonable fees and expenses of the guardian, including all reasonable expert witness fees, must be paid by the dissolved limited partnership.

(e) A dissolved limited partnership that provides security in the amount and form ordered by the court under subsection (a) of this section satisfies the partnership's obligations with respect to claims that are contingent, have not been made known to the partnership, or are based on an event occurring after the date of dissolution, and such claims may not be enforced against a partner or transferee on account of assets received in liquidation.

30-24-809. LIABILITY OF GENERAL PARTNER AND PERSON DISSOCIATED AS GENERAL PARTNER WHEN CLAIM AGAINST LIMITED PARTNERSHIP BARRED. If a claim against a dissolved limited partnership is barred under section 30-24-806, 30-24-807 or 30-24-808, Idaho Code, any corresponding claim under section 30-24-404 or 30-24-607, Idaho Code, is also barred.

30-24-810. DISPOSITION OF ASSETS IN WINDING UP -- WHEN CONTRIBUTIONS REQUIRED. (a) In winding up its activities and affairs, a limited partnership shall apply its assets, including the contributions required by this section, to discharge the partnership's obligations to creditors, including partners that are creditors.

(b) After a limited partnership complies with subsection (a) of this section, any surplus must be distributed in the following order, subject to any charging order in effect under section 30-24-703, Idaho Code:

(1) To each person owning a transferable interest that reflects contributions made and not previously returned, an amount equal to the value of the unreturned contributions; and

(2) Among partners and persons dissociated as partners in proportion to their respective rights to share in distributions immediately before the dissolution of the partnership, except to the extent necessary to comply with any transfer effective under section 30-24-702, Idaho Code.

(c) If a limited partnership's assets are insufficient to satisfy all of its obligations under subsection (a) of this section, with respect to each unsatisfied obligation incurred when the partnership was not a limited liability limited partnership, the following rules apply:

(1) Each person that was a general partner when the obligation was incurred and that has not been released from the obligation under section 30-24-607, Idaho Code, shall contribute to the partnership for the purpose of enabling the partnership to satisfy the obligation. The contribution due from each of those persons is in proportion to the right to receive distributions in the capacity of a general partner in effect for each of those persons when the obligation was incurred.

(2) If a person does not contribute the full amount required under paragraph (1) of this subsection with respect to an unsatisfied obligation of the partnership, the other persons required to contribute by paragraph (1) of this subsection on account of the obligation shall contribute the additional amount necessary to discharge the obligation. The additional contribution due from each of those other persons is in proportion to the right to receive distributions in the capacity of a general partner in effect for each of those other persons when the obligation was incurred.

(3) If a person does not make the additional contribution required by paragraph (2) of this subsection, further additional contributions are determined and due in the same manner as provided in that paragraph.

(d) A person that makes an additional contribution under subsection (c) (2) or (3) of this section may recover from any person whose failure to contribute under subsection (c) (1) or (2) of this section necessitated the additional contribution. A person may not recover under this subsection more than the amount additionally contributed. A person's liability under this subsection may not exceed the amount the person failed to contribute.

(e) If a limited partnership does not have sufficient surplus to comply with subsection (b) (1) of this section, any surplus must be distributed among the owners of transferable interests in proportion to the value of the respective unreturned contributions.

(f) All distributions made under subsections (b) and (c) of this section must be paid in money.

30-24-811. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

(1) Administrative dissolution - sections 30-21-601 and 30-21-602, Idaho Code.

(2) Reinstatement - section 30-21-603, Idaho Code.

(3) Judicial review of denial of reinstatement - section 30-21-604, Idaho Code.

SECTION 41. That Chapter 24, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 9, Chapter 24, Title 30, Idaho Code, and to read as follows:

PART 9
ACTIONS BY PARTNERS

30-24-901. DIRECT ACTION BY PARTNER. (a) Subject to subsection (b) of this section, a partner may maintain a direct action against another partner or the limited partnership, with or without an accounting as to the partnership's activities and affairs, to enforce the partner's rights and protect the partner's interests, including rights and interests under the partnership agreement or this act or arising independently of the partnership relationship.

(b) A partner maintaining a direct action under this section must plead and prove an actual or threatened injury that is not solely the result of an injury suffered or threatened to be suffered by the limited partnership.

(c) A right to an accounting upon a dissolution and winding up does not revive a claim barred by law.

30-24-902. DERIVATIVE ACTION. A partner may maintain a derivative action to enforce a right of a limited partnership if:

(1) The partner first makes a demand on the general partners, requesting that they cause the partnership to bring an action to enforce the right, and the general partners do not bring the action within a reasonable time; or

(2) A demand under subsection (1) of this section would be futile.

30-24-903. PROPER PLAINTIFF. A derivative action to enforce a right of a limited partnership may be maintained only by a person that is a partner at the time the action is commenced and:

(1) Was a partner when the conduct giving rise to the action occurred; or

(2) Whose status as a partner devolved on the person by operation of law or pursuant to the terms of the partnership agreement from a person that was a partner at the time of the conduct.

30-24-904. PLEADING. In a derivative action, the complaint must state with particularity:

(1) The date and content of the plaintiff's demand and the response to the demand by the general partner; or

(2) Why the demand should be excused as futile.

30-24-905. SPECIAL LITIGATION COMMITTEE. (a) If a limited partnership is named as or made a party in a derivative proceeding, the partnership may appoint a special litigation committee to investigate the claims asserted in the proceeding and determine whether pursuing the action is in the best interests of the partnership. If the partnership appoints a special litigation committee, on motion by the committee made in the name of the partnership, except for good cause shown, the court shall stay discovery for the time reasonably necessary to permit the committee to make its investigation. This subsection does not prevent the court from:

(1) Enforcing a person's right to information under section 30-24-304 or 30-24-407, Idaho Code; or

(2) Granting extraordinary relief in the form of a temporary restraining order or preliminary injunction.

(b) A special litigation committee must be composed of one (1) or more disinterested and independent individuals, who may be partners.

(c) A special litigation committee may be appointed:

(1) By a majority of the general partners not named as parties in the proceeding; or

(2) If all general partners are named as parties in the proceeding, by a majority of the general partners named as defendants.

(d) After appropriate investigation, a special litigation committee may determine that it is in the best interests of the limited partnership that the proceeding:

(1) Continue under the control of the plaintiff;

(2) Continue under the control of the committee;

(3) Be settled on terms approved by the committee; or

(4) Be dismissed.

(e) After making a determination under subsection (d) of this section, a special litigation committee shall file with the court a statement of its determination and its report supporting its determination and shall serve each party with a copy of the determination and report. The court shall determine whether the members of the committee were disinterested and independent and whether the committee conducted its investigation and made its recommendation in good faith, independently, and with reasonable care, with the committee having the burden of proof. If the court finds that the members of the committee were disinterested and independent and that the committee acted in good faith, independently, and with reasonable care, the court shall enforce the determination of the committee. Otherwise, the court shall dissolve the stay of discovery entered under subsection (a) of this section and allow the action to continue under the control of the plaintiff.

30-24-906. PROCEEDS AND EXPENSES. (a) Except as otherwise provided in subsection (b) of this section:

(1) Any proceeds or other benefits of a derivative action, whether by judgment, compromise, or settlement, belong to the limited partnership and not to the plaintiff; and

(2) If the plaintiff receives any proceeds, the plaintiff shall remit them immediately to the partnership.

(b) If a derivative action is successful in whole or in part, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees and costs, from the recovery of the limited partnership.

(c) A derivative action on behalf of a limited partnership may not be voluntarily dismissed or settled without the court's approval.

SECTION 42. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 25, Title 30, Idaho Code, and to read as follows:

CHAPTER 25
LIMITED LIABILITY COMPANIES

SECTION 43. That Chapter 25, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 25, Title 30, Idaho Code, and to read as follows:

PART 1
GENERAL PROVISIONS

30-25-101. **SHORT TITLE.** This chapter may be cited as the "Idaho Uniform Limited Liability Company Act."

30-25-102. **DEFINITIONS.** (a) In this chapter:

(1) "Certificate of organization" means the certificate required by section 30-25-201, Idaho Code. The term includes the certificate as amended or restated.

(2) "Contribution," except in the phrase "right of contribution," means property or a benefit described in section 30-25-402, Idaho Code, that is provided by a person to a limited liability company to become a member or in the person's capacity as a member.

(3) "Distribution" means a transfer of money or other property from a limited liability company to a person on account of a transferable interest or in the person's capacity as a member. The term:

(A) Includes:

(i) A redemption or other purchase by a limited liability company of a transferable interest; and

(ii) A transfer to a member in return for the member's relinquishment of any right to participate as a member in the management or conduct of the company's activities and affairs or to have access to records or other information concerning the company's activities and affairs; and

(B) Does not include amounts constituting reasonable compensation for present or past service or payments made in the ordinary course of business under a bona fide retirement plan or other bona fide benefits program.

(4) "Limited liability company" means an entity formed under this chapter or that becomes subject to this chapter under chapter 22, title 30, Idaho Code, or section 30-25-110, Idaho Code.

(5) "Manager" means a person that under the operating agreement of a manager-managed limited liability company is responsible, alone or in concert with others, for performing the management functions stated in section 30-25-407(c), Idaho Code.

(6) "Manager-managed limited liability company" means a limited liability company that qualifies under section 30-25-407(a), Idaho Code.

(7) "Member" means a person that:

(A) Has become a member of a limited liability company under section 30-25-401, Idaho Code, or was a member in a company when the company became subject to this chapter under section 30-25-110, Idaho Code; and

(B) Has not dissociated under section 30-25-602, Idaho Code.

(8) "Member-managed limited liability company" means a limited liability company that is not a manager-managed limited liability company.

(9) "Operating agreement" means the agreement, whether or not referred to as an operating agreement and whether oral, implied, in a record, or

in any combination thereof, of all the members of a limited liability company, including a sole member, concerning the matters described in section 30-25-105(a), Idaho Code. The term includes the agreement as amended or restated.

(10) "Organizer" means a person that acts under section 30-25-201, Idaho Code, to form a limited liability company.

(11) "Transferable interest" means the right, as initially owned by a person in the person's capacity as a member, to receive distributions from a limited liability company, whether or not the person remains a member or continues to own any part of the right. The term applies to any fraction of the interest, by whomever owned.

(12) "Transferee" means a person to which all or part of a transferable interest has been transferred, whether or not the transferor is a member. The term includes a person that owns a transferable interest under section 30-25-603(a)(3), Idaho Code.

(b) The following definitions outside this chapter apply to this chapter:

- (1) "Debtor in bankruptcy" - section 30-21-102(7), Idaho Code.
- (2) "Foreign" - section 30-21-102(15), Idaho Code.
- (3) "Jurisdiction" - section 30-21-102(22), Idaho Code.
- (4) "Jurisdiction of formation" - section 30-21-102(23), Idaho Code.
- (5) "Person" - section 30-21-102(35), Idaho Code.
- (6) "Principal office" - section 30-21-102(36), Idaho Code.
- (7) "Property" - section 30-21-102(41), Idaho Code.
- (8) "Record" - section 30-21-102(44), Idaho Code.
- (9) "Registered agent" - section 30-21-102(45), Idaho Code.
- (10) "Sign" - section 30-21-102(47), Idaho Code.
- (11) "State" - section 30-21-102(48), Idaho Code.
- (12) "Transfer" - section 30-21-102(50), Idaho Code.

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

- (1) Has actual knowledge of it; or
- (2) Is deemed to know it under subsection (d)(1) of this section or law other than this act.

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

- (1) Has reason to know the fact from all the facts known to the person at the time in question; or
- (2) Is deemed to have notice of the fact under subsection (d)(2) of this section.

(c) Subject to section 30-25-210(f), Idaho Code, a person notifies another person of a fact by taking steps reasonably required to inform the other person in ordinary course, whether or not those steps cause the other person to know the fact.

(d) A person not a member is deemed:

- (1) To know of a limitation on authority to transfer real property as provided in section 30-25-302(g), Idaho Code; and
- (2) To have notice of a limited liability company's:
 - (A) Dissolution ninety (90) days after a statement of dissolution under section 30-25-702(b)(2)(A), Idaho Code, becomes effective;
 - (B) Termination ninety (90) days after a statement of termination under section 30-25-702(b)(2)(F), Idaho Code, becomes effective; and
 - (C) Participation in a merger, interest exchange, conversion, or domestication, ninety (90) days after articles of merger, interest exchange, conversion, or domestication under chapter 22, title 30, Idaho Code, become effective.

30-25-104. GOVERNING LAW. The law of this state governs:

- (1) The internal affairs of a limited liability company; and
- (2) The liability of a member as member and a manager as manager for the debts, obligations, or other liabilities of a limited liability company.

30-25-105. OPERATING AGREEMENT -- SCOPE -- FUNCTION -- LIMITATIONS. (a) Except as otherwise provided in subsections (c) and (d) of this section, the operating agreement governs:

- (1) Relations among the members as members and between the members and the limited liability company;
 - (2) The rights and duties under this act of a person in the capacity of manager;
 - (3) The activities and affairs of the company and the conduct of those activities and affairs; and
 - (4) The means and conditions for amending the operating agreement.
- (b) To the extent the operating agreement does not provide for a matter described in subsection (a) of this section, this chapter governs the matter.

(c) An operating agreement may not:

- (1) Vary the law applicable under section 30-25-104, Idaho Code;
- (2) Vary a limited liability company's capacity under section 30-25-109, Idaho Code, to sue and be sued in its own name;
- (3) Vary any requirement, procedure, or other provision of this act pertaining to:
 - (A) Registered agents; or
 - (B) The secretary of state, including provisions pertaining to records authorized or required to be delivered to the secretary of state for filing under this act;
- (4) Vary the provisions of section 30-25-204, Idaho Code;
- (5) Alter or eliminate the duty of loyalty or the duty of care, except as otherwise provided in subsection (d) of this section;
- (6) Eliminate the contractual obligation of good faith and fair dealing under section 30-25-409(d), Idaho Code, but the operating agreement may prescribe the standards, if not manifestly unreasonable, by which the performance of the obligation is to be measured;
- (7) Relieve or exonerate a person from liability for conduct involving bad faith, willful or intentional misconduct, or knowing violation of law;
- (8) Unreasonably restrict the duties and rights under section 30-25-410, Idaho Code, but the operating agreement may impose reasonable restrictions on the availability and use of information obtained under that section and may define appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on use;
- (9) Vary the causes of dissolution specified in section 30-25-701(a)(4), Idaho Code;
- (10) Vary the requirement to wind up the company's activities and affairs as specified in section 30-25-702(a), (b)(1) and (e), Idaho Code;
- (11) Unreasonably restrict the right of a member to maintain an action under part 8 of this chapter;
- (12) Vary the provisions of section 30-25-805, Idaho Code, but the operating agreement may provide that the company may not have a special litigation committee;
- (13) Vary the right of a member to approve a merger, interest exchange, conversion, or domestication under section 30-22-203(a)(2), 30-22-303(a)(2), 30-22-403(a)(2) or 30-22-503(a)(2), Idaho Code; or
- (14) Vary the required contents of a plan of merger under section 30-22-202(a), Idaho Code, plan of interest exchange under section 30-22-302(a), Idaho Code, plan of conversion under section

30-22-402(a), Idaho Code, or plan of domestication under section 30-22-502(a), Idaho Code; or

(15) Except as otherwise provided in sections 30-25-106 and 30-25-107(b), Idaho Code, restrict the rights under this chapter of a person other than a member or manager.

(d) Subject to subsection (c)(7) of this section, without limiting other terms that may be included in an operating agreement, the following rules apply:

(1) The operating agreement may:

(A) Specify the method by which a specific act or transaction that would otherwise violate the duty of loyalty may be authorized or ratified by one (1) or more disinterested and independent persons after full disclosure of all material facts; and

(B) Alter the prohibition in section 30-25-405(a)(2), Idaho Code, so that the prohibition requires only that the company's total assets not be less than the sum of its total liabilities.

(2) To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of a responsibility that the member otherwise would have under this chapter and imposes the responsibility on one (1) or more other members, the agreement also may eliminate or limit any fiduciary duty of the member relieved of the responsibility that would have pertained to the responsibility.

(3) If not manifestly unreasonable, the operating agreement may:

(A) Alter or eliminate the aspects of the duty of loyalty stated in section 30-25-409(b) and (i), Idaho Code;

(B) Identify specific types or categories of activities that do not violate the duty of loyalty;

(C) Alter the duty of care, but may not authorize conduct involving bad faith, willful or intentional misconduct, or knowing violation of law; and

(D) Alter or eliminate any other fiduciary duty.

(e) The court shall decide as a matter of law whether a term of an operating agreement is manifestly unreasonable under subsection (c)(6) or

(d)(3) of this section. The court:

(1) Shall make its determination as of the time the challenged term became part of the operating agreement and by considering only circumstances existing at that time; and

(2) May invalidate the term only if, in light of the purposes, activities, and affairs of the limited liability company, it is readily apparent that:

(A) The objective of the term is unreasonable; or

(B) The term is an unreasonable means to achieve the provision's objective.

30-25-106. OPERATING AGREEMENT -- EFFECT ON LIMITED LIABILITY COMPANY AND PERSON BECOMING MEMBER -- PREFORMATION AGREEMENT. (a) A limited liability company is bound by and may enforce the operating agreement, whether or not the company has itself manifested assent to the operating agreement.

(b) A person that becomes a member is deemed to assent to the operating agreement.

(c) Two (2) or more persons intending to become the initial members may make an agreement providing that upon the formation of the company the agreement will become the operating agreement. One person intending to become the initial member of a limited liability company may assent to terms providing that upon the formation of the company the terms will become the operating agreement.

30-25-107. OPERATING AGREEMENT -- EFFECT ON THIRD PARTIES AND RELATIONSHIP TO RECORDS EFFECTIVE ON BEHALF OF LIMITED LIABILITY COMPANY. (a) An operating agreement may specify that its amendment requires the approval of a person that is not a party to the agreement or the satisfaction of a condition. An amendment is ineffective if its adoption does not include the required approval or satisfy the specified condition.

(b) The obligations of a limited liability company and its members to a person in the person's capacity as a transferee or a person dissociated as a member are governed by the operating agreement. Subject only to a court order issued under section 30-25-503(b) (2), Idaho Code, to effectuate a charging order, an amendment to the operating agreement made after a person becomes a transferee or is dissociated as a member:

- (1) Is effective with regard to any debt, obligation, or other liability of the limited liability company or its members to the person in the person's capacity as a transferee or person dissociated as a member; and
- (2) Is not effective to the extent the amendment imposes a new debt, obligation, or other liability on the transferee or person dissociated as a member.

(c) If a record delivered by a limited liability company to the secretary of state for filing becomes effective and contains a provision that would be ineffective under section 30-25-105(c) or (d) (3), Idaho Code, if contained in the operating agreement, the provision is ineffective in the record.

(d) Subject to subsection (c) of this section, if a record delivered by a limited liability company to the secretary of state for filing becomes effective and conflicts with a provision of the operating agreement:

- (1) The agreement prevails as to members, persons dissociated as members, transferees, and managers; and
- (2) The record prevails as to other persons to the extent they reasonably rely on the record.

30-25-108. NATURE, PURPOSE AND DURATION OF LIMITED LIABILITY COMPANY. (a) A limited liability company is an entity distinct from its member or members.

(b) A limited liability company may have any lawful purpose.

(c) A limited liability company has perpetual duration.

30-25-109. POWERS. A limited liability company has the capacity to sue and be sued in its own name and the power to do all things necessary or convenient to carry on its activities and affairs.

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

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

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

(c) For purposes of applying this chapter to a limited liability company formed before July 1, 2008:

- (1) The company's articles of organization are deemed to be the company's certificate of organization; and
- (2) For purposes of applying section 30-25-102(10), Idaho Code, and subject to section 30-25-107(d), Idaho Code, language in the company's articles of organization designating the company's management structure operates as if that language were in the operating agreement.

30-25-111. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

- (1) Delivery of record - section 30-21-104, Idaho Code.
- (2) Permitted names - section 30-21-301, Idaho Code.
- (3) Reservation of name - section 30-21-303, Idaho Code.
- (4) Registration of name - section 30-21-304, Idaho Code.
- (5) Registered agent - section 30-21-404, Idaho Code.
- (6) Change of registered agent or address for registered agent by limited liability company - section 30-21-407, Idaho Code.
- (7) Resignation of registered agent - section 30-21-410, Idaho Code.
- (8) Change of name or address by registered agent - sections 30-21-408 and 30-21-409, Idaho Code.
- (9) Service of process, notice or demand - section 30-21-412, Idaho Code.
- (10) Reservation of power to amend or repeal - section 30-21-701, Idaho Code.
- (11) Supplemental principles of law - section 30-21-702, Idaho Code.

SECTION 44. That Chapter 25, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 2, Chapter 25, Title 30, Idaho Code, and to read as follows:

PART 2
FORMATION -- CERTIFICATE OF ORGANIZATION AND OTHER FILINGS

30-25-201. FORMATION OF LIMITED LIABILITY COMPANY -- CERTIFICATE OF ORGANIZATION. (a) One (1) or more persons may act as organizers to form a limited liability company by delivering to the secretary of state for filing a certificate of organization.

(b) A certificate of organization must state:

- (1) The name of the limited liability company that must comply with sections 30-21-301 and 30-21-302 (d), Idaho Code;
- (2) The street and mailing addresses of the company's principal office;
- (3) The information required by section 30-21-404 (a), Idaho Code;
- (4) The name and mailing address of at least one (1) governor of the company; and
- (5) If the company is a professional entity, a statement that the company is a professional limited liability company and the principal profession or professions for which the company's members are duly licensed or otherwise legally authorized to render professional services.

(c) A certificate of organization may contain statements as to matters other than those required by subsection (b) of this section, but may not vary or otherwise affect the provisions specified in section 30-25-105(c) and (d), Idaho Code, in a manner inconsistent with that section. However, a statement in a certificate of organization is not effective as a statement of authority. The secretary of state shall not accept operating agreements for filing.

(d) A limited liability company is formed when the certificate of organization becomes effective.

30-25-202. AMENDMENT OR RESTATEMENT OF CERTIFICATE OF ORGANIZATION. (a) A certificate of organization may be amended or restated at any time.

(b) To amend its certificate of organization, a limited liability company must deliver to the secretary of state for filing an amendment stating:

- (1) The name of the company;
- (2) The date of filing of its initial certificate of organization; and
- (3) The text of the amendment.

(c) To restate its certificate of organization, a limited liability company must deliver to the secretary of state for filing a restatement designated as such in its heading.

(d) If a member of a member-managed limited liability company, or a manager of a manager-managed limited liability company, knows that any information in a filed certificate of organization was inaccurate when the certificate was filed or has become inaccurate due to changed circumstances, the member or manager shall promptly:

- (1) Cause the certificate to be amended; or
- (2) If appropriate, deliver to the secretary of state for filing a statement of change under section 30-21-407, Idaho Code, or a statement of correction under section 30-21-205, Idaho Code.

30-25-203. SIGNING OF RECORDS TO BE DELIVERED FOR FILING TO SECRETARY OF STATE. (a) A record delivered to the secretary of state for filing pursuant to this act must be signed as follows:

(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, a record signed by a limited liability company must be signed by a person authorized by the company.

(2) A company's initial certificate of organization must be signed by at least one (1) person acting as an organizer.

(3) A record delivered on behalf of a dissolved company that has no member must be signed by the person winding up the company's activities and affairs under section 30-25-702(c), Idaho Code, or a person appointed under section 30-25-702(d), Idaho Code, to wind up the activities and affairs.

(4) A statement of denial by a person under section 30-25-303, Idaho Code, must be signed by that person.

(5) Any other record delivered on behalf of a person to the secretary of state for filing must be signed by that person.

(b) A record delivered for filing under this chapter may be signed by an agent. Whenever this chapter requires a particular individual to sign a record and the individual is deceased or incompetent, the record may be signed by a legal representative of the individual.

(c) A person that signs a record as an agent or legal representative affirms as a fact that the person is authorized to sign the record.

30-25-204. LIABILITY FOR INACCURATE INFORMATION IN FILED RECORD. (a) If a record delivered to the secretary of state for filing under this act and filed by the secretary of state contains inaccurate information, a person that suffers loss by reliance on the information may recover damages for the loss from:

(1) A person that signed the record, or caused another to sign it on the person's behalf, and knew the information to be inaccurate at the time the record was signed; and

(2) Subject to subsection (b) of this section, a member of a member-managed limited liability company or the manager of a manager-managed limited liability company, if:

(A) The record was delivered for filing on behalf of the company; and

(B) The member or manager knew or had notice of the inaccuracy for a reasonably sufficient time before the information was relied upon so that, before the reliance, the member or manager reasonably could have:

(i) Effected an amendment under section 30-25-202, Idaho Code;

(ii) Filed a petition under section 30-25-204, Idaho Code; or

(iii) Delivered to the secretary of state for filing a statement of change under section 30-21-407, Idaho Code, or a statement of correction under section 30-21-205, Idaho Code.

(b) To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of responsibility for maintaining the accuracy of information contained in records delivered on behalf of the company to the secretary of state for filing under this act and imposes that responsibility on one (1) or more other members, the liability stated in subsection (a) (2) of this section applies to those other members and not to the member that the operating agreement relieves of the responsibility.

(c) An individual who signs a record authorized or required to be filed under this act affirms under penalty of perjury that the information stated in the record is accurate.

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

- (1) Signing and filing pursuant to judicial order - section 30-21-210, Idaho Code.
- (2) Filing requirements - section 30-21-201, Idaho Code.
- (3) Effective date and time - section 30-21-203, Idaho Code.
- (4) Withdrawal of filed record before effectiveness - section 30-21-204, Idaho Code.
- (5) Correcting filed record - section 30-21-205, Idaho Code.
- (6) Duty of secretary of state to file; review of refusal to file; delivery of record by secretary of state - sections 30-21-206 and 30-21-211, Idaho Code.
- (7) Certificate of good standing or registration - section 30-21-208, Idaho Code.
- (8) Annual report for secretary of state - section 30-21-213, Idaho Code.

SECTION 45. That Chapter 25, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 3, Chapter 25, Title 30, Idaho Code, and to read as follows:

PART 3

RELATIONS OF MEMBERS AND MANAGERS TO PERSONS DEALING WITH LIMITED LIABILITY COMPANY

30-25-301. NO AGENCY POWER OF MEMBER AS MEMBER. (a) A member is not an agent of a limited liability company solely by reason of being a member.

(b) A person's status as a member does not prevent or restrict law other than this chapter from imposing liability on a limited liability company because of the person's conduct.

30-25-302. STATEMENT OF AUTHORITY. (a) A limited liability company may deliver to the secretary of state for filing a statement of authority. The statement:

- (1) Must include the name of the company and the information required by section 30-21-404(a), Idaho Code;
- (2) With respect to any position that exists in or with respect to the company, may state the authority, or limitations on the authority, of all persons holding the position to:
 - (A) Execute an instrument transferring real property held in the name of the company; or
 - (B) Enter into other transactions on behalf of, or otherwise act for or bind, the company; and

(3) May state the authority, or limitations on the authority, of a specific person to:

(A) Execute an instrument transferring real property held in the name of the company; or

(B) Enter into other transactions on behalf of, or otherwise act for or bind, the company.

(b) To amend or cancel a statement of authority filed by the secretary of state, a limited liability company must deliver to the secretary of state for filing an amendment or cancellation stating:

(1) The name of the company;

(2) The information required by section 30-21-404(a), Idaho Code;

(3) The date the statement being affected became effective; and

(4) The contents of the amendment or a declaration that the statement is canceled.

(c) A statement of authority affects only the power of a person to bind a limited liability company to persons that are not members.

(d) Subject to subsection (c) of this section and section 30-25-103(d), Idaho Code, and except as otherwise provided in subsections (f), (g) and (h) of this section, a limitation on the authority of a person or a position contained in an effective statement of authority is not by itself evidence of any person's knowledge or notice of the limitation.

(e) Subject to subsection (c) of this section, a grant of authority not pertaining to transfers of real property and contained in an effective statement of authority is conclusive in favor of a person that gives value in reliance on the grant, except to the extent that when the person gives value:

(1) The person has knowledge to the contrary;

(2) The statement has been canceled or restrictively amended under subsection (b) of this section; or

(3) A limitation on the grant is contained in another statement of authority that became effective after the statement containing the grant became effective.

(f) Subject to subsection (c) of this section, an effective statement of authority that grants authority to transfer real property held in the name of the limited liability company is conclusive in favor of a person that gives value in reliance on the grant without knowledge to the contrary, except to the extent that when the person gives value:

(1) The statement has been canceled or restrictively amended under subsection (b) of this section; or

(2) A limitation on the grant is contained in another statement of authority that became effective after the statement containing the grant became effective.

(g) Subject to subsection (c) of this section, if an effective statement of authority contains a limitation on the authority to transfer real property held in the name of a limited liability company, all persons are deemed to know of the limitation.

(h) Subject to subsection (i) of this section, an effective statement of dissolution or termination is a cancellation of any filed statement of authority for the purposes of subsection (f) of this section and is a limitation on authority for the purposes of subsection (g) of this section.

(i) After a statement of dissolution becomes effective, a limited liability company may deliver to the secretary of state for filing a statement of authority that is designated as a post-dissolution statement of authority. The statement operates as provided in subsections (f) and (g) of this section.

(j) Unless earlier canceled, an effective statement of authority is canceled by operation of law five (5) years after the date on which the statement, or its most recent amendment, becomes effective.

(k) An effective statement of denial operates as a restrictive amendment under this section.

30-25-303. STATEMENT OF DENIAL. A person named in a filed statement of authority granting that person authority may deliver to the secretary of state for filing a statement of denial that:

- (1) Provides the name of the limited liability company and the caption of the statement of authority to which the statement of denial pertains; and
- (2) Denies the grant of authority.

30-25-304. LIABILITY OF MEMBERS AND MANAGERS. (a) A debt, obligation, or other liability of a limited liability company is solely the debt, obligation, or other liability of the company. A member or manager is not personally liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the company solely by reason of being or acting as a member or manager. This subsection applies regardless of the dissolution of the company.

(b) The failure of a limited liability company to observe formalities relating to the exercise of its powers or management of its activities and affairs is not a ground for imposing liability on a member or manager for a debt, obligation, or other liability of the company.

SECTION 46. That Chapter 25, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 4, Chapter 25, Title 30, Idaho Code, and to read as follows:

PART 4

RELATIONS OF MEMBERS TO EACH OTHER AND TO LIMITED LIABILITY COMPANY

30-25-401. BECOMING MEMBER. (a) If a limited liability company is to have only one (1) member upon formation, the person becomes a member as agreed by that person and the organizer of the company. That person and the organizer may be, but need not be, different persons. If different, the organizer acts on behalf of the initial member.

(b) If a limited liability company is to have more than one (1) member upon formation, those persons become members as agreed by the persons before the formation of the company. The organizer acts on behalf of the persons in forming the company and may be, but need not be, one (1) of the persons.

(c) After formation of a limited liability company, a person becomes a member:

- (1) As provided in the operating agreement;
 - (2) As the result of a transaction effective under chapter 22, title 30, Idaho Code;
 - (3) With the affirmative vote or consent of all the members; or
 - (4) As provided in section 30-25-701 (a) (3), Idaho Code.
- (d) A person may become a member without:
- (1) Acquiring a transferable interest; or
 - (2) Making or being obligated to make a contribution to the limited liability company.

30-25-402. FORM OF CONTRIBUTION. A contribution may consist of property transferred to, services performed for, or another benefit provided to the limited liability company or an agreement to transfer property to, perform services for, or provide another benefit to the company.

30-25-403. LIABILITY FOR CONTRIBUTIONS. (a) A person's obligation to make a contribution to a limited liability company is not excused by the person's death, disability, termination, or other inability to perform personally.

(b) If a person does not fulfill an obligation to make a contribution other than money, the person is obligated at the option of the limited lia-

bility company to contribute money equal to the value of the part of the contribution which has not been made.

(c) The obligation of a person to make a contribution may be compromised only by the affirmative vote of consent of all the members. If a creditor of a limited liability company extends credit or otherwise acts in reliance on an obligation described in subsection (a) of this section without knowledge or notice of a compromise under this subsection, the creditor may enforce the obligation.

30-25-404. SHARING OF AND RIGHT TO DISTRIBUTIONS BEFORE DISSOLUTION. (a) Any distributions made by a limited liability company before its dissolution and winding up must be in equal shares among members and persons dissociated as members, except to the extent necessary to comply with a transfer effective under section 30-25-502, Idaho Code, or charging order in effect under section 30-25-503, Idaho Code.

(b) A person has a right to a distribution before the dissolution and winding up of a limited liability company only if the company decides to make an interim distribution. A person's dissociation does not entitle the person to a distribution.

(c) A person does not have a right to demand or receive a distribution from a limited liability company in any form other than money. Except as otherwise provided in section 30-25-707(d), Idaho Code, a company may distribute an asset in kind only if each part of the asset is fungible with each other part and each person receives a percentage of the asset equal in value to the person's share of distributions.

(d) If a member or transferee becomes entitled to receive a distribution, the member or transferee is entitled to all remedies available to a creditor of the limited liability company with respect to the distribution. However, the company's obligation to make a distribution is subject to offset for any amount owed to the company by the member or a person dissociated as a member on whose account the distribution is made.

30-25-405. LIMITATIONS ON DISTRIBUTIONS. (a) A limited liability company may not make a distribution, including a distribution under section 30-25-707, Idaho Code, if after the distribution:

(1) The company would not be able to pay its debts as they become due in the ordinary course of the company's activities and affairs; or

(2) The company's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the company were to be dissolved and wound up at the time of the distribution, to satisfy the preferential rights upon dissolution and winding up of members and transferees whose preferential rights are superior to the rights of persons receiving the distribution.

(b) A limited liability company may base a determination that a distribution is not prohibited under subsection (a) of this section on:

(1) Financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances; or

(2) A fair valuation or other method that is reasonable under the circumstances.

(c) Except as otherwise provided in subsection (e) of this section, the effect of a distribution under subsection (a) of this section is measured:

(1) In the case of a distribution as defined in section 30-25-102(3)(A), Idaho Code, as of the earlier of:

(A) The date money or other property is transferred or debt is incurred by the limited liability company; or

(B) The date the person entitled to the distribution ceases to own the interest or right being acquired by the company in return for the distribution;

(2) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed; and

(3) In all other cases, as of the date:

(A) The distribution is authorized, if the payment occurs not later than one hundred twenty (120) days after that date; or

(B) The payment is made, if the payment occurs more than one hundred twenty (120) days after the distribution is authorized.

(d) A limited liability company's indebtedness to a member or transferee incurred by reason of a distribution made in accordance with this section is at parity with the company's indebtedness to its general, unsecured creditors, except to the extent subordinated by agreement.

(e) A limited liability company's indebtedness, including indebtedness issued as a distribution, is not a liability for purposes of subsection (a) of this section if the terms of the indebtedness provide that payment of principal and interest is made only if and to the extent that payment of a distribution could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is made.

(f) In measuring the effect of a distribution under section 30-25-707, Idaho Code, the liabilities of a dissolved limited liability company do not include any claim that has been disposed of under section 30-25-704, 30-25-705 or 30-25-706, Idaho Code.

30-25-406. LIABILITY FOR IMPROPER DISTRIBUTIONS. (a) Except as otherwise provided in subsection (b) of this section, if a member of a member-managed limited liability company or manager of a manager-managed limited liability company consents to a distribution made in violation of section 30-25-405, Idaho Code, and in consenting to the distribution fails to comply with section 30-25-409, Idaho Code, the member or manager is personally liable to the company for the amount of the distribution which exceeds the amount that could have been distributed without the violation of section 30-25-405, Idaho Code.

(b) To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of the authority and responsibility to consent to distributions and imposes that authority and responsibility on one (1) or more other members, the liability stated in subsection (a) of this section applies to the other members and not the member that the operating agreement relieves of the authority and responsibility.

(c) A person that receives a distribution knowing that the distribution violated section 30-25-405, Idaho Code, is personally liable to the limited liability company, but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under section 30-25-405, Idaho Code.

(d) A person against which an action is commenced because the person is liable under subsection (a) of this section may:

(1) Implead any other person that is liable under subsection (a) of this section and seek to enforce a right of contribution from the person; and

(2) Implead any person that received a distribution in violation of subsection (c) of this section and seek to enforce a right of contribution from the person in the amount the person received in violation of subsection (c) of this section.

(e) An action under this section is barred unless commenced not later than two (2) years after the distribution.

30-25-407. MANAGEMENT OF LIMITED LIABILITY COMPANY. (a) A limited liability company is a member-managed limited liability company unless the operating agreement:

- (1) Expressly provides that:
 - (A) The company is or will be "manager-managed";
 - (B) The company is or will be "managed by managers"; or
 - (C) Management of the company is or will be "vested in managers";or
 - (2) Includes words of similar import.
- (b) In a member-managed limited liability company, as among the members, the following rules apply:
- (1) Except as expressly provided in this chapter, the management and conduct of the company are vested in the members.
 - (2) Each member has equal rights in the management and conduct of the company's activities and affairs.
 - (3) A difference arising among members as to a matter in the ordinary course of the activities and affairs of the company may be decided by a majority of the members.
 - (4) The affirmative vote or consent of all the members is required to:
 - (A) Undertake an act outside the ordinary course of the activities and affairs of the company; or
 - (B) Amend the operating agreement.
- (c) In a manager-managed limited liability company, as among the members and the managers, the following rules apply:
- (1) Except as expressly provided in this chapter, any matter relating to the activities and affairs of the company is decided exclusively by the manager, or, if there is more than one (1) manager, by a majority of the managers.
 - (2) Each manager has equal rights in the management and conduct of the company's activities and affairs.
 - (3) The affirmative vote or consent of all members is required to:
 - (A) Undertake an act outside the ordinary course of the company's activities and affairs; or
 - (B) Amend the operating agreement.
 - (4) A manager may be chosen at any time by the consent of a majority of the members and remains a manager until a successor has been chosen, unless the manager at an earlier time resigns, is removed, or dies, or, in the case of a manager that is not an individual, terminates. A manager may be removed at any time by the consent of a majority of the members without notice or cause.
 - (5) A person need not be a member to be a manager, but the dissociation of a member that is also a manager removes the person as a manager. If a person that is both a manager and a member ceases to be a manager, that cessation does not by itself dissociate the person as a member.
 - (6) A person's ceasing to be a manager does not discharge any debt, obligation, or other liability to the limited liability company or members which the person incurred while a manager.
- (d) An action requiring the vote or consent of members under this chapter may be taken without a meeting, and a member may appoint a proxy or other agent to vote, consent, or otherwise act for the member by signing an appointing record, personally or by the member's agent.
- (e) The dissolution of a limited liability company does not affect the applicability of this section. However, a person that wrongfully causes dissolution of the company loses the right to participate in management as a member and a manager.
- (f) A limited liability company shall reimburse a member for an advance to the company beyond the amount of capital the member agreed to contribute.
- (g) A payment or advance made by a member which gives rise to an obligation of the limited liability company under subsection (f) of this section or section 30-25-408(a), Idaho Code, constitutes a loan to the company which accrues interest from the date of the payment or advance.

(h) A member is not entitled to remuneration for services performed for a member-managed limited liability company, except for reasonable compensation for services rendered in winding up the activities of the company.

30-25-408. REIMBURSEMENT -- INDEMNIFICATION -- ADVANCEMENT AND INSURANCE. (a) A limited liability company shall reimburse a member of a member-managed company or the manager of a manager-managed company for any payment made by the member or manager in the course of the member's or manager's activities on behalf of the company, if the member or manager complied with sections 30-25-405, 30-25-407 and 30-25-409, Idaho Code, in making the payment.

(b) A limited liability company shall indemnify and hold harmless a person with respect to any claim or demand against the person and any debt, obligation, or other liability incurred by the person by reason of the person's former or present capacity as a member or manager, if the claim, demand, debt, obligation, or other liability does not arise from the person's breach of section 30-25-405, 30-25-407 or 30-25-409, Idaho Code.

(c) In the ordinary course of its activities and affairs, a limited liability company may advance reasonable expenses, including attorney's fees and costs, incurred by a person in connection with a claim or demand against the person by reason of the person's former or present capacity as a member or manager, if the person promises to repay the company if the person ultimately is determined not to be entitled to be indemnified under subsection (b) of this section.

(d) A limited liability company may purchase and maintain insurance on behalf of a member or manager against liability asserted against or incurred by the member or manager in that capacity or arising from that status even if, under section 30-25-105(c) (7), Idaho Code, the operating agreement could not eliminate or limit the person's liability to the company for the conduct giving rise to the liability.

30-25-409. STANDARDS OF CONDUCT FOR MEMBERS AND MANAGERS. (a) A member of a member-managed limited liability company owes to the company and, subject to section 30-25-801, Idaho Code, the other members the duties of loyalty and care stated in subsections (b) and (c) of this section.

(b) The fiduciary duty of loyalty of a member in a member-managed limited liability company includes the duties:

(1) To account to the company and to hold as trustee for it any property, profit, or benefit derived by the member:

(A) In the conduct or winding up of the company's activities and affairs;

(B) From a use by the member of the company's property; or

(C) From the appropriation of a company opportunity;

(2) To refrain from dealing with the company in the conduct or winding up of the company's activities and affairs as or on behalf of a person having an interest adverse to the company; and

(3) To refrain from competing with the company in the conduct of the company's activities and affairs before the dissolution of the company.

(c) The duty of care of a member of a member-managed limited liability company in the conduct or winding up of the company's activities and affairs is to refrain from engaging in grossly negligent or reckless conduct, willful or intentional misconduct, or knowing violation of law.

(d) A member shall discharge the duties and obligations under this chapter or under the operating agreement and exercise any rights consistently with the contractual obligation of good faith and fair dealing.

(e) A member does not violate a duty or obligation under this chapter or under the operating agreement solely because the member's conduct furthers the member's own interest.

(f) All the members of a member-managed limited liability company or a manager-managed limited liability company may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate the duty of loyalty.

(g) It is a defense to a claim under subsection (b) (2) of this section and any comparable claim in equity or at common law that the transaction was fair to the limited liability company.

(h) If, as permitted by subsection (f) or (i) (6) of this section or the operating agreement, a member enters into a transaction with the limited liability company that otherwise would be prohibited by subsection (b) (2) of this section, the member's rights and obligations arising from the transaction are the same as those of a person that is not a member.

(i) In a manager-managed limited liability company, the following rules apply:

- (1) Subsections (a), (b), (c) and (g) of this section apply to the manager or managers and not the members.
- (2) The duty stated under subsection (b) (3) of this section continues until winding up is completed.
- (3) Subsection (d) of this section applies to managers and members.
- (4) Subsection (e) of this section applies only to members.
- (5) The power to ratify under subsection (f) of this section applies only to the members.
- (6) Subject to subsection (d) of this section, a member does not have any duty to the company or to any other member solely by reason of being a member.

30-25-410. RIGHTS TO INFORMATION OF MEMBER, MANAGER AND PERSON DIS-SOCIATED AS MEMBER. (a) In a member-managed limited liability company, the following rules apply:

- (1) On reasonable notice, a member may inspect and copy during regular business hours, at a reasonable location specified by the company, any record maintained by the company regarding the company's activities, affairs, financial condition, and other circumstances, to the extent the information is material to the member's rights and duties under the operating agreement or this act.
- (2) The company shall furnish to each member:
 - (A) Without demand, any information concerning the company's activities, affairs, financial condition, and other circumstances which the company knows and is material to the proper exercise of the member's rights and duties under the operating agreement or this act, except to the extent the company can establish that it reasonably believes the member already knows the information; and
 - (B) On demand, any other information concerning the company's activities, affairs, financial condition, and other circumstances, except to the extent the demand for the information demanded is unreasonable or otherwise improper under the circumstances.
- (3) The duty to furnish information under paragraph (2) of this subsection also applies to each member to the extent the member knows any of the information described in paragraph (2) of this subsection.

(b) In a manager-managed limited liability company, the following rules apply:

- (1) The informational rights stated in subsection (a) of this section and the duty stated in subsection (a) (3) of this section apply to the managers and not the members.

(2) During regular business hours and at a reasonable location specified by the company, a member may inspect and copy information regarding the activities, affairs, financial condition, and other circumstances of the company as is just and reasonable if:

(A) The member seeks the information for a purpose reasonably related to the member's interest as a member;

(B) The member makes a demand in a record received by the company, describing with reasonable particularity the information sought and the purpose for seeking the information; and

(C) The information sought is directly connected to the member's purpose.

(3) Not later than ten (10) days after receiving a demand pursuant to paragraph (2) (B) of this subsection, the company shall inform in a record the member that made the demand of:

(A) What information the company will provide in response to the demand and when and where the company will provide the information; and

(B) The company's reasons for declining, if the company declines to provide any demanded information.

(4) Whenever this act or an operating agreement provides for a member to vote on or give or withhold consent to a matter, before the vote is cast or consent is given or withheld, the company shall, without demand, provide the member with all information that is known to the company and is material to the member's decision.

(c) Subject to subsection (h) of this section, on ten (10) days' demand made in a record received by a limited liability company, a person dissociated as a member may have access to the information to which the person was entitled while a member if:

(1) The information pertains to the period during which the person was a member;

(2) The person seeks the information in good faith; and

(3) The person satisfies the requirements imposed on a member by subsection (b) (2) of this section.

(d) A limited liability company shall respond to a demand made pursuant to subsection (c) of this section in the manner provided in subsection (b) (3) of this section.

(e) A limited liability company may charge a person that makes a demand under this section the reasonable costs of copying, limited to the costs of labor and material.

(f) A member or person dissociated as a member may exercise rights under this section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the operating agreement or under subsection (h) of this section applies both to the agent or legal representative and to the member or person dissociated as a member.

(g) Subject to section 30-25-504, Idaho Code, the rights under this section do not extend to a person as transferee.

(h) In addition to any restriction or condition stated in its operating agreement, a limited liability company, as a matter within the ordinary course of its activities and affairs, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this section, including designating information confidential and imposing nondisclosure and safeguarding obligations on the recipient. In a dispute concerning the reasonableness of a restriction under this subsection, the company has the burden of proving reasonableness.

SECTION 47. That Chapter 25, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 5, Chapter 25, Title 30, Idaho Code, and to read as follows:

PART 5

TRANSFERABLE INTERESTS AND RIGHTS OF TRANSFEREES AND CREDITORS

30-25-501. NATURE OF TRANSFERABLE INTEREST. A transferable interest is personal property.

30-25-502. TRANSFER OF TRANSFERABLE INTEREST. (a) Subject to section 30-25-503(f), Idaho Code, a transfer, in whole or in part, of a transferable interest:

(1) Is permissible, except the transfer of a transferable interest in a professional entity is not permissible without compliance with section 30-21-901(i), Idaho Code;

(2) Does not by itself cause a member's dissociation or a dissolution and winding up of the limited liability company's activities and affairs; and

(3) Subject to section 30-25-504, Idaho Code, does not entitle the transferee to:

(A) Participate in the management or conduct of the company's activities and affairs; or

(B) Except as otherwise provided in subsection (c) of this section, have access to records or other information concerning the company's activities and affairs.

(b) A transferee has the right to receive, in accordance with the transfer, distributions to which the transferor would otherwise be entitled.

(c) In a dissolution and winding up of a limited liability company, a transferee is entitled to an account of the company's transactions only from the date of dissolution.

(d) A transferable interest may be evidenced by a certificate of the interest issued by a limited liability company in a record, and, subject to this section, the interest represented by the certificate may be transferred by a transfer of the certificate.

(e) A limited liability company need not give effect to a transferee's rights under this section until the company knows or has notice of the transfer.

(f) A transfer of a transferable interest in violation of a restriction on transfer contained in the operating agreement is ineffective as to a person having knowledge or notice of the restriction at the time of transfer.

(g) Except as otherwise provided in section 30-25-602(5)(B), Idaho Code, if a member transfers a transferable interest, the transferor retains the rights of a member other than the transferable interest transferred and retains all the duties and obligations of a member.

(h) If a member transfers a transferable interest to a person that becomes a member with respect to the transferred interest, the transferee is liable for the member's obligations under sections 30-25-403 and 30-25-406, Idaho Code, known to the transferee when the transferee becomes a member.

30-25-503. CHARGING ORDER. (a) On application by a judgment creditor of a member or transferee, a court may enter a charging order against the transferable interest of the judgment debtor for the unsatisfied amount of the judgment. Except as otherwise provided in subsection (f) of this section, a charging order constitutes a lien on a judgment debtor's transferable interest and requires the limited liability company to pay over to the person to which the charging order was issued any distribution that otherwise would be paid to the judgment debtor.

(b) To the extent necessary to effectuate the collection of distributions pursuant to a charging order in effect under subsection (a) of this section, the court may:

(1) Appoint a receiver of the distributions subject to the charging order, with the power to make all inquiries the judgment debtor might have made; and

(2) Make all other orders necessary to give effect to the charging order.

(c) Upon a showing that distributions under a charging order will not pay the judgment debt within a reasonable time, the court may foreclose the lien and order the sale of the transferable interest. Except as otherwise provided in subsection (f) of this section, the purchaser at the foreclosure sale obtains only the transferable interest, does not thereby become a member, and is subject to section 30-25-502, Idaho Code.

(d) At any time before foreclosure under subsection (c) of this section, the member or transferee whose transferable interest is subject to a charging order under subsection (a) of this section may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order.

(e) At any time before foreclosure under subsection (c) of this section, a limited liability company or one (1) or more members whose transferable interests are not subject to the charging order may pay to the judgment creditor the full amount due under the judgment and thereby succeed to the rights of the judgment creditor, including the charging order.

(f) If a court orders foreclosure of a charging order lien against the sole member of a limited liability company:

(1) The court shall confirm the sale;

(2) The purchaser at the sale obtains the member's entire interest, not only the member's transferable interest;

(3) The purchaser thereby becomes a member; and

(4) The person whose interest was subject to the foreclosed charging order is dissociated as a member.

(g) This chapter does not deprive any member or transferee of the benefit of any exemption laws applicable to the transferable interest of the member or transferee.

(h) This section provides the exclusive remedy by which a person seeking in the capacity of judgment creditor to enforce a judgment against a member or transferee may satisfy the judgment from the judgment debtor's transferable interest.

30-25-504. POWER OF LEGAL REPRESENTATIVE OF DECEASED MEMBER. If a member dies, the deceased member's legal representative may exercise:

(1) The rights of a transferee provided in section 30-25-502(c), Idaho Code; and

(2) For the purposes of settling the estate, the rights the deceased member had under section 30-25-410, Idaho Code.

SECTION 48. That Chapter 25, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 6, Chapter 25, Title 30, Idaho Code, and to read as follows:

PART 6 DISSOCIATION

30-25-601. POWER TO DISSOCIATE AS MEMBER -- WRONGFUL DISSOCIATION. (a) A person has the power to dissociate as a member at any time, rightfully or wrongfully, by withdrawing as a member by express will under section 30-25-602(1), Idaho Code.

(b) A person's dissociation as a member is wrongful only if the dissociation:

- (1) Is in breach of an express provision of the operating agreement; or
- (2) Occurs before the completion of the winding up of the limited liability company and:
 - (A) The person withdraws as a member by express will;
 - (B) The person is expelled as a member by judicial order under section 30-25-602(6), Idaho Code;
 - (C) The person is dissociated under section 30-25-602(8), Idaho Code; or
 - (D) In the case of a person that is not a trust other than a business trust, an estate, or an individual, the person is expelled or otherwise dissociated as a member because it willfully dissolved or terminated.

(c) A person that wrongfully dissociates as a member is liable to the limited liability company and, subject to section 30-25-801, Idaho Code, to the other members for damages caused by the dissociation. The liability is in addition to any debt, obligation, or other liability of the member to the company or the other members.

30-25-602. EVENTS CAUSING DISSOCIATION. A person is dissociated as a member when:

- (1) The limited liability company knows or has notice of the person's express will to withdraw as a member, but, if the person has specified a withdrawal date later than the date the company had known or had notice, on that later date;
- (2) An event stated in the operating agreement as causing the person's dissociation occurs;
- (3) The person's entire interest is transferred in a foreclosure sale under section 30-25-503(f), Idaho Code;
- (4) The person is expelled as a member pursuant to the operating agreement;
- (5) The person is expelled as a member by the affirmative vote or consent of all the other members if:
 - (A) It is unlawful to carry on the limited liability company's activities and affairs with the person as a member;
 - (B) There has been a transfer of all the person's transferable interest in the company, other than:
 - (i) A transfer for security purposes; or
 - (ii) A charging order in effect under section 30-25-503, Idaho Code, that has not been foreclosed;
- (C) The person is an entity and:
 - (i) The company notifies the person that it will be expelled as a member because the person has filed a statement of dissolution or the equivalent, the person has been administratively dissolved, the person's charter or the equivalent has been revoked, or the person's right to conduct business has been suspended by the person's jurisdiction of formation; and
 - (ii) Not later than ninety (90) days after the notification, the statement of dissolution or the equivalent has not been withdrawn, rescinded, or revoked, the person has not been reinstated, or the person's charter or the equivalent or right to conduct business has not been reinstated; or
- (D) The person is an unincorporated entity that has been dissolved and whose activities and affairs are being wound up;
- (6) On application by the limited liability company or a member in a direct action under section 30-25-801, Idaho Code, the person is expelled as a member by judicial order because the person:

- (A) Has engaged or is engaging in wrongful conduct that has affected adversely and materially, or will affect adversely and materially, the company's activities and affairs;
 - (B) Has committed willfully or persistently, or is committing willfully or persistently, a material breach of the operating agreement or a duty or obligation under section 30-25-409, Idaho Code; or
 - (C) Has engaged or is engaging in conduct relating to the company's activities and affairs which makes it not reasonably practicable to carry on the activities and affairs with the person as a member;
 - (7) In the case of an individual:
 - (A) The individual dies; or
 - (B) In a member-managed limited liability company:
 - (i) A guardian or general conservator for the individual is appointed; or
 - (ii) A court orders that the individual has otherwise become incapable of performing the individual's duties as a member under this chapter or the operating agreement;
 - (8) In a member-managed limited liability company, the person:
 - (A) Becomes a debtor in bankruptcy;
 - (B) Executes an assignment for the benefit of creditors; or
 - (C) Seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the person or of all or substantially all the person's property;
 - (9) In the case of a person that is a testamentary or inter vivos trust or is acting as a member by virtue of being a trustee of such a trust, the trust's entire transferable interest in the limited liability company is distributed;
 - (10) In the case of a person who is an estate or is acting as a member by virtue of being a personal representative of an estate, the estate's entire transferable interest in the limited liability company is distributed;
 - (11) In the case of a person that is not an individual, the existence of the person terminates;
 - (12) The limited liability company participates in a merger under chapter 22, title 30, Idaho Code, and:
 - (A) The company is not the surviving entity; or
 - (B) Otherwise as a result of the merger, the person ceases to be a member;
 - (13) The limited liability company participates in an interest exchange under chapter 22, title 30, Idaho Code, and, as a result of the interest exchange, the person ceases to be a member;
 - (14) The limited liability company participates in a conversion under chapter 22, title 30, Idaho Code;
 - (15) The limited liability company participates in a domestication under chapter 22, title 30, Idaho Code, and, as a result of the domestication, the person ceases to be a member;
 - (16) The limited liability company dissolves and completes winding up;
- or
- (17) In the case of a professional entity, restrictions or limitations are placed upon a member's ability to continue to render professional services.

30-25-603. EFFECT OF DISSOCIATION. (a) If a person is dissociated as a member:

- (1) The person's right to participate as a member in the management and conduct of the limited liability company's activities and affairs terminates;
- (2) The person's duties and obligations under section 30-25-409, Idaho Code, as a member end with regard to matters arising and events occurring after the person's dissociation; and

(3) Subject to section 30-25-504, Idaho Code, and chapter 22, title 30, Idaho Code, any transferable interest owned by the person in the person's capacity as a member immediately before dissociation is owned by the person solely as a transferee.

(b) A person's dissociation as a member does not of itself discharge the person from any debt, obligation, or other liability to the limited liability company or the other members which the person incurred while a member.

SECTION 49. That Chapter 25, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 7, Chapter 25, Title 30, Idaho Code, and to read as follows:

PART 7
DISSOLUTION AND WINDING UP

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

- (1) An event or circumstance that the operating agreement states causes dissolution;
- (2) The affirmative vote or consent of all the members;
- (3) The passage of ninety (90) consecutive days during which the company has no members unless before the end of the period:
 - (A) Consent to admit at least one (1) specified person as a member is given by transferees owning the rights to receive a majority of distributions as transferees at the time the consent is to be effective; and
 - (B) At least one (1) person becomes a member in accordance with the consent;
- (4) On application by a member, the entry by the district court of an order dissolving the company on the grounds that:
 - (A) The conduct of all or substantially all the company's activities and affairs is unlawful; or
 - (B) It is not reasonably practicable to carry on the company's activities and affairs in conformity with the certificate of organization and the operating agreement;
 - (i) Have acted, are acting, or will act in a manner that is illegal or fraudulent; or
 - (ii) Have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant; or
 - (C) The managers or those members in control of the company:
 - (i) Have acted, are acting, or will act in a manner that is illegal or fraudulent; or
 - (ii) Have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant; or
- (5) The signing and filing of a statement of administrative dissolution by the secretary of state under section 30-25-708, Idaho Code.

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

30-25-702. WINDING UP. (a) A dissolved limited liability company shall wind up its activities and affairs and, except as otherwise provided in section 30-25-703, Idaho Code, the company continues after dissolution only for the purpose of winding up.

(b) In winding up its activities and affairs, a limited liability company:

- (1) Shall discharge the company's debts, obligations, and other liabilities, settle and close the company's activities and affairs, and marshal and distribute the assets of the company; and

(2) May:

(A) Deliver to the secretary of state for filing a statement of dissolution stating the name of the company and that the company is dissolved;

(B) Preserve the company activities, affairs, and property as a going concern for a reasonable time;

(C) Prosecute and defend actions and proceedings, whether civil, criminal, or administrative;

(D) Transfer the company's property;

(E) Settle disputes by mediation or arbitration;

(F) Deliver to the secretary of state for filing a statement of termination stating the name of the company and that the company is terminated; and

(G) Perform other acts necessary or appropriate to the winding up.

(c) If a dissolved limited liability company has no members, the legal representative of the last person to have been a member may wind up the activities and affairs of the company. If the person does so, the person has the powers of a sole manager under section 30-25-407(c), Idaho Code, and is deemed to be a manager for the purposes of section 30-25-304(a), Idaho Code.

(d) If the legal representative under subsection (c) of this section declines or fails to wind up the limited liability company's activities and affairs, a person may be appointed to do so by the consent of transferees owning a majority of the rights to receive distributions as transferees at the time the consent is to be effective. A person appointed under this subsection:

(1) Has the powers of a sole manager under section 30-25-407(c), Idaho Code, and is deemed to be a manager for the purposes of section 30-25-304(a), Idaho Code; and

(2) Shall deliver promptly to the secretary of state for filing an amendment to the company's certificate of organization stating:

(A) That the company has no members;

(B) The name and street and mailing addresses of the person; and

(C) That the person has been appointed pursuant to this subsection to wind up the company.

(e) The district court may order judicial supervision of the winding up of a dissolved limited liability company, including the appointment of a person to wind up the company's activities and affairs:

(1) On the application of a member, if the applicant establishes good cause;

(2) On the application of a transferee, if:

(A) The company does not have any members;

(B) The legal representative of the last person to have been a member declines or fails to wind up the company's activities; and

(C) Within a reasonable time following the dissolution, a person has not been appointed pursuant to subsection (c) of this section; or

(3) In connection with a proceeding under section 30-25-701(a), Idaho Code.

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

(b) Rescinding dissolution under this section requires:

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

(2) If a statement of dissolution applicable to the limited liability company has been filed by the secretary of state but has not become effective, the delivery to the secretary of state for filing of a state-

ment of withdrawal under section 30-21-208, Idaho Code, applicable to the statement of dissolution; and

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

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

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

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

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

30-25-704. KNOWN CLAIMS AGAINST DISSOLVED LIMITED LIABILITY COMPANY. (a) Except as otherwise provided in subsection (d) of this section, a dissolved limited liability company may give notice of a known claim under subsection (b) of this section, which has the effect provided in subsection (c) of this section.

(b) A dissolved limited liability company may in a record notify its known claimants of the dissolution. The notice must:

(1) Specify the information required to be included in a claim;

(2) State that a claim must be in writing and provide a mailing address to which the claim is to be sent;

(3) State the deadline for receipt of a claim, which may not be less than one hundred twenty (120) days after the date the notice is received by the claimant; and

(4) State that the claim will be barred if not received by the deadline.

(c) A claim against a dissolved limited liability company is barred if the requirements of subsection (b) of this section are met and:

(1) The claim is not received by the specified deadline; or

(2) If the claim is timely received but rejected by the company:

(A) The company causes the claimant to receive a notice in a record stating that the claim is rejected and will be barred unless the claimant commences an action against the company to enforce the claim not later than ninety (90) days after the claimant receives the notice; and

(B) The claimant does not commence the required action not later than ninety (90) days after the claimant receives the notice.

(d) This section does not apply to a claim based on an event occurring after the date of dissolution or a liability that on that date is contingent.

30-25-705. OTHER CLAIMS AGAINST DISSOLVED LIMITED LIABILITY COMPANY. (a) A dissolved limited liability company may publish notice of its dissolution and request persons having claims against the company to present them in accordance with the notice.

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

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

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

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

(c) If a dissolved limited liability company publishes a notice in accordance with subsection (2) of this section, the claim of each of the following claimants is barred unless the claimant commences an action to enforce the claim against the company not later than three (3) years after the publication date of the notice:

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

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

(3) A claimant whose claim is contingent at, or based on an event occurring after, the date of dissolution.

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

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

(2) Except as otherwise provided in section 30-27-706, Idaho Code, if assets of the company have been distributed after dissolution, against a member or transferee to the extent of that person's proportionate share of the claim or of the company's assets distributed to the member or transferee after dissolution, whichever is less, but a person's total liability for all claims under this paragraph may not exceed the total amount of assets distributed to the person after dissolution.

30-25-706. COURT PROCEEDINGS. (a) A dissolved limited liability company that has published a notice under section 30-25-705, Idaho Code, may file an application with the district court in the county where the company's principal office is located or, if the principal office is not located in this state, where the office of its registered agent is or was last located, for a determination of the amount and form of security to be provided for payment of claims that are reasonably expected to arise after the date of dissolution based on facts known to the company and:

(1) At the time of application:

(A) Are contingent; or

(B) Have not been made known to the company; or

(2) Are based on an event occurring after the date of dissolution.

(b) Security is not required for any claim that is or is reasonably anticipated to be barred under section 30-25-705, Idaho Code.

(c) Not later than ten (10) days after the filing of an application under subsection (a) of this section, the dissolved limited liability company shall give notice of the proceeding to each claimant holding a contingent claim known to the company.

(d) In a proceeding under this section, the court may appoint a guardian ad litem to represent all claimants whose identities are unknown. The reasonable fees and expenses of the guardian, including all reasonable expert witness fees, must be paid by the dissolved limited liability company.

(e) A dissolved limited liability company that provides security in the amount and form ordered by the court under subsection (a) of this section satisfies the company's obligations with respect to claims that are contingent, have not been made known to the company, or are based on an event occurring after the date of dissolution, and such claims may not be enforced against a member or transferee on account of assets received in liquidation.

30-25-707. DISPOSITION OF ASSETS IN WINDING UP. (a) In winding up its activities and affairs, a limited liability company shall apply its assets to discharge its obligations to creditors, including members that are creditors.

(b) After a limited liability company complies with subsection (a) of this section, any surplus must be distributed in the following order, subject to any charging order in effect under section 30-25-503, Idaho Code:

(1) To each person owning a transferable interest that reflects contributions made and not previously returned, an amount equal to the value of the unreturned contributions; and

(2) Among members and persons dissociated as members in proportion to their respective rights to share in distributions immediately before the dissolution of the company, except to the extent necessary to comply with any transfer effective under section 30-25-502, Idaho Code.

(c) If a limited liability company does not have sufficient surplus to comply with subsection (b)(1) of this section, any surplus must be distributed among the owners of transferable interests in proportion to the value of the respective unreturned contributions.

(d) All distributions made under subsections (b) and (c) of this section must be paid in money.

30-25-708. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

(1) Administrative dissolution - sections 30-21-601 and 30-21-602, Idaho Code.

(2) Reinstatement - section 30-21-603, Idaho Code.

(3) Judicial review of denial of reinstatement - section 30-21-604, Idaho Code.

SECTION 50. That Chapter 25, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 8, Chapter 25, Title 30, Idaho Code, and to read as follows:

PART 8 ACTIONS BY MEMBERS

30-25-801. DIRECT ACTION BY MEMBER. (a) Subject to subsection (b) of this section, a member may maintain a direct action against another member, a manager, or the limited liability company to enforce the member's rights and protect the member's interests, including rights and interests under the operating agreement or this act or arising independently of the membership relationship.

(2) A member maintaining a direct action under this section must plead and prove an actual or threatened injury that is not solely the result of an injury suffered or threatened to be suffered by the limited liability company.

30-25-802. DERIVATIVE ACTION. A member may maintain a derivative action to enforce a right of a limited liability company if:

(1) The member first makes a demand on the other members in a member-managed limited liability company, or the managers of a manager-managed limited liability company, requesting that they cause the company to bring an action to enforce the right, and the managers or other members do not bring the action within a reasonable time; or

(2) A demand under subsection (1) of this section would be futile.

30-25-803. PROPER PLAINTIFF. A derivative action to enforce a right of a limited liability company may be maintained only by a person that is a member at the time the action is commenced and:

(1) Was a member when the conduct giving rise to the action occurred; or

(2) Whose status as a member devolved on the person by operation of law or pursuant to the terms of the operating agreement from a person that was a member at the time of the conduct.

30-25-804. PLEADING. In a derivative action, the complaint must state with particularity:

- (1) The date and content of plaintiff's demand and the response to the demand by the managers or other members; or
- (2) Why demand should be excused as futile.

30-25-805. SPECIAL LITIGATION COMMITTEE. (a) If a limited liability company is named as or made a party in a derivative proceeding, the company may appoint a special litigation committee to investigate the claims asserted in the proceeding and determine whether pursuing the action is in the best interests of the company. If the company appoints a special litigation committee, on motion by the committee made in the name of the company, except for good cause shown, the court shall stay discovery for the time reasonably necessary to permit the committee to make its investigation. This subsection does not prevent the court from:

- (1) Enforcing a person's right to information under section 30-25-410, Idaho Code; or
 - (2) Granting extraordinary relief in the form of a temporary restraining order or preliminary injunction.
- (b) A special litigation committee must be composed of one (1) or more disinterested and independent individuals, who may be members.
- (c) A special litigation committee may be appointed:
- (1) In a member-managed limited liability company:
 - (A) By the consent of a majority of the members not named as parties in the proceeding; or
 - (B) If all members are named as parties in the proceeding, by a majority of the members named as defendants; or
 - (2) In a manager-managed limited liability company:
 - (A) By a majority of the managers not named as parties in the proceeding; or
 - (B) If all managers are named as parties in the proceeding, by a majority of the managers named as defendants.
- (d) After appropriate investigation, a special litigation committee may determine that it is in the best interests of the limited liability company that the proceeding:
- (1) Continue under the control of the plaintiff;
 - (2) Continue under the control of the committee;
 - (3) Be settled on terms approved by the committee; or
 - (4) Be dismissed.
- (e) After making a determination under subsection (d) of this section, a special litigation committee shall file with the court a statement of its determination and its report supporting its determination and shall serve each party with a copy of the determination and report. The court shall determine whether the members of the committee were disinterested and independent and whether the committee conducted its investigation and made its recommendation in good faith, independently, and with reasonable care, with the committee having the burden of proof. If the court finds that the members of the committee were disinterested and independent and that the committee acted in good faith, independently, and with reasonable care, the court shall enforce the determination of the committee. Otherwise, the court shall dissolve the stay of discovery entered under subsection (a) of this section and allow the action to continue under the control of the plaintiff.

30-25-806. PROCEEDS AND EXPENSES. (a) Except as otherwise provided in subsection (b) of this section:

- (1) Any proceeds or other benefits of a derivative action, whether by judgment, compromise, or settlement, belong to the limited liability company and not to the plaintiff; and

(2) If the plaintiff receives any proceeds, the plaintiff shall remit them immediately to the company.

(b) If a derivative action is successful in whole or in part, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees and costs, from the recovery of the limited liability company.

(c) A derivative action on behalf of a limited liability company may not be voluntarily dismissed or settled without the court's approval.

SECTION 51. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 26, Title 30, Idaho Code, and to read as follows:

CHAPTER 26
[RESERVED]

SECTION 52. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 30, Idaho Code, and to read as follows:

CHAPTER 27
UNINCORPORATED NONPROFIT ASSOCIATIONS

SECTION 53. That Chapter 27, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 27, Title 30, Idaho Code, and to read as follows:

PART 1
GENERAL PROVISIONS

30-27-101. SHORT TITLE. This chapter may be cited as the "Idaho Uniform Unincorporated Nonprofit Association Act."

30-27-102. DEFINITIONS. (a) In this chapter:

(1) "Established practices" means the practices used by an unincorporated nonprofit association without material change during the most recent five (5) years of its existence, or if it has existed for less than five (5) years, during its entire existence.

(2) "Governing principles" means the agreements, whether oral, in a record, or implied from its established practices, or in any combination thereof, that govern the purpose or operation of an unincorporated nonprofit association and the rights and obligations of its members and managers. The term includes any amendment or restatement of the agreements constituting the governing principles.

(3) "Manager" means a person that is responsible, alone or in concert with others, for the management of an unincorporated nonprofit association.

(4) "Member" means a person that, under the governing principles, may participate in the selection of persons authorized to manage the affairs of the unincorporated nonprofit association or in the development of the policies and activities of the association.

(5) "Unincorporated nonprofit association" means an unincorporated organization consisting of two (2) or more members joined under an agreement that is oral, in a record, or implied from conduct for one (1) or more common, nonprofit purposes. The term does not include:

(A) A trust;

(B) A marriage, domestic partnership, common-law domestic relationship, civil union, or other domestic living arrangement;

(C) An organization formed under any other statute that governs the organization and operation of unincorporated associations;

(D) A joint tenancy, tenancy in common, or tenancy by the entireties even if the co-owners share use of the property for a nonprofit purpose; or

(E) A relationship under an agreement in a record that expressly provides that the relationship between the parties does not create an unincorporated nonprofit association.

(b) The following definitions outside this chapter apply to this chapter:

- (1) "Person" - section 30-21-102(35), Idaho Code.
- (2) "Property" - section 30-21-102(41), Idaho Code.
- (3) "Record" - section 30-21-102(44), Idaho Code.
- (4) "Sign" - section 30-21-102(47), Idaho Code.
- (5) "State" - section 30-21-102(48), Idaho Code.
- (6) "Transfer" - section 30-21-102(50), Idaho Code.

30-27-103. RELATION TO OTHER LAWS. (a) A statute governing a specific type of unincorporated nonprofit association prevails over an inconsistent provision in this chapter, to the extent of the inconsistency.

(b) This chapter supplements the law of this state that applies to nonprofit associations operating in this state. If a conflict exists, that law applies.

30-27-104. GOVERNING LAW. (a) Except as otherwise provided in subsection (b) of this section, the law of this state governs the operation in this state of an unincorporated nonprofit association formed or operating in this state.

(b) Unless the governing principles specify a different jurisdiction, the law of the jurisdiction in which an unincorporated nonprofit association has its main place of activities governs the internal affairs of the association.

30-27-105. ENTITY -- PERPETUAL EXISTENCE -- POWERS. (a) An unincorporated nonprofit association is an entity distinct from its members and managers.

(b) An unincorporated nonprofit association has perpetual duration unless the governing principles specify otherwise.

(c) An unincorporated nonprofit association has the same powers as an individual to do all things necessary or convenient to carry on its purposes.

(d) An unincorporated nonprofit association may engage in profit-making activities, but profits from any activities must be used or set aside for the association's nonprofit purposes.

30-27-106. OWNERSHIP AND TRANSFER OF PROPERTY. (a) An unincorporated nonprofit association may acquire, hold, or transfer in its name an interest in property.

(b) An unincorporated nonprofit association may be a beneficiary of a trust or contract, a legatee, or a devisee.

30-27-107. STATEMENT OF AUTHORITY AS TO REAL PROPERTY. (a) In this section, "statement of authority" means a statement authorizing a person to transfer an interest in real property held in the name of an unincorporated nonprofit association.

(b) An interest in real property held in the name of an unincorporated nonprofit association may be transferred by a person authorized to do so in a statement of authority recorded by the association in the office in the county in which a transfer of the property would be recorded.

(c) A statement of authority must state:

- (1) The name of the unincorporated nonprofit association;

(2) The address in this state, including the street address, if any, of the association or, if the association does not have an address in this state, its out-of-state address;

(3) That the association is an unincorporated nonprofit association; and

(4) The name, title, or position of a person authorized to transfer an interest in real property held in the name of the association.

(d) A statement of authority must be executed in the same manner as a deed by a person other than the person authorized in the statement to transfer the interest.

(e) A filing officer may collect a fee for recording a statement of authority in the amount authorized for recording a transfer of real property.

(f) A document amending, revoking, or canceling a statement of authority or stating that the statement is unauthorized or erroneous must meet the requirements for executing and recording an original statement.

(g) Unless canceled earlier, a recorded statement of authority and its most recent amendment expire five (5) years after the date of the most recent recording.

(h) If the record title to real property is in the name of an unincorporated nonprofit association and the statement of authority is recorded in the office of the county in which a transfer of the property would be recorded, the authority of the person named under subsection (c) (4) of this section is conclusive in favor of a person that gives value without notice that the person lacks authority.

30-27-108. LIABILITY. (a) A debt, obligation, or other liability of an unincorporated nonprofit association is solely the debt, obligation, or other liability of the association. A member or manager is not personally liable, directly or indirectly, by way of contribution or otherwise for a debt, obligation, or other liability of the association solely by reason of being or acting as a member or manager. This subsection applies regardless of the dissolution of the association.

(b) A person's status as a member or manager does not prevent or restrict law other than this chapter from imposing liability on the person or the association because of the person's conduct.

(c) The failure of an unincorporated nonprofit association to observe formalities relating to the exercise of its powers or management of its activities and affairs is not a ground for imposing liability on a member or manager of the association for a debt, obligation, or other liability of the association.

30-27-109. ASSERTION AND DEFENSE OF CLAIMS. (a) An unincorporated nonprofit association may sue or be sued in its own name.

(b) A member or manager may assert a claim the member or manager has against the unincorporated nonprofit association. An association may assert a claim it has against a member or manager.

30-27-110. EFFECT OF JUDGMENT OR ORDER. A judgment or order against an unincorporated nonprofit association is not by itself a judgment or order against a member or manager.

30-27-111. SERVICE OF PROCESS. In an action or proceeding against an unincorporated nonprofit association, process may be served on an agent authorized by appointment to receive service of process, on a manager of the association, or in any other manner authorized by the law of this state.

30-27-112. ACTION OR PROCEEDING NOT ABATED BY CHANGE. An action or proceeding against an unincorporated nonprofit association does not abate merely because of a change in its members or managers.

30-27-113. VENUE. Unless otherwise provided by law other than this chapter, venue of an action against an unincorporated nonprofit association brought in this state is determined under the statutes applicable to an action brought in this state against a corporation.

30-27-114. MEMBER NOT AGENT. A member is not an agent of the association solely by reason of being a member.

30-27-115 through 30-27-124 -- RESERVED.

30-27-125. DISTRIBUTIONS PROHIBITED -- COMPENSATION AND OTHER PERMITTED PAYMENTS. (a) Except as otherwise provided in subsection (b) of this section, an unincorporated nonprofit association may not pay dividends or make distributions to a member or manager.

(b) An unincorporated nonprofit association may:

- (1) Pay reasonable compensation or reimburse reasonable expenses to a member or manager for services rendered;
- (2) Confer benefits on a member or manager in conformity with its nonprofit purposes;
- (3) Repurchase a membership and repay a capital contribution made by a member to the extent authorized by its governing principles; or
- (4) Make distributions of property to members upon winding up and termination to the extent permitted by section 30-27 128, Idaho Code.

30-27-126 -- RESERVED.

30-27-127. DISSOLUTION. An unincorporated nonprofit association may be dissolved as follows:

- (1) If the governing principles provide a time or method for dissolution, at that time or by that method;
- (2) If the governing principles do not provide a time or method for dissolution, upon approval by the members;
- (3) If no member can be located and the association's operations have been discontinued for at least three (3) years, by the managers or, if the association has no current manager, by its last manager.

30-27-128. WINDING UP AND TERMINATION. Winding up and termination of an unincorporated nonprofit association must proceed in accordance with the following rules:

- (1) All known debts and liabilities must be paid or adequately provided for.
- (2) Any property subject to a condition requiring return to the person designated by the donor must be transferred to that person.
- (3) Any property subject to a trust must be distributed in accordance with the trust agreement.
- (4) Any remaining property must be distributed as follows:
 - (A) As required by law other than this chapter that requires assets of an association to be distributed to another person with similar nonprofit purposes;
 - (B) In accordance with the association's governing principles or in the absence of applicable governing principles, to the members of the association per capita or as the members direct; or
 - (C) If neither paragraph (A) nor (B) of this subsection apply, as provided in chapter 5, title 14, Idaho Code.

30-27-129. APPOINTMENT OF REGISTERED AGENT. (a) An unincorporated nonprofit association may deliver to the secretary of state for filing a statement appointing an agent authorized to receive service of process.

(b) A statement appointing a registered agent must state:

- (1) The name of the unincorporated nonprofit association; and
- (2) The name and street and mailing addresses in this state of the registered agent.

(c) A statement appointing a registered agent must be signed by a person authorized to manage the affairs of the unincorporated nonprofit association. The signing of the statement is an affirmation of fact that the person is authorized to manage the affairs of the unincorporated nonprofit association and that the agent has consented to serve.

(d) An amendment to or cancellation of a statement appointing a registered agent must meet the requirements for signing an original statement. An agent may resign by delivering a resignation to the office of the secretary of state for filing and giving notice to the unincorporated nonprofit association at the address most recently supplied to the agent by the association.

(e) The secretary of state may collect a fee for filing a statement appointing a registered agent, an amendment, a cancellation, or a resignation in the amount charged for filing similar documents.

(f) A statement appointing a registered agent takes effect on filing by the secretary of state and is effective for five (5) years after the date of filing unless canceled or terminated earlier.

(g) A statement appointing a registered agent may not be rejected for filing because the name of the unincorporated nonprofit association signing the statement is not distinguishable on the records of the secretary of state from the name of another entity appearing in those records. The filing of such a statement does not make the name of the unincorporated nonprofit association signing the statement unavailable for use by another entity.

(h) The only duty of a registered agent under this chapter is to forward to the unincorporated nonprofit association at the address most recently supplied to the agent by the association any process, notice or demand pertaining to the association which is served or received by the agent.

30-27-130. TRANSITION CONCERNING REAL AND PERSONAL PROPERTY. (a) If, before the effective date of this chapter, an interest in property was by terms of a transfer purportedly transferred to an unincorporated nonprofit association, but under the law of this state the interest did not vest in the association or in one (1) or more persons on behalf of the association under subsection (b) of this section, on the effective date of this chapter the interest vests in the association, unless the parties to the transfer have treated the transfer as ineffective.

(b) If, before the effective date of this chapter, an interest in property was by terms of a transfer purportedly transferred to an unincorporated nonprofit association, but the interest was vested in one (1) or more persons to hold the interest for members of the association, on or after the effective date of this chapter the persons, or their successors in interest, may transfer the interest to the association in its name, or the association may require that the interest be transferred to it in its name.

SECTION 54. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 28, Title 30, Idaho Code, and to read as follows:

CHAPTER 28
[RESERVED]

SECTION 55. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 29, Title 30, Idaho Code, and to read as follows:

CHAPTER 29
GENERAL BUSINESS CORPORATIONS

SECTION 56. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 1
GENERAL PROVISIONS

30-29-101. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Business Corporation Act."

30-29-102 through 30-29-119 -- RESERVED.

30-29-120. REQUIREMENTS FOR DOCUMENTS -- EXTRINSIC FACTS. (1) Except as otherwise permitted by subsection (3) of this section, a record delivered to the secretary of state for filing pursuant to this chapter must be signed as follows:

- (a) By the chairman of the board of directors of a domestic or foreign corporation, by its president, or by another of its officers;
- (b) If directors have not been selected or the corporation has not been formed, by an incorporator; or
- (c) If the corporation is in the hands of a receiver, trustee or other court-appointed fiduciary, by that fiduciary.

(2) Whenever a provision of this chapter permits any of the terms of a plan or a filed document to be dependent upon facts objectively ascertainable outside the plan or filed document, the following provisions apply:

(a) The manner in which the facts will operate upon the terms of the plan or filed document shall be set forth in the plan or filed document.

(b) The facts may include, but are not limited to:

- (i) Any of the following that are available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;
- (ii) A determination or action by any person or body, including the corporation or any other party, to a plan or filed document; or
- (iii) The terms of, or actions taken under, an agreement or document to which the corporation is a party, or any other agreement or document.

(c) As used in this subsection:

- (i) "Filed document" means a document filed with the secretary of state under any provision of this chapter except section 30-21-213, Idaho Code, or part 5, chapter 21, title 30, Idaho Code; and
- (ii) "Plan" means a plan of domestication, merger or share exchange.

(d) The following provisions of a plan or filed document may not be made dependent upon facts outside the plan or filed document:

- (i) The name and address of any person required in a filed document;
- (ii) The registered office of any entity required in a filed document;
- (iii) The registered agent of any entity required in a filed document;
- (iv) The number of authorized shares and designation of each class or series of shares;
- (v) The effective date of a filed document;

(vi) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

(e) If a provision of a filed document is made dependent upon a fact ascertainable outside of the filed document, and that fact is not ascertainable by reference to a source described in subsection (2) (b) (i) of this section or a document that is a matter of public record, or the affected shareholders have not received notice of the fact from the corporation, then the corporation shall file with the secretary of state articles of amendment setting forth the fact promptly after the time when the fact referred to is first ascertainable or thereafter changes. Articles of amendment under this subsection are deemed to be authorized by the authorization of the original filed document or plan to which they relate and may be filed by the corporation without further action by the board of directors or the shareholders.

(3) The annual report delivered to the secretary of state for filing under section 30-21-213, Idaho Code, shall be executed by one (1) of the persons identified in subsection (1) of this section or by another person who is authorized by the board of directors to execute the report.

30-29-121 through 30-29-139 -- RESERVED.

30-29-140. CHAPTER DEFINITIONS. As used in this chapter:

(1) "Articles of incorporation" means the original articles of incorporation, all amendments thereof, and any other documents permitted or required to be filed by a domestic business corporation with the secretary of state under any provision of this chapter. If an amendment of the articles or any document filed under this chapter restates the articles in their entirety, thenceforth the "articles" shall not include any prior documents.

(2) "Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

(3) "Conspicuous" means so written that a reasonable person against whom the writing is to operate should have noticed it. For example, printing in italics or boldface or contrasting color, or typing in capitals or underlined, is conspicuous.

(4) "Corporation," "domestic corporation" or "domestic business corporation" means a corporation for profit that is not a foreign corporation, incorporated under or subject to the provisions of this chapter.

(5) "Distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrance of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; or otherwise.

(6) "Domestic unincorporated entity" means an unincorporated entity whose internal affairs are governed by the laws of this state.

(7) "Electronic transmission" or "electronically transmitted" means any process of communication not directly involving the physical transfer of paper that is suitable for the retention, retrieval and reproduction in written form of information by the recipient.

(8) "Eligible entity" means a domestic or foreign unincorporated entity or a domestic or foreign nonprofit corporation.

(9) "Eligible interests" means interests or memberships.

(10) "Employee" includes an officer but not a director. A director may accept duties that make him also an employee.

(11) The phrase "facts objectively ascertainable outside the plan or filed document" is as set forth in section 30-29-120(2), Idaho Code.

(12) "Foreign corporation" means a corporation incorporated under a law other than the law of this state which would be a business corporation if incorporated under the laws of this state.

(13) "Foreign nonprofit corporation" means a corporation incorporated under a law other than the law of this state, which would be a nonprofit corporation if incorporated under the laws of this state.

(14) "Foreign unincorporated entity" means an unincorporated entity whose internal affairs are governed by an organic law of a jurisdiction other than this state.

(15) "Governmental subdivision" includes authority, county, district and municipality.

(16) "Membership" means the right of a member in a domestic or foreign nonprofit corporation.

(17) "Notice" is defined in section 30-29-141, Idaho Code.

(18) "Organic document" means a public organic document or a private organic document.

(19) "Owner liability" means personal liability for a debt, obligation or liability of a domestic or foreign business or nonprofit corporation or unincorporated entity that is imposed on a person:

(a) Solely by reason of the person's status as a shareholder, member or interest holder; or

(b) By the articles of incorporation, bylaws or an organic document under a provision of the organic law of an entity authorizing the articles of incorporation, bylaws or an organic document to make one (1) or more specified shareholders, members or interest holders liable in their capacity as shareholders, members or interest holders for all or specified debts, obligations or liabilities of the entity.

(20) "Record date" means the date established under part 6 or 7 of this chapter on which a corporation determines the identity of its shareholders and their shareholdings for purposes of this chapter. The determinations shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed.

(21) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under section 30-29-840(3), Idaho Code, for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

(22) "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(23) "Shares" means the units into which the proprietary interests in a corporation are divided.

(24) "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

(25) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been canceled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares, but not "outstanding" shares.

(26) "Unincorporated entity" means an organization or artificial legal person that either has a separate legal existence or has the power to acquire an estate in real property in its own name and that is not any of the following: a domestic or foreign business or nonprofit corporation, an estate, a trust, a state, the United States, or a foreign government. The term includes, without limitation, a general partnership, limited liability company, limited partnership, business trust, joint stock association and incorporated nonprofit association.

(27) "United States" includes district, authority, bureau, commission, department and any other agency of the United States.

(28) "Voting group" means all shares of one (1) or more classes or series that under the articles of incorporation or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group.

(29) "Voting power" means the current power to vote in the election of directors.

30-29-141. NOTICE. (1) Notice under this chapter must be in writing unless oral notice is reasonable under the circumstances. Notice by electronic transmission is written notice.

(2) Notice may be communicated in person; by mail or other method of delivery; or by telephone, voice mail or other electronic means. If these forms of personal notice are impracticable, notice may be communicated by a newspaper of general circulation in the area where published, or by radio, television, or other form of public broadcast communication.

(3) Written notice by a domestic or foreign corporation to its shareholder, if in a comprehensible form, is effective:

(a) Upon deposit in the United States mail, if mailed postpaid and correctly addressed to the shareholder's address shown in the corporation's current record of shareholders; or

(b) When electronically transmitted to the shareholder in a manner authorized by the shareholders.

(4) Written notice to a domestic or foreign corporation, authorized to transact business in this state, may be addressed to its registered agent or to the corporation or its secretary at its correspondence address shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its application for a certificate of authority.

(5) Except as provided in subsection (3) of this section, written notice, if in a comprehensible form, is effective at the earliest of the following:

(a) When received;

(b) Five (5) days after its deposit in the United States mail, if mailed postpaid and correctly addressed;

(c) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

(6) Oral notice is effective when communicated, if communicated in a comprehensible manner.

(7) If this chapter prescribes notice requirements for particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe notice requirements not inconsistent with this section or other provisions of this chapter, those requirements govern.

SECTION 57. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 2, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 2 INCORPORATION

30-29-201. INCORPORATORS. One (1) or more persons may act as the incorporator or incorporators of a corporation by delivering articles of incorporation to the secretary of state for filing.

30-29-202. ARTICLES OF INCORPORATION. (1) The articles of incorporation must set forth:

- (a) A corporate name for the corporation that satisfies the requirements of sections 30-21-301 and 30-21-302 (a) , Idaho Code;
 - (b) The number of shares the corporation is authorized to issue;
 - (c) The information required by section 30-21-404 (a) , Idaho Code; and
 - (d) The name and address of each incorporator.
- (2) The articles of incorporation may set forth:
- (a) The names and addresses of the individuals who are to serve as the initial directors;
 - (b) Provisions not inconsistent with law regarding:
 - (i) The purpose or purposes for which the corporation is organized;
 - (ii) Managing the business and regulating the affairs of the corporation;
 - (iii) Defining, limiting and regulating the powers of the corporation, its board of directors, and shareholders;
 - (iv) A par value for authorized shares or classes of shares;
 - (v) The imposition of personal liability on shareholders for the debts of the corporation to a specified extent and upon specified conditions;
 - (c) Any provision that under this chapter is required or permitted to be set forth in the bylaws;
 - (d) A provision eliminating or limiting the liability of a director to the corporation or its shareholders for money damages for any action taken, or any failure to take any action, as a director, except liability for:
 - (i) The amount of a financial benefit received by a director to which he is not entitled;
 - (ii) An intentional infliction of harm on the corporation or the shareholders;
 - (iii) A violation of section 30-29-833, Idaho Code; or
 - (iv) An intentional violation of criminal law; and
 - (e) A provision permitting or making obligatory indemnification of a director for liability, as defined in section 30-29-850 (5) , Idaho Code, to any person for any action taken, or any failure to take any action, as a director, except liability for:
 - (i) Receipt of a financial benefit to which he is not entitled;
 - (ii) An intentional infliction of harm on the corporation or its shareholders;
 - (iii) A violation of section 30-29-833, Idaho Code; or
 - (iv) An intentional violation of criminal law.
- (3) The articles of incorporation need not set forth any of the corporate powers enumerated in this chapter.
- (4) Provisions of the articles of incorporation may be made dependent upon facts objectively ascertainable outside the articles of incorporation in accordance with section 30-29-120 (2) , Idaho Code.

30-29-203. INCORPORATION. (1) Unless a delayed effective date is specified, the corporate existence begins when the articles of incorporation are filed.

(2) The secretary of state's filing of the articles of incorporation is prima facie proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by the state to cancel or revoke the incorporation or involuntarily dissolve the corporation.

30-29-204. LIABILITY FOR PREINCORPORATION TRANSACTIONS. All persons purporting to act as or on behalf of a corporation, when there was no incorporation under this chapter, are jointly and severally liable for all liabilities created while so acting.

30-29-205. ORGANIZATION OF CORPORATION. (1) After incorporation:

(a) If initial directors are named in the articles of incorporation, the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting and shall hold an organizational meeting at the call of a majority of the incorporators:

(i) To elect directors and complete the organization of the corporation; or

(ii) To elect a board of directors, who shall complete the organization of the corporation.

(2) Action required or permitted by this chapter to be taken by incorporators at an organizational meeting may be taken without a meeting if the action taken is evidenced by one (1) or more written consents describing the action taken and signed by each incorporator.

(3) An organizational meeting may be held in or out of this state.

30-29-206. BYLAWS. (1) The incorporators or board of directors of a corporation shall adopt initial bylaws for the corporation.

(2) The bylaws of a corporation may contain any provision for managing the business and regulating the affairs of the corporation that is not inconsistent with law or the articles of incorporation.

30-29-207. EMERGENCY BYLAWS. (1) Unless the articles of incorporation provide otherwise, the board of directors of a corporation may adopt bylaws to be effective only in an emergency defined in subsection (4) of this section. The emergency bylaws, which are subject to amendment or repeal by the shareholders, may make all provisions necessary for managing the corporation during the emergency, including:

(a) Procedures for calling a meeting of the board of directors;

(b) Quorum requirements for the meeting; and

(c) Designation of additional or substitute directors.

(2) All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency. The emergency bylaws are not effective after the emergency ends.

(3) Corporate action taken in good faith in accordance with the emergency bylaws:

(a) Binds the corporation; and

(b) May not be used to impose liability on a corporate director, officer, employee or agent.

(4) An emergency exists for purposes of this section if a quorum of the corporation's directors cannot readily be assembled because of some catastrophic event.

SECTION 58. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 3, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 3 PURPOSES AND POWERS

30-29-301. PURPOSES. (1) Every corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation.

(2) A corporation engaging in a business that is subject to regulation under another statute of this state may incorporate under this chapter only if permitted by, and subject to all limitations of, the other statute.

30-29-302. GENERAL POWERS. Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including without limitation power:

- (1) To sue and be sued, complain and defend in its corporate name;
- (2) To have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it;
- (3) To make and amend bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for managing the business and regulating the affairs of the corporation;
- (4) To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with real or personal property, or any legal or equitable interest in property wherever located;
- (5) To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property;
- (6) To purchase, receive, subscribe for, or otherwise acquire; own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of; and deal in and with shares or other interests in, or obligations of, any other entity;
- (7) To make contracts and guarantees, incur liabilities, borrow money, issue its notes, bonds, and other obligations, which may be convertible into or include the option to purchase other securities of the corporation, and secure any of its obligations by mortgage or pledge of any of its property, franchises or income;
- (8) To lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment;
- (9) To be a promoter, partner, member, associate or manager of any partnership, joint venture, trust or other entity;
- (10) To conduct its business, locate offices, and exercise the powers granted by this chapter within or without this state;
- (11) To elect directors and appoint officers, employees, and agents of the corporation, define their duties, fix their compensation, and lend them money and credit;
- (12) To pay pensions and establish pension plans, pension trusts, profit-sharing plans, share bonus plans, share option plans, and benefit or incentive plans for any or all of its current or former directors, officers, employees and agents;
- (13) To make donations for the public welfare or for charitable, scientific, or educational purposes;
- (14) To transact any lawful business that will aid governmental policy;
- (15) To make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of the corporation.

30-29-303. EMERGENCY POWERS. (1) In anticipation of or during an emergency defined in subsection (4) of this section, the board of directors of a corporation may:

- (a) Modify lines of succession to accommodate the incapacity of any director, officer, employee or agent; and
 - (b) Relocate the principal office, designate alternative principal offices or regional offices, or authorize the officers to do so.
- (2) During an emergency defined in subsection (4) of this section, unless emergency bylaws provide otherwise:
- (a) Notice of a meeting of the board of directors need be given only to those directors whom it is practicable to reach and may be given in any practicable manner, including by publication and radio; and
 - (b) One (1) or more officers of the corporation present at a meeting of the board of directors may be deemed to be directors for the meeting, in

order of rank and within the same rank in order of seniority, as necessary to achieve a quorum.

(3) Corporate action taken in good faith during an emergency under this section to further the ordinary business affairs of the corporation:

(a) Binds the corporation; and

(b) May not be used to impose liability on a corporate director, officer, employee or agent.

(4) An emergency exists for purposes of this section if a quorum of the corporation's directors cannot readily be assembled because of some catastrophic event.

30-29-304. ULTRA VIRES. (1) Except as provided in subsection (2) of this section, the validity of corporate action may not be challenged on the ground that the corporation lacks or lacked power to act.

(2) A corporation's power to act may be challenged:

(a) In a proceeding by a shareholder against the corporation to enjoin the act;

(b) In a proceeding by the corporation, directly, derivatively or through a receiver, trustee or other legal representative, against an incumbent or former director, officer, employee or agent of the corporation; or

(c) In a proceeding by the attorney general under section 30-29-1430, Idaho Code.

(3) In a shareholder's proceeding under subsection (2) (a) of this section to enjoin an unauthorized corporate act, the court may enjoin or set aside the act, if equitable and if all affected persons are parties to the proceeding, and may award damages for loss, other than anticipated profits, suffered by the corporation or another party because of enjoining the unauthorized act.

SECTION 59. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 4, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 4
[RESERVED]

SECTION 60. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 5, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 5
[RESERVED]

SECTION 61. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 6, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 6
SHARES AND DISTRIBUTIONS

30-29-601. AUTHORIZED SHARES. (1) The articles of incorporation must set forth any classes of shares and series of shares within a class, and the number of shares of each class and series, that the corporation is authorized to issue. If more than one (1) class or series of shares is authorized, the articles of incorporation must prescribe a distinguishing designation for each class or series and must describe, prior to the issuance of shares of a class or series, the terms, including the preferences, rights and limitations of that class or series. Except to the extent varied as permitted by this section, all shares of a class or series must have terms, including

preferences, rights and limitations, that are identical with those of other shares of the same class or series.

(2) The articles of incorporation must authorize:

(a) One (1) or more classes or series of shares that together have unlimited voting rights; and

(b) One (1) or more classes or series of shares, which may be the same class or classes as those with voting rights, that together are entitled to receive the net assets of the corporation upon dissolution.

(3) The articles of incorporation may authorize one (1) or more classes or series of shares that:

(a) Have special, conditional or limited voting rights, or no right to vote, except to the extent otherwise provided by this chapter;

(b) Are redeemable or convertible as specified in the articles of incorporation:

(i) At the option of the corporation, the shareholder, or another person or upon the occurrence of a specified event;

(ii) For cash, indebtedness, securities or other property; and

(iii) At prices and in amounts specified or determined in accordance with a formula;

(c) Entitle the holders to distributions calculated in any manner, including dividends that may be cumulative, noncumulative or partially cumulative; or

(d) Have preference over any other class or series of shares with respect to distributions, including distributions upon the dissolution of the corporation.

(4) Terms of shares may be made dependent upon facts objectively ascertainable outside the articles of incorporation in accordance with section 30-29-120(2), Idaho Code.

(5) Any of the terms of shares may vary among holders of the same class or series so long as such variations are expressly set forth in the articles of incorporation.

(6) The description of the preferences, rights and limitations of classes or series of shares in subsection (3) of this section is not exhaustive.

30-29-602. TERMS OF CLASS OR SERIES DETERMINED BY BOARD OF DIRECTORS. (1) If the articles of incorporation so provide, the board of directors is authorized, without shareholder approval, to:

(a) Classify any unissued shares into one (1) or more classes or into one (1) or more series within a class;

(b) Reclassify any unissued shares of any class into one (1) or more classes or into one (1) or more series within one (1) or more classes; or

(c) Reclassify any unissued shares of any series of any class into one (1) or more classes or into one (1) or more series within a class.

(2) If the board of directors acts pursuant to subsection (1) of this section, it must determine the terms, including the preferences, rights and limitations, to the same extent permitted under section 30-29-601, Idaho Code, of:

(a) Any class of shares before the issuance of any shares of that class; or

(b) Any series within a class before the issuance of any shares of that series.

(3) Before issuing any shares of a class or series created under this section, the corporation must deliver to the secretary of state for filing articles of amendment setting forth the terms determined under subsection (1) of this section.

30-29-603. ISSUED AND OUTSTANDING SHARES. (1) A corporation may issue the number of shares of each class or series authorized by the articles of incorporation. Shares that are issued are outstanding shares until they are reacquired, redeemed, converted or canceled.

(2) The reacquisition, redemption or conversion of outstanding shares is subject to the limitations of subsection (3) of this section and to section 30-29-640, Idaho Code.

(3) At all times that shares of the corporation are outstanding, one (1) or more shares that together have unlimited voting rights and one (1) or more shares that together are entitled to receive the net assets of the corporation upon dissolution must be outstanding.

30-29-604. FRACTIONAL SHARES. (1) A corporation may:

(a) Issue fractions of a share or pay in money the value of fractions of a share;

(b) Arrange for disposition of fractional shares by the shareholders;

(c) Issue scrip in registered or bearer form entitling the holder to receive a full share upon surrendering enough scrip to equal a full share.

(2) Each certificate representing scrip must be conspicuously labeled "scrip" and must contain the information required by section 30-29-625(2), Idaho Code.

(3) The holder of a fractional share is entitled to exercise the rights of a shareholder, including the right to vote, to receive dividends, and to participate in the assets of the corporation upon liquidation. The holder of scrip is not entitled to any of these rights unless the scrip provides for them.

(4) The board of directors may authorize the issuance of scrip subject to any condition considered desirable, including:

(a) That the scrip will become void if not exchanged for full shares before a specified date; and

(b) That the shares for which the scrip is exchangeable may be sold and the proceeds paid to the scripholders.

30-29-605 through 30-29-619 -- RESERVED.

30-29-620. SUBSCRIPTION FOR SHARES BEFORE INCORPORATION. (1) A subscription for shares entered into before incorporation must be in writing and is irrevocable for six (6) months unless the subscription agreement provides a longer or shorter period or all the subscribers agree to revocation.

(2) The board of directors may determine the payment terms of subscriptions for shares that were entered into before incorporation, unless the subscription agreement specifies them. A call for payment by the board of directors must be uniform so far as practicable as to all shares of the same class or series, unless the subscription agreement specifies otherwise.

(3) Shares issued pursuant to subscriptions entered into before incorporation are fully paid and nonassessable when the corporation receives the consideration specified in the subscription agreement, provided that such consideration meets the requirements of section 30-29-621(2), Idaho Code.

(4) If a subscriber defaults in payment of money or property under a subscription agreement entered into before incorporation, the corporation may collect the amount owed as any other debt. Alternatively, unless the subscription agreement provides otherwise, the corporation may rescind the agreement and may sell the shares if the debt remains unpaid for more than twenty (20) days after the corporation sends written demand for payment to the subscriber.

(5) A subscription agreement entered into after incorporation is a contract between the subscriber and the corporation subject to section 30-29-621, Idaho Code.

(6) A subscription for stock of a corporation, whether made before or after the formation of a corporation, shall not be enforceable against the subscriber or the corporation, unless in writing and signed by the party to be bound.

30-29-621. ISSUANCE OF SHARES. (1) The powers granted in this section to the board of directors may be reserved to the shareholders by the articles of incorporation.

(2) The board of directors may authorize shares to be issued for consideration consisting of any tangible or intangible property, including cash, promissory notes, services performed, or other securities of the corporation.

(3) Before the corporation issues shares, the board of directors must determine that the consideration received or to be received for shares to be issued is adequate. That determination by the board of directors is conclusive insofar as the adequacy of consideration for the issuance of shares relates to whether the shares are validly issued, fully paid and nonassessable.

(4) When the corporation receives the consideration for which the board of directors authorized the issuance of shares, the shares issued therefor are fully paid and nonassessable.

(5) The corporation may place in escrow shares issued for a promissory note, or make other arrangements to restrict the transfer of the shares, and may credit distributions in respect of the shares against their purchase price, until the note is paid. If the note is not paid, the shares escrowed or restricted and the distributions credited may be canceled in whole or part.

(6) (a) An issuance of shares or other securities convertible into or rights exercisable for shares, in a transaction or a series of integrated transactions, requires approval of the shareholders, at a meeting at which a quorum consisting of at least a majority of the votes entitled to be cast on the matter exists, if:

(i) The shares, other securities, or rights are issued for consideration other than cash or cash equivalents; and

(ii) The voting power of shares that are issued and issuable as a result of the transaction or series of integrated transactions will comprise more than twenty percent (20%) of the voting power of the shares of the corporation that were outstanding immediately before the transaction.

(b) In this subsection:

(i) For purposes of determining the voting power of shares issued and issuable as a result of a transaction or series of integrated transactions, the voting power of shares shall be the greater of:

(A) The voting power of the shares to be issued; or

(B) The voting power of the shares that would be outstanding after giving effect to the conversion of convertible shares and other securities and the exercise of rights to be issued.

(ii) A series of transactions is integrated if consummation of one (1) transaction is made contingent on consummation of one (1) or more of the other transactions.

30-29-622. LIABILITY OF SHAREHOLDERS. (1) A purchaser from a corporation of its own shares is not liable to the corporation or its creditors with respect to the shares except to pay the consideration for which the shares were authorized to be issued as provided in section 30-29-621, Idaho Code, or specified in the subscription agreement as provided in section 30-29-620, Idaho Code.

(2) Unless otherwise provided in the articles of incorporation, a shareholder of a corporation is not personally liable for the acts or debts

of the corporation except that he may become personally liable by reason of his own acts or conduct.

30-29-623. SHARE DIVIDENDS. (1) Unless the articles of incorporation provide otherwise, shares may be issued pro rata and without consideration to the corporation's shareholders or to the shareholders of one (1) or more classes or series. An issuance of shares under this subsection is a share dividend.

(2) Shares of one (1) class or series may not be issued as a share dividend in respect of shares of another class or series unless:

- (a) The articles of incorporation so authorize;
- (b) A majority of the votes entitled to be cast by the class or series to be issued approve the issue; or
- (c) There are not outstanding shares of the class or series to be issued.

(3) If the board of directors does not fix the record date for determining shareholders entitled to a share dividend, it is the date the board of directors authorizes the share dividend.

30-29-624. SHARE OPTIONS. (1) A corporation may issue rights, options or warrants for the purchase of shares or other securities of the corporation. The board of directors shall determine:

- (a) The terms upon which the rights, options or warrants are issued; and
- (b) The terms, including the consideration for which the shares or other securities are to be issued. The authorization by the board of directors for the corporation to issue such rights, options or warrants constitutes authorization of the issuance of the shares or other securities for which the rights, options or warrants are exercisable.

(2) The terms and conditions of such rights, options or warrants, including those outstanding on July 1, 2004, may include, without limitation, restrictions or conditions that:

- (a) Preclude or limit the exercise, transfer or receipt of such rights, options or warrants by any person or persons owning or offering to acquire a specified number or percentage of the outstanding shares or other securities of the corporation or by any transferee or transferees of any such person or persons; or
- (b) Invalidate or void such rights, options or warrants held by any such person or persons or any such transferee or transferees.

30-29-625. FORM AND CONTENT OF CERTIFICATES. (1) Shares may but need not be represented by certificates. Unless this chapter or another statute expressly provides otherwise, the rights and obligations of shareholders are identical whether or not their shares are represented by certificates.

(2) At a minimum each share certificate must state on its face:

- (a) The name of the issuing corporation and that it is organized under the law of this state;
- (b) The name of the person to whom issued; and
- (c) The number and class of shares and the designation of the series, if any, the certificate represents.

(3) If the issuing corporation is authorized to issue different classes of shares or different series within a class, the designations, relative rights, preferences and limitations applicable to each class and the variations in rights, preferences and limitations determined for each series, and the authority of the board of directors to determine variations for future series, must be summarized on the front or back of each certificate. Alternatively, each certificate may state conspicuously on its front or back that the corporation will furnish the shareholder this information on request in writing and without charge.

(4) Each share certificate:

(a) Must be signed, either manually or in facsimile, by two (2) officers designated in the bylaws or by the board of directors; and

(b) May bear the corporate seal or its facsimile.

(5) If the person who signed, either manually or in facsimile, a share certificate no longer holds office when the certificate is issued, the certificate is nevertheless valid.

30-29-626. SHARES WITHOUT CERTIFICATES. (1) Unless the articles of incorporation or bylaws provide otherwise, the board of directors of a corporation may authorize the issue of some or all of the shares of any or all of its classes or series without certificates. The authorization does not affect shares already represented by certificates until they are surrendered to the corporation.

(2) Within a reasonable time after the issue or transfer of shares without certificates, the corporation shall send the shareholder a written statement of the information required on certificates by section 30-29-625(2) and (3), Idaho Code, and, if applicable, section 30-29-627, Idaho Code.

30-29-627. RESTRICTION ON TRANSFER OF SHARES AND OTHER SECURITIES. (1) The articles of incorporation, bylaws, an agreement among shareholders, or an agreement between shareholders and the corporation may impose restrictions on the transfer or registration of transfer of shares of the corporation. A restriction does not affect shares issued before the restriction was adopted unless the holders of the shares are parties to the restriction agreement or voted in favor of the restriction.

(2) A restriction on the transfer or registration of transfer of shares is valid and enforceable against the holder or a transferee of the holder if the restriction is authorized by this section and its existence is noted conspicuously on the front or back of the certificate or is contained in the information statement required by section 30-29-626(2), Idaho Code. Unless so noted, a restriction is not enforceable against a person without knowledge of the restriction.

(3) A restriction on the transfer or registration of transfer of shares is authorized:

(a) To maintain the corporation's status when it is dependent on the number or identity of its shareholders;

(b) To preserve exemptions under federal or state securities law;

(c) For any other reasonable purpose.

(4) A restriction on the transfer or registration of transfer of shares may:

(a) Obligate the shareholder first to offer the corporation or other persons, separately, consecutively, or simultaneously, an opportunity to acquire the restricted shares;

(b) Obligate the corporation or other persons, separately, consecutively, or simultaneously, to acquire the restricted shares;

(c) Require the corporation, the holders of any class of its shares, or another person to approve the transfer of the restricted shares, if the requirement is not manifestly unreasonable;

(d) Prohibit the transfer of the restricted shares to designated persons or classes of persons, if the prohibition is not manifestly unreasonable.

(5) For purposes of this section, "shares" includes a security convertible into or carrying a right to subscribe for or acquire shares.

30-29-628. EXPENSE OF ISSUE. A corporation may pay the expenses of selling or underwriting its shares, and of organizing or reorganizing the corporation, from the consideration received for shares.

30-29-629 -- RESERVED.

30-29-630. SHAREHOLDERS' PREEMPTIVE RIGHTS. (1) The shareholders of a corporation do not have a preemptive right to acquire the corporation's unissued shares except to the extent the articles of incorporation so provide.

(2) A statement included in the articles of incorporation that "the corporation elects to have preemptive rights," or words of similar import, means that the following principles apply except to the extent the articles of incorporation expressly provide otherwise:

(a) The shareholders of the corporation have a preemptive right, granted on uniform terms and conditions prescribed by the board of directors to provide a fair and reasonable opportunity to exercise the right, to acquire proportional amounts of the corporation's unissued shares upon the decision of the board of directors to issue them.

(b) A shareholder may waive his preemptive right. A waiver evidenced by a writing is irrevocable even though it is not supported by consideration.

(c) There is no preemptive right with respect to:

(i) Shares issued as compensation to directors, officers, agents or employees of the corporation, its subsidiaries or affiliates;

(ii) Shares issued to satisfy conversion rights or option rights created to provide compensation to directors, officers, agents or employees of the corporation, its subsidiaries or affiliates;

(iii) Shares authorized in articles of incorporation that are issued within six (6) months from the effective date of incorporation;

(iv) Shares sold otherwise than for money.

(d) Holders of shares of any class without general voting rights but with preferential rights to distributions or assets have no preemptive rights with respect to shares of any class.

(e) Holders of shares of any class with general voting rights but without preferential rights to distributions or assets have no preemptive rights with respect to shares of any class with preferential rights to distributions or assets unless the shares with preferential rights are convertible into or carry a right to subscribe for or acquire shares without preferential rights.

(f) Shares subject to preemptive rights that are not acquired by shareholders may be issued to any person for a period of one (1) year after being offered to shareholders at a consideration set by the board of directors that is not lower than the consideration set for the exercise of preemptive rights. An offer at a lower consideration or after the expiration of one (1) year is subject to the shareholders' preemptive rights.

(3) For purposes of this section, "shares" includes a security convertible into or carrying a right to subscribe for or acquire shares.

30-29-631. CORPORATION'S ACQUISITION OF ITS OWN SHARES. (1) A corporation may acquire its own shares. Unless a resolution of the board of directors or the corporation's articles of incorporation provide otherwise, shares so acquired constitute authorized but unissued shares.

(2) If the articles of incorporation prohibit the reissue of acquired shares, the number of authorized shares is reduced by the number of shares acquired, effective upon amendment of the articles of incorporation pursuant to section 30-29-1005(6), Idaho Code.

(3) A corporation has authority to use, hold, acquire, cancel and dispose of treasury shares.

(4) Unless the board of directors adopts an amendment to the corporation's articles of incorporation to reduce the number of authorized shares,

treasury shares of the corporation that are canceled shall be treated as authorized but unissued shares.

30-29-632 through 30-29-639 -- RESERVED.

30-29-640. DISTRIBUTIONS TO SHAREHOLDERS. (1) A board of directors may authorize and the corporation may make distributions to its shareholders subject to restriction by the articles of incorporation and the limitation in subsection (3) of this section.

(2) If the board of directors does not fix the record date for determining shareholders entitled to a distribution, other than one involving a purchase, redemption or other acquisition of the corporation's shares, it is the date the board of directors authorizes the distribution.

(3) No distribution may be made if, after giving it effect:

(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(b) The corporation's total assets would be less than the sum of its total liabilities plus, unless the articles of incorporation permit otherwise, the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of shareholders whose preferential rights are superior to those receiving the distribution.

(4) The board of directors may base a determination that a distribution is not prohibited under subsection (3) of this section either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances.

(5) Except as provided in subsection (7) of this section, the effect of a distribution under subsection (3) of this section is measured:

(a) In the case of distribution by purchase, redemption or other acquisition of the corporation's shares, as of the earlier of:

(i) The date money or other property is transferred or debt incurred by the corporation; or

(ii) The date the shareholder ceases to be a shareholder with respect to the acquired shares;

(b) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed; and

(c) In all other cases, as of:

(i) The date the distribution is authorized if the payment occurs within one hundred twenty (120) days after the date of authorization; or

(ii) The date the payment is made if it occurs more than one hundred twenty (120) days after the date of authorization.

(6) A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general, unsecured creditors except to the extent subordinated by agreement.

(7) Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations under subsection (3) of this section if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is actually made.

SECTION 62. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 7, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 7
SHAREHOLDERS

30-29-701. ANNUAL MEETING. (1) A corporation shall hold a meeting of shareholders annually at a time stated in or fixed in accordance with the by-laws.

(2) Annual shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws. If no place is stated in or fixed in accordance with the bylaws, annual meetings shall be held at the corporation's principal office.

(3) The failure to hold an annual meeting at the time stated in or fixed in accordance with a corporation's bylaws does not affect the validity of any corporate action.

30-29-702. SPECIAL MEETING. (1) A corporation shall hold a special meeting of shareholders:

(a) On call of its board of directors or the person or persons authorized to do so by the articles of incorporation or bylaws; or

(b) If the holders of at least twenty percent (20%) of all the votes entitled to be cast on any issue proposed to be considered at the proposed special meeting sign, date and deliver to the corporation one (1) or more written demands for the meeting describing the purpose or purposes for which it is to be held, provided that the articles of incorporation may fix a lower percentage or a higher percentage not exceeding thirty-three and one-third percent (33 1/3%) of all the votes entitled to be cast on any issue proposed to be considered. Unless otherwise provided in the articles of incorporation, a written demand for a special meeting may be revoked by a writing to that effect received by the corporation prior to the receipt by the corporation of demands sufficient in number to require the holding of a special meeting.

(2) If not otherwise fixed under section 30-29-703 or 30-29-707, Idaho Code, the record date for determining shareholders entitled to demand a special meeting is the date the first shareholder signs the demand.

(3) Special shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws. If no place is stated or fixed in accordance with the bylaws, special meetings shall be held at the corporation's principal office.

(4) Only business within the purpose or purposes described in the meeting notice required by section 30-29-705 (3), Idaho Code, may be conducted at a special shareholders' meeting.

30-29-703. COURT-ORDERED MEETING. (1) The Idaho district court of the county where a corporation's principal office is located, or, if none in this state, Ada county, may summarily order a meeting to be held:

(a) On application of any shareholder of the corporation entitled to participate in an annual meeting if an annual meeting was not held within fifteen (15) months after its last annual meeting; or

(b) On application of a shareholder who signed a demand for a special meeting valid under section 30-29-702, Idaho Code, if:

(i) Notice of the special meeting was not given within thirty (30) days after the date the demand was delivered to the corporation's secretary; or

(ii) The special meeting was not held in accordance with the notice.

(2) The court may fix the time and place of the meeting, determine the shares entitled to participate in the meeting, specify a record date for determining shareholders entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting, or direct that the

votes represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the meeting.

30-29-704. ACTION WITHOUT MEETING. (1) Action required or permitted by this chapter to be taken at a shareholders' meeting may be taken without a meeting if the action is taken by all the shareholders entitled to vote on the action. The action must be evidenced by one (1) or more written consents bearing the date of signature and describing the action taken, signed by all the shareholders entitled to vote on the action, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(2) If not otherwise fixed under section 30-29-703 or 30-29-707, Idaho Code, the record date for determining shareholders entitled to take action without a meeting is the date the first shareholder signs the consent under subsection (1) of this section. No written consent shall be effective to take the corporate action referred to therein unless, within sixty (60) days of the earliest date appearing on a consent delivered to the corporation in the manner required by this section, written consents signed by all shareholders entitled to vote on the action are received by the corporation. A written consent may be revoked by a writing to that effect received by the corporation prior to the receipt by the corporation of unrevoked written consents sufficient in number to take corporate action.

(3) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

(4) If this chapter requires that notice of proposed action be given to nonvoting shareholders and the action is to be taken by unanimous consent of the voting shareholders, the corporation must give its nonvoting shareholders written notice of the proposed action at least ten (10) days before the action is taken. The notice must contain or be accompanied by the same material that, under this chapter, would have been required to be sent to nonvoting shareholders in a notice of meeting at which the proposed action would have been submitted to the shareholders for action.

30-29-705. NOTICE OF MEETING. (1) A corporation shall notify shareholders of the date, time and place of each annual and special shareholders' meeting no fewer than ten (10) nor more than sixty (60) days before the meeting date. Unless this chapter or the articles of incorporation require otherwise, the corporation is required to give notice only to shareholders entitled to vote at the meeting.

(2) Unless this chapter or the articles of incorporation require otherwise, notice of an annual meeting need not include a description of the purpose or purposes for which the meeting is called.

(3) Notice of a special meeting must include a description of the purpose or purposes for which the meeting is called.

(4) If not otherwise fixed under section 30-29-703 or 30-29-707, Idaho Code, the record date for determining shareholders entitled to notice of and to vote at an annual or special shareholders' meeting is the day before the first notice is delivered to shareholders.

(5) Unless the bylaws require otherwise, if an annual or special shareholders' meeting is adjourned to a different date, time, or place, notice need not be given of the new date, time, or place if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or must be fixed under section 30-29-707, Idaho Code, however, notice of the adjourned meeting must be given under this section to persons who are shareholders as of the new record date.

30-29-706. WAIVER OF NOTICE. (1) A shareholder may waive any notice required by this chapter, the articles of incorporation, or bylaws before or after the date and time stated in the notice. The waiver must be in writ-

ing, be signed by the shareholder entitled to the notice, and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(2) A shareholder's attendance at a meeting:

(a) Waives objection to lack of notice or defective notice of the meeting, unless the shareholder at the beginning of the meeting objects to holding the meeting or transacting business at the meeting;

(b) Waives objection to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting notice, unless the shareholder objects to considering the matter when it is presented.

30-29-707. RECORD DATE. (1) The bylaws may fix or provide the manner of fixing the record date for one (1) or more voting groups in order to determine the shareholders entitled to notice of a shareholders' meeting, to demand a special meeting, to vote, or to take any other action. If the bylaws do not fix or provide for fixing a record date, the board of directors of the corporation may fix a future date as the record date.

(2) A record date fixed under this section may not be more than seventy (70) days before the meeting or action requiring a determination of shareholders.

(3) A determination of shareholders entitled to notice of or to vote at a shareholders' meeting is effective for any adjournment of the meeting unless the board of directors fixes a new record date, which it must do if the meeting is adjourned to a date more than one hundred twenty (120) days after the date fixed for the original meeting.

(4) If a court orders a meeting adjourned to a date more than one hundred twenty (120) days after the date fixed for the original meeting, it may provide that the original record date continues in effect or it may fix a new record date.

30-29-708. CONDUCT OF THE MEETING. (1) At each meeting of shareholders, a chair shall preside. The chair shall be appointed as provided in the bylaws or, in the absence of such provision, by the board.

(2) The chair, unless the bylaws provide otherwise, shall determine the order of business and shall establish rules for the conduct of the meeting.

(3) The rules adopted for, and the conduct of, the meeting shall be fair to shareholders.

(4) The chair of the meeting shall announce at the meeting when the polls close for each matter voted upon. If no announcement is made, the polls shall be deemed to have closed upon the final adjournment of the meeting. After the polls close, no ballots, proxies or votes nor any revocations or changes thereto may be accepted.

30-29-709 through 30-29-719 -- RESERVED.

30-29-720. SHAREHOLDERS' LIST FOR MEETING. (1) After fixing a record date for a meeting, a corporation shall prepare an alphabetical list of the names of all its shareholders who are entitled to notice of a shareholders' meeting. The list must be arranged by voting group, and within each voting group by class or series of shares, and show the address of and number of shares held by each shareholder.

(2) The shareholders' list must be available for inspection by any shareholder, at least ten (10) days before the meeting for which the list was prepared and continuing through the meeting, at the corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held. A shareholder, his agent or attorney is entitled on written demand to inspect and, subject to the requirements of section

30-29-1602(3), Idaho Code, to copy the list, during regular business hours and at his expense, during the period it is available for inspection.

(3) The corporation shall make the shareholders' list available at the meeting, and any shareholder, his agent, or attorney is entitled to inspect the list at any time during the meeting or any adjournment.

(4) If the corporation refuses to allow a shareholder, his agent or attorney to inspect the shareholders' list before or at the meeting, or copy the list as permitted by subsection (2) of this section, the Idaho district court of the county where a corporation's principal office is located, or, if none in this state, Ada county, on application of the shareholder, may summarily order the inspection or copying at the corporation's expense and may postpone the meeting for which the list was prepared until the inspection or copying is complete.

(5) Refusal or failure to prepare or make available the shareholders' list does not affect the validity of action taken at the meeting.

30-29-721. VOTING ENTITLEMENT OF SHARES. (1) Except as provided in subsections (2) and (4) of this section or unless the articles of incorporation provide otherwise, each outstanding share, regardless of class, is entitled to one (1) vote on each matter voted on at a shareholders' meeting. Only shares are entitled to vote.

(2) A corporation is not entitled to vote treasury shares. Absent special circumstances, the shares of a corporation are not entitled to vote if they are owned, directly or indirectly, by a second corporation, domestic or foreign, and the first corporation owns, directly or indirectly, a majority of the shares entitled to vote for directors of the second corporation.

(3) Subsection (2) of this section does not limit the power of a corporation to vote any shares, including its own shares, held by it in a fiduciary capacity.

(4) Redeemable shares are not entitled to vote after notice of redemption is mailed to the holders and a sum sufficient to redeem the shares has been deposited with a bank, trust company, or other financial institution under an irrevocable obligation to pay the holders the redemption price on surrender of the shares.

30-29-722. PROXIES. (1) A shareholder may vote his shares in person or by proxy.

(2) A shareholder or his agent or attorney-in-fact may appoint a proxy to vote or otherwise act for the shareholder by signing an appointment form, or by an electronic transmission. An electronic transmission must contain or be accompanied by information from which one can reasonably verify that the shareholder, the shareholder's agent, or the shareholder's attorney-in-fact authorized the transmission.

(3) An appointment of a proxy is effective when a signed appointment form or an electronic transmission of the appointment is received by the inspector of election or the officer or agent of the corporation authorized to tabulate votes. An appointment is valid for eleven (11) months unless a longer period is expressly provided in the appointment form.

(4) An appointment of a proxy is revocable unless the appointment form or electronic transmission states that it is irrevocable and the appointment is coupled with an interest. Appointments coupled with an interest include the appointment of:

- (a) A pledgee;
- (b) A person who purchased or agreed to purchase the shares;
- (c) A creditor of the corporation who extended it credit under terms requiring the appointment;
- (d) An employee of the corporation whose employment contract requires the appointment; or

(e) A party to a voting agreement created under section 30-29-731, Idaho Code.

(5) The death or incapacity of the shareholder appointing a proxy does not affect the right of the corporation to accept the proxy's authority unless notice of the death or incapacity is received by the inspector of election or the officer or agent of the corporation authorized to tabulate votes before the proxy exercises his authority under the appointment.

(6) An appointment made irrevocable under subsection (4) of this section is revoked when the interest with which it is coupled is extinguished.

(7) A transferee for value of shares subject to an irrevocable appointment may revoke the appointment if he did not know of its existence when he acquired the shares and the existence of the irrevocable appointment was not noted conspicuously on the certificate representing the shares or on the information statement for shares without certificates.

(8) Subject to section 30-29-724, Idaho Code, and to any express limitation on the proxy's authority stated in the appointment form or electronic transmission, a corporation is entitled to accept the proxy's vote or other action as that of the shareholder making the appointment.

30-29-723. SHARES HELD BY NOMINEES. (1) A corporation may establish a procedure by which the beneficial owner of shares that are registered in the name of a nominee is recognized by the corporation as the shareholder. The extent of this recognition may be determined in the procedure.

(2) The procedure may set forth:

(a) The types of nominees to which it applies;

(b) The rights or privileges that the corporation recognizes in a beneficial owner;

(c) The manner in which the procedure is selected by the nominee;

(d) The information that must be provided when the procedure is selected;

(e) The period for which selection of the procedure is effective; and

(f) Other aspects of the rights and duties created.

30-29-724. CORPORATION'S ACCEPTANCE OF VOTES. (1) If the name signed on a vote, consent, waiver or proxy appointment corresponds to the name of a shareholder, the corporation if acting in good faith is entitled to accept the vote, consent, waiver or proxy appointment and give it effect as the act of the shareholder.

(2) If the name signed on a vote, consent, waiver or proxy appointment does not correspond to the name of its shareholder, the corporation if acting in good faith is nevertheless entitled to accept the vote, consent, waiver or proxy appointment and give it effect as the act of the shareholder if:

(a) The shareholder is an entity and the name signed purports to be that of an officer or agent of the entity;

(b) The name signed purports to be that of an administrator, executor, guardian or conservator representing the shareholder and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the vote, consent, waiver or proxy appointment;

(c) The name signed purports to be that of a receiver or trustee in bankruptcy of the shareholder and, if the corporation requests, evidence of this status acceptable to the corporation has been presented with respect to the vote, consent, waiver or proxy appointment;

(d) The name signed purports to be that of a pledgee, beneficial owner, or attorney-in-fact of the shareholder and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the shareholder has been presented with respect to the vote, consent, waiver or proxy appointment;

(e) Two (2) or more persons are the shareholder as cotenants or fiduciaries and the name signed purports to be the name or at least one (1) of the co-owners and the person signing appears to be acting on behalf of all the co-owners.

(3) The corporation is entitled to reject a vote, consent, waiver or proxy appointment if the inspector of election or the officer or agent of the corporation authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the shareholder.

(4) The corporation and its officer or agent who accepts or rejects a vote, consent, waiver or proxy appointment in good faith and in accordance with the standards of this section or section 30-29-722(2), Idaho Code, are not liable in damages to the shareholder for the consequences of the acceptance or rejection.

(5) Corporate action based on the acceptance or rejection of a vote, consent, waiver or proxy appointment under this section or section 30-29-722(2), Idaho Code, is valid unless a court of competent jurisdiction determines otherwise.

30-29-725. QUORUM AND VOTING REQUIREMENTS FOR VOTING GROUPS. (1) Shares entitled to vote as a separate voting group may take action on a matter at a meeting only if a quorum of those shares exists with respect to that matter. Unless the articles of incorporation or this chapter provide otherwise, a majority of the votes entitled to be cast on the matter by the voting group constitutes a quorum of that voting group for action on that matter.

(2) Once a share is represented for any purpose at a meeting, it is deemed present for quorum purposes for the remainder of the meeting and for any adjournment of that meeting unless a new record date is or must be set for that adjourned meeting.

(3) If a quorum exists, action on a matter, other than the election of directors, by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless the articles of incorporation or this chapter requires a greater number of affirmative votes.

(4) An amendment of articles of incorporation adding, changing or deleting a quorum or voting requirement for a voting group greater than specified in subsection (1) or (3) of this section is governed by section 30-29-727, Idaho Code.

(5) The election of directors is governed by section 30-29-728, Idaho Code.

30-29-726. ACTION BY SINGLE AND MULTIPLE VOTING GROUPS. (1) If the articles of incorporation or this chapter provide for voting by a single voting group on a matter, action on that matter is taken when voted upon by that voting group as provided in section 30-29-725, Idaho Code.

(2) If the articles of incorporation or this chapter provide for voting by two (2) or more voting groups on a matter, action on that matter is taken only when voted upon by each of those voting groups counted separately as provided in section 30-29-725, Idaho Code. Action may be taken by one (1) voting group on a matter even though no action is taken by another voting group entitled to vote on the matter.

30-29-727. GREATER QUORUM OR VOTING REQUIREMENTS. (1) The articles of incorporation may provide for a greater quorum or voting requirement for shareholders, or voting groups of shareholders, than is provided for by this chapter.

(2) An amendment to the articles of incorporation that adds, changes or deletes a greater quorum or voting requirement must meet the same quorum re-

quirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect or proposed to be adopted, whichever is greater.

30-29-728. VOTING FOR DIRECTORS -- CUMULATIVE VOTING. (1) Unless otherwise provided in the articles of incorporation, directors are elected by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which a quorum is present.

(2) Shareholders do not have a right to cumulate their votes for directors unless the articles of incorporation so provide.

(3) A statement included in the articles of incorporation that "[all] [a designated voting group of shareholders] are entitled to cumulate their votes for directors," or words of similar import, means that the shareholders designated are entitled to multiply the number of votes they are entitled to cast by the number of directors for whom they are entitled to vote and cast the product for a single candidate or distribute the product among two (2) or more candidates.

30-29-729. INSPECTORS OF ELECTION. (1) A corporation having any shares listed on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national or affiliated securities association shall, and any other corporation may, appoint one (1) or more inspectors to act at a meeting of shareholders and make a written report of the inspectors' determinations. Each inspector shall take and sign an oath faithfully to execute the duties of inspector with strict impartiality and according to the best of the inspector's ability.

(2) The inspectors shall:

(a) Ascertain the number of shares outstanding and the voting power of each;

(b) Determine the shares represented at a meeting;

(c) Determine the validity of proxies and ballots;

(d) Count all votes; and

(e) Determine the result.

(3) An inspector may be an officer or employee of the corporation.

30-29-730. VOTING TRUSTS. (1) One (1) or more shareholders may create a voting trust, conferring on a trustee the right to vote or otherwise act for them, by signing an agreement setting out the provisions of the trust, which may include anything consistent with its purpose, and transferring their shares to the trustee. When a voting trust agreement is signed, the trustee shall prepare a list of the names and addresses of all owners of beneficial interests in the trust, together with the number and class of shares each transferred to the trust, and deliver copies of the list and agreement to the corporation's principal office.

(2) A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name. A voting trust is valid for not more than ten (10) years after its effective date unless extended under subsection (3) of this section.

(3) All or some of the parties to a voting trust may extend it for additional terms of not more than ten (10) years each by signing written consent to the extension. An extension is valid for ten (10) years from the date the first shareholder signs the extension agreement. The voting trustee must deliver copies of the extension agreement and list of beneficial owners to the corporation's principal office. An extension agreement binds only those parties signing it.

30-29-731. VOTING AGREEMENTS. (1) Two (2) or more shareholders may provide for the manner in which they will vote their shares by signing an

agreement for that purpose. A voting agreement created under this section is not subject to the provisions of section 30-29-730, Idaho Code.

(2) A voting agreement created under this section is specifically enforceable.

30-29-732. SHAREHOLDER AGREEMENTS. (1) An agreement among the shareholders of a corporation that complies with this section is effective among the shareholders and the corporation even though it is inconsistent with one (1) or more other provisions of this chapter in that it:

(a) Eliminates the board of directors or restricts the discretion or powers of the board of directors;

(b) Governs the authorization or making of distributions whether or not in proportion to ownership of shares, subject to limitations in section 30-29-640, Idaho Code;

(c) Establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal;

(d) Governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by or among any of them, including use of weighted voting rights or director proxies;

(e) Establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between the corporation and any shareholder, director, officer or employee of the corporation or among any of them;

(f) Transfers to one (1) or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation, including the resolution of any issue about which there exists a deadlock among directors or shareholders;

(g) Requires dissolution of the corporation at the request of one (1) or more of the shareholders or upon the occurrence of a specified event or contingency; or

(h) Otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the shareholders, the directors and the corporation, or among any of them, and is not contrary to public policy.

(2) An agreement authorized by this section shall be:

(a) Set forth:

(i) In the articles of incorporation or bylaws and approved by all persons who are shareholders at the time of the agreement; or

(ii) In a written agreement that is signed by all persons who are shareholders at the time of the agreement and is made known to the corporation;

(b) Subject to amendment only by all persons who are shareholders at the time of the amendment, unless the agreement provides otherwise; and

(c) Valid for ten (10) years, unless the agreement provides otherwise.

(3) The existence of an agreement authorized by this section shall be noted conspicuously on the front or back of each certificate for outstanding shares or on the information statement required by section 30-29-626(2), Idaho Code. If at the time of the agreement the corporation has shares outstanding represented by certificates, the corporation shall recall the outstanding certificates and issue substitute certificates that comply with this subsection. The failure to note the existence of the agreement on the certificate or information statement shall not affect the validity of the agreement or any action taken pursuant to it. Any purchaser of shares who, at the time of purchase, did not have knowledge of the existence of the agreement shall be entitled to rescission of the purchase.

A purchaser shall be deemed to have knowledge of the existence of the agreement if its existence is noted on the certificate or information state-

ment for the shares in compliance with this subsection and, if the shares are not represented by a certificate, the information statement is delivered to the purchaser at or prior to the time of purchase of the shares. An action to enforce the right of rescission authorized by this subsection must be commenced within the earlier of ninety (90) days after discovery of the existence of the agreement or two (2) years after the time of purchase of the shares.

(4) An agreement authorized by this section shall cease to be effective when shares of the corporation are listed on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national or affiliated securities association. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.

(5) An agreement authorized by this section that limits the discretion or powers of the board of directors shall relieve the directors of, and impose upon the person or persons in whom such discretion or powers are vested, liability for acts or omissions imposed by law on directors to the extent that the discretion or powers of the directors are limited by the agreement.

(6) The existence or performance of an agreement authorized by this section shall not be a ground for imposing personal liability on any shareholder for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.

(7) Incorporators or subscribers for shares may act as shareholders with respect to an agreement authorized by this section if no shares have been issued when the agreement is made.

30-29-733 through 30-29-739 -- RESERVED.

30-29-740. DEFINITIONS. As used in sections 30-29-741 through 30-29-747, Idaho Code, "derivative proceeding" means a civil suit in the right of a domestic corporation or, to the extent provided in section 30-29-747, Idaho Code, in the right of a foreign corporation.

30-29-741. STANDING. A shareholder may not commence or maintain a derivative proceeding unless the shareholder:

(1) Was a shareholder of the corporation at the time of the act or omission complained of or became a shareholder through transfer by operation of law from one (1) who was a shareholder at that time; and

(2) Fairly and adequately represents the interests of the corporation in enforcing the right of the corporation.

30-29-742. DEMAND. No shareholder may commence a derivative proceeding until:

(1) A written demand has been made upon the corporation to take suitable action; and

(2) Ninety (90) days have expired from the date the demand was made unless the shareholder has earlier been notified that the demand has been rejected by the corporation or unless irreparable injury to the corporation would result by waiting for the expiration of the ninety (90) day period.

30-29-743. STAY OF PROCEEDINGS. If the corporation commences an inquiry into the allegations made in the demand or complaint, the court may stay any derivative proceeding for such period as the court deems appropriate.

30-29-744. DISMISSAL. (1) A derivative proceeding shall be dismissed by the court on motion by the corporation if one (1) of the groups specified in subsection (2) or (6) of this section has determined in good faith after conducting a reasonable inquiry upon which its conclusions are based that the maintenance of the derivative proceeding is not in the best interests of the corporation.

(2) Unless a panel is appointed pursuant to subsection (6) of this section, the determination in subsection (1) of this section shall be made by:

(a) A majority vote of independent directors present at a meeting of the board of directors if the independent directors constitute a quorum;

(b) A majority vote of a committee consisting of two (2) or more independent directors appointed by majority vote of independent directors present at a meeting of the board of directors, whether or not such independent directors constituted a quorum.

(3) None of the following shall by itself cause a director to be considered not independent for purposes of this section:

(a) The nomination or election of the director by persons who are defendants in the derivative proceeding or against whom action is demanded;

(b) The naming of the director as a defendant in the derivative proceeding or as a person against whom action is demanded; or

(c) The approval by the director of the act being challenged in the derivative proceeding or demand if the act resulted in no personal benefit to the director.

(4) If a derivative proceeding is commenced after a determination has been made rejecting a demand by a shareholder, the complaint shall allege with particularity facts establishing either:

(a) That a majority of the board of directors did not consist of independent directors at the time the determination was made; or

(b) That the requirements of subsection (1) of this section have not been met.

(5) If a majority of the board of directors does not consist of independent directors at the time the determination is made, the corporation shall have the burden of proving that the requirements of subsection (1) of this section have been met. If a majority of the board of directors consists of independent directors at the time the determination is made, the plaintiff shall have the burden of proving that the requirements of subsection (1) of this section have not been met.

(6) The court may appoint a panel of one (1) or more independent persons upon motion by the corporation to make a determination whether the maintenance of the derivative proceeding is in the best interests of the corporation. In such case, the plaintiff shall have the burden of proving that the requirements of subsection (1) of this section have not been met.

30-29-745. DISCONTINUANCE OR SETTLEMENT. A derivative proceeding may not be discontinued or settled without the court's approval. If the court determines that a proposed discontinuance or settlement will substantially affect the interests of the corporation's shareholders or a class of shareholders, the court shall direct that notice be given to the shareholders affected.

30-29-746. PAYMENT OF EXPENSES. On termination of the derivative proceeding the court may:

(1) Order the corporation to pay the plaintiff's reasonable expenses, including counsel fees, incurred in the proceeding if it finds that the proceeding has resulted in a substantial benefit to the corporation;

(2) Order the plaintiff to pay any defendant's reasonable expenses, including counsel fees, incurred in defending the proceeding if it finds that the proceeding was commenced or maintained without reasonable cause or for an improper purpose; or

(3) Order a party to pay an opposing party's reasonable expenses, including counsel fees, incurred because of the filing of a pleading, motion or other paper, if it finds that the pleading, motion or other paper was not well grounded in fact, after reasonable inquiry, or warranted by existing law or a good faith argument for the extension, modification or reversal of existing law and was interposed for an improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

30-29-747. APPLICABILITY TO FOREIGN CORPORATIONS. In any derivative proceeding in the right of a foreign corporation, the matters covered by sections 30-29-740 through 30-29-746, Idaho Code, shall be governed by the laws of the jurisdiction of incorporation of the foreign corporation except for sections 30-29-743, 30-29-745 and 30-29-746, Idaho Code.

SECTION 63. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 8, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 8
DIRECTORS AND OFFICERS

30-29-801. REQUIREMENT FOR AND DUTIES OF BOARD OF DIRECTORS. (1) Except as provided in section 30-29-732, Idaho Code, each corporation must have a board of directors.

(2) All corporate powers shall be exercised by or under the authority of, and the business and affairs of the corporation managed by or under the direction of, its board of directors, subject to any limitation set forth in the articles of incorporation or in an agreement authorized under section 30-29-732, Idaho Code.

30-29-802. QUALIFICATIONS OF DIRECTORS. The articles of incorporation or bylaws may prescribe qualifications for directors. A director need not be a resident of this state or a shareholder of the corporation unless the articles of incorporation or bylaws so prescribe.

30-29-803. NUMBER AND ELECTION OF DIRECTORS. (1) A board of directors must consist of one (1) or more individuals, with the number specified in or fixed in accordance with the articles of incorporation or bylaws.

(2) The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws.

(3) Directors are elected at the first annual shareholders' meeting and at each annual meeting thereafter unless their terms are staggered under section 30-29-806, Idaho Code.

30-29-804. ELECTION OF DIRECTORS BY CERTAIN CLASSES OF SHAREHOLDERS. If the articles of incorporation authorize dividing the shares into classes, the articles may also authorize the election of all or a specified number of directors by the holders of one (1) or more authorized classes of shares. A class, or classes, of shares entitled to elect one (1) or more directors is a separate voting group for purposes of the election of directors.

30-29-805. TERMS OF DIRECTORS GENERALLY. (1) The terms of the initial directors of a corporation expire at the first shareholders' meeting at which directors are elected.

(2) The terms of all other directors expire at the next annual shareholders' meeting following their election unless their terms are staggered under section 30-29-806, Idaho Code.

(3) A decrease in the number of directors does not shorten an incumbent director's term.

(4) A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

(5) Despite the expiration of a director's term, he continues to serve until his successor is elected and qualifies or until there is a decrease in the number of directors.

30-29-806. STAGGERED TERMS FOR DIRECTORS. The articles of incorporation may provide for staggering the terms of directors by dividing the total number of directors into two (2) or three (3) groups, with each group containing one-half (1/2) or one-third (1/3) of the total, as near as may be. In that event, the terms of directors in the first group expire at the first annual shareholders' meeting after their election, the terms of the second group expire at the second annual shareholders' meeting after their election, and the terms of the third group, if any, expire at the third annual shareholders' meeting after their election. At each annual shareholders' meeting held thereafter, directors shall be chosen for a term of two (2) or three (3) years, as the case may be, to succeed those whose terms expire.

30-29-807. RESIGNATION OF DIRECTORS. (1) A director may resign at any time by delivering written notice to the board of directors, its chairman, or the corporation.

(2) A resignation is effective when the notice is delivered unless the notice specifies a future effective date.

30-29-808. REMOVAL OF DIRECTORS BY SHAREHOLDERS. (1) The shareholders may remove one (1) or more directors with or without cause unless the articles of incorporation provide that directors may be removed only for cause.

(2) If a director is elected by a voting group of shareholders, only the shareholders of that voting group may participate in the vote to remove him.

(3) If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect him under cumulative voting is voted against his removal. If cumulative voting is not authorized, a director may be removed only if the number of votes cast to remove him exceeds the number of votes cast not to remove him.

(4) A director may be removed by the shareholders only at a meeting called for the purpose of removing him and the meeting notice must state that the purpose, or one (1) of the purposes, of the meeting is removal of the director.

30-29-809. REMOVAL OF DIRECTORS BY JUDICIAL PROCEEDING. (1) The Idaho district court of the county where a corporation's principal office is located, or, if none in this state, Ada county, may remove a director of the corporation from office in a proceeding commenced by or in the right of the corporation if the court finds that:

(a) The director engaged in fraudulent conduct with respect to the corporation or its shareholders, grossly abused the position of director, or intentionally inflicted harm on the corporation; and

(b) Considering the director's course of conduct and the inadequacy of other available remedies, removal would be in the best interest of the corporation.

(2) A shareholder proceeding on behalf of the corporation under subsection (1) of this section shall comply with all the requirements of sections 30-29-741 through 30-29-747, Idaho Code, except section 30-29-741(1), Idaho Code.

(3) The court, in addition to removing the director, may bar the director from reelection for a period prescribed by the court.

(4) Nothing in this section limits the equitable powers of the court to order other relief.

30-29-810. VACANCY ON BOARD. (1) Unless the articles of incorporation provide otherwise, if a vacancy occurs on a board of directors, including a vacancy resulting from an increase in the number of directors:

- (a) The shareholders may fill the vacancy;
- (b) The board of directors may fill the vacancy; or
- (c) If the directors remaining in office constitute fewer than a quorum of the board, they may fill the vacancy by the affirmative vote of a majority of all the directors remaining in office.

(2) If the vacant office was held by a director elected by a voting group of shareholders, only the holders of shares of that voting group are entitled to vote to fill the vacancy if it is filled by the shareholders.

(3) A vacancy that will occur at a specific later date, by reason of a resignation effective at a later date under section 30-29-807(2), Idaho Code, or otherwise, may be filled before the vacancy occurs but the new director may not take office until the vacancy occurs.

30-29-811. COMPENSATION OF DIRECTORS. Unless the articles of incorporation or bylaws provide otherwise, the board of directors may fix the compensation of directors.

30-29-812 through 30-29-819 -- RESERVED.

30-29-820. MEETINGS. (1) The board of directors may hold regular or special meetings in or out of this state.

(2) Unless the articles of incorporation or bylaws provide otherwise, any or all directors may participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

30-29-821. ACTION WITHOUT MEETING. (1) Except to the extent that the articles of incorporation or bylaws require that action by the board of directors be taken at a meeting, action required or permitted by this act to be taken by the board of directors may be taken without a meeting if each director signs a consent describing the action to be taken and delivers it to the corporation.

(2) Action taken under this section is the act of the board of directors when one (1) or more consents signed by all the directors are delivered to the corporation. The consent may specify the time at which the action taken thereunder is to be effective. A director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation prior to delivery to the corporation of unrevoked written consents signed by all the directors.

(3) A consent signed under this section has the effect of action taken at a meeting of the board of directors and may be described as such in any document.

30-29-822. NOTICE OF MEETING. (1) Unless the articles of incorporation or bylaws provide otherwise, regular meetings of the board of directors may be held without notice of the date, time, place or purpose of the meeting.

(2) Unless the articles of incorporation or bylaws provide for a longer or shorter period, special meetings of the board of directors must be preceded by at least two (2) days' notice of the date, time and place of the meeting. The notice need not describe the purpose of the special meeting unless required by the articles of incorporation or bylaws.

30-29-823. WAIVER OF NOTICE. (1) A director may waive any notice required by this chapter, the articles of incorporation, or bylaws before or after the date and time stated in the notice. Except as provided by subsection (2) of this section, the waiver must be filed in writing, signed by the director entitled to the notice, and filed with the minutes or corporate records.

(2) A director's attendance at or participation in a meeting waives any required notice to him of the meeting unless the director at the beginning of the meeting, or promptly upon his arrival, objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

30-29-824. QUORUM AND VOTING. (1) Unless the articles of incorporation or bylaws require a greater number or unless otherwise specifically provided in this chapter, a quorum of a board of directors consists of:

(a) A majority of the fixed number of directors if the corporation has a fixed board size; or

(b) A majority of the number of directors prescribed, or if no number is prescribed the number in office immediately before the meeting begins, if the corporation has a variable-range size board.

(2) The articles of incorporation or bylaws may authorize a quorum of a board of directors to consist of no fewer than one-third (1/3) of the fixed or prescribed number of directors determined under subsection (1) of this section.

(3) If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the board of directors unless the articles of incorporation or bylaws require the vote of a greater number of directors.

(4) A director who is present at a meeting of the board of directors or a committee of the board of directors when corporate action is taken is deemed to have assented to the action taken unless:

(a) He objects at the beginning of the meeting, or promptly upon his arrival, to holding it or transacting business at the meeting;

(b) His dissent or abstention from the action taken is entered in the minutes of the meeting; or

(c) He delivers written notice of his dissent or abstention to the presiding officer of the meeting before its adjournment or to the corporation immediately after adjournment of the meeting. The right of dissent or abstention is not available to a director who votes in favor of the action taken.

30-29-825. COMMITTEES. (1) Unless this chapter, the articles of incorporation or the bylaws provide otherwise, a board of directors may create one (1) or more committees and appoint one (1) or more members of the board of directors to serve on any such committee.

(2) Unless this chapter otherwise provides, the creation of a committee and appointment of members to it must be approved by the greater of:

(a) A majority of all the directors in office when the action is taken; or

(b) The number of directors required by the articles of incorporation or bylaws to take action under section 30-29-824, Idaho Code.

(3) Sections 30-29-820 through 30-29-824, Idaho Code, apply both to committees of the board and to their members.

(4) To the extent specified by the board of directors or in the articles of incorporation or bylaws, each committee may exercise the powers of the board of directors under section 30-29-801, Idaho Code.

(5) A committee may not, however:

(a) Authorize or approve distributions, except according to a formula or method, or within limits, prescribed by the board of directors;

- (b) Approve or propose to shareholders action that this chapter requires be approved by shareholders;
 - (c) Fill vacancies on the board of directors or, subject to subsection (7) of this section, on any of its committees; or
 - (d) Adopt, amend or repeal bylaws.
- (6) The creation of, delegation of authority to, or action by a committee does not alone constitute compliance by a director with the standards of conduct described in section 30-29-830, Idaho Code.
- (7) The board of directors may appoint one (1) or more directors as alternate members of any committee to replace any absent or disqualified member during the member's absence or disqualification. Unless the articles of incorporation or the bylaws or the resolution creating the committee provide otherwise, in the event of the absence or disqualification of a member of a committee, the member or members present at any meeting and not disqualified from voting, unanimously, may appoint another director to act in place of the absent or disqualified member.

30-29-826 through 30-29-829 -- RESERVED.

30-29-830. STANDARDS FOR DIRECTORS. (1) Each member of the board of directors, when discharging the duties of a director, shall act:

- (a) In good faith; and
 - (b) In a manner the director reasonably believes to be in the best interests of the corporation.
- (2) The members of the board of directors or a committee of the board, when becoming informed in connection with their decision-making function or devoting attention to their oversight function, shall discharge their duties with the care that a person in a like position would reasonably believe appropriate under similar circumstances.
- (3) In discharging board or committee duties a director, who does not have knowledge that makes reliance unwarranted, is entitled to rely on the performance by any of the persons specified in subsection (5) (a) or (c) of this section to whom the board may have delegated, formally or informally by course of conduct, the authority or duty to perform one (1) or more of the board's functions that are delegable under applicable law.
- (4) In discharging board or committee duties a director, who does not have knowledge that makes reliance unwarranted, is entitled to rely on information, opinions, reports or statements, including financial statements and other financial data prepared or presented by any of the persons specified in subsection (5) of this section.
- (5) A director is entitled to rely, in accordance with subsection (3) or (4) of this section, on:
- (a) One (1) or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the functions performed or the information, opinion, reports or statements provided;
 - (b) Legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the director reasonably believes are matters:
 - (i) Within the particular person's professional or expert competence; or
 - (ii) As to which the particular person merits confidence; or
 - (c) A committee of the board of directors of which the director is not a member if the director reasonably believes the committee merits confidence.

30-29-831. STANDARDS OF LIABILITY FOR DIRECTORS. (1) A director shall not be liable to the corporation or its shareholders for any decision to take

or not to take action, or any failure to take any action, as a director, unless the party asserting liability in a proceeding establishes that:

(a) Any provision in the articles of incorporation authorized by section 30-29-202(2)(d), Idaho Code, or the protection afforded by section 30-29-861, Idaho Code, for action taken in compliance with section 30-29-862 or 30-29-863, Idaho Code, if interposed as a bar to the proceeding by the director, does not preclude liability; and

(b) The challenged conduct consisted or was the result of:

(i) Action not in good faith; or

(ii) A decision:

(A) That the director did not reasonably believe to be in the best interests of the corporation; or

(B) As to which the director was not informed to an extent the director reasonably believed appropriate in the circumstances; or

(iii) A lack of objectivity due to the director's familial, financial, or business relationship with, or a lack of independence due to the director's domination or control by, another person having a material interest in the challenged conduct:

(A) Which relationship or which domination or control could reasonably be expected to have affected the director's judgment respecting the challenged conduct in a manner adverse to the corporation; and

(B) After a reasonable expectation to such effect has been established, the director shall not have established that the challenged conduct was reasonably believed by the director to be in the best interests of the corporation; or

(iv) A sustained failure of the director to be informed about the business and affairs of the corporation, or other material failure of the director to discharge the oversight function; or

(v) Receipt of a financial benefit to which the director was not entitled or any other breach of the director's duties to deal fairly with the corporation and its shareholders that is actionable under applicable law.

(2) The party seeking to hold the director liable:

(a) For money damages, shall also have the burden of establishing that:

(i) Harm to the corporation or its shareholders has been suffered; and

(ii) The harm suffered was proximately caused by the director's challenged conduct; or

(b) For other money payment under a legal remedy, such as compensation for the unauthorized use of corporate assets, shall also have whatever persuasion burden may be called for to establish that the payment sought is appropriate in the circumstances; or

(c) For other money payment under an equitable remedy, such as profit recovery by or disgorgement to the corporation, shall also have whatever persuasion burden may be called for to establish that the equitable remedy sought is appropriate in the circumstances.

(3) Nothing contained in this section shall:

(a) In any instance where fairness is at issue, such as consideration of the fairness of a transaction to the corporation under section 30-29-861(2)(c), Idaho Code, alter the burden of proving the fact or lack of fairness otherwise applicable;

(b) Alter the fact or lack of liability of a director under another section of this chapter, such as the provisions governing the consequences of an unlawful distribution under section 30-29-833, Idaho Code, or a transactional interest under section 30-29-861, Idaho Code; or

(c) Affect any rights to which the corporation or a shareholder may be entitled under another statute of this state or the United States.

30-29-832 -- RESERVED.

30-29-833. DIRECTORS' LIABILITY FOR UNLAWFUL DISTRIBUTIONS. (1) A director who votes for or assents to a distribution in excess of what may be authorized and made pursuant to section 30-29-640(1) or 30-29-1409(1), Idaho Code, is personally liable to the corporation for the amount of the distribution that exceeds what could have been distributed without violating section 30-29-640(1) or 30-29-1409(1), Idaho Code, if the party asserting liability establishes that when taking the action the director did not comply with section 30-29-830, Idaho Code.

(2) A director held liable under subsection (1) of this section for an unlawful distribution is entitled to:

(a) Contribution from every other director who could be held liable under subsection (1) of this section for the unlawful distribution; and

(b) Recoupment from each shareholder of the pro rata portion of the amount of the unlawful distribution the shareholder accepted knowing the distribution was made in violation of section 30-29-640(1) or 30-29-1409(1), Idaho Code.

(3) A proceeding to enforce:

(a) The liability of a director under subsection (1) of this section is barred unless it is commenced within two (2) years after the date:

(i) On which the effect of the distribution was measured under section 30-29-640(5) or (7), Idaho Code; or

(ii) As of which the violation of section 30-29-640(1), Idaho Code, occurred as the consequence of disregard of a restriction in the articles of incorporation; or

(iii) On which the distribution of assets to shareholders under section 30-29-1409(1), Idaho Code, was made; or

(b) Contribution or recoupment under subsection (2) of this section is barred unless it is commenced within one (1) year after the liability of the claimant has been finally adjudicated under subsection (1) of this section.

30-29-834 through 30-29-839 -- RESERVED.

30-29-840. REQUIRED OFFICERS. (1) A corporation has the offices described in its bylaws or designated by the board of directors in accordance with the bylaws.

(2) The board of directors may elect individuals to fill one (1) or more offices of the corporation. An officer may appoint one (1) or more officers if authorized by the bylaws or the board of directors.

(3) The bylaws or the board of directors shall assign to one (1) of the officers responsibility for preparing the minutes of the directors' and shareholders' meetings and for maintaining and authenticating the records of the corporation required to be kept under section 30-29-1601(1) and (2), Idaho Code.

(4) The same individual may simultaneously hold more than one (1) office in a corporation.

30-29-841. DUTIES OF OFFICERS. Each officer has the authority and shall perform the duties set forth in the bylaws or, to the extent consistent with the bylaws, the duties prescribed by the board of directors or by direction of an officer authorized by the board of directors to prescribe the duties of other officers.

30-29-842. STANDARDS OF CONDUCT FOR OFFICERS. (1) An officer, when performing in such capacity, shall act:

(a) In good faith;

(b) With the care that a person in a like position would reasonably exercise under similar circumstances; and

(c) In a manner the officer reasonably believes to be in the best interests of the corporation.

(2) In discharging those duties an officer, who does not have knowledge that makes reliance unwarranted, is entitled to rely on:

(a) The performance of properly delegated responsibilities by one (1) or more employees of the corporation whom the officer reasonably believes to be reliable and competent in performing the responsibilities delegated; or

(b) Information, opinions, reports or statements, including financial statements and other financial data, prepared or presented by one (1) or more employees of the corporation whom the officer reasonably believes to be competent in the matters presented or by legal counsel, public accountants or other persons retained by the corporation as to matters involving skill or expertise the officer reasonably believes are matters:

(i) Within the particular person's professional or expert competence; or

(ii) As to which the particular person merits confidence.

(3) An officer shall not be liable to the corporation or its shareholders for any decision to take or not to take action or any failure to take action, as an officer, if the duties of the office are performed in compliance with this section. Whether an officer who does not comply with this section shall have liability will depend in such instance on applicable law, including those principles of section 30-29-831, Idaho Code, that have relevance.

30-29-843. RESIGNATION AND REMOVAL OF OFFICERS. (1) An officer may resign at any time by delivering notice to the corporation. A resignation is effective when the notice is delivered unless the notice specifies a later effective time. If a resignation is made effective at a later time and the board or the appointing officer accepts the future effective time, the board or the appointing officer may fill the pending vacancy before the effective time if the board or the appointing officer provides that the successor does not take office until the effective time.

(2) An officer may be removed at any time with or without cause by:

(a) The board of directors;

(b) The officer who appointed such officer, unless the bylaws or the board of directors provide otherwise; or

(c) Any other officer if authorized by the bylaws or the board of directors.

(3) In this section "appointing officer" means the officer, including any successor to that officer, who appointed the officer resigning or being removed.

30-29-844. CONTRACT RIGHTS OF OFFICERS. (1) The appointment of an officer does not itself create contract rights.

(2) An officer's removal does not affect the officer's contract rights, if any, with the corporation. An officer's resignation does not affect the corporation's contract rights, if any, with the officer.

30-29-845 through 30-29-849 -- RESERVED.

30-29-850. DEFINITIONS. For purposes of this section and sections 30-29-851 through 30-29-859, Idaho Code:

(1) "Corporation" includes any domestic or foreign predecessor entity of a corporation in a merger.

(2) "Director" or "officer" means an individual who is or was a director or officer, respectively, of a corporation or who, while a director or officer of the corporation, is or was serving at the corporation's request

as a director, officer, partner, trustee, employee or agent of another domestic or foreign corporation, partnership, joint venture, trust, employee benefit plan or other entity. A director or officer is considered to be serving an employee benefit plan at the corporation's request if his duties to the corporation also impose duties on, or otherwise involve services by, him to the plan or to participants in or beneficiaries of the plan. "Director" or "officer" includes, unless the context requires otherwise, the estate or personal representative of a director or officer.

(3) "Disinterested director" means a director who, at the time of a vote referred to in section 30-29-853(3), Idaho Code, or a vote or selection referred to in section 30-29-855(2) or (3), Idaho Code, is not:

(a) A party to the proceeding; or

(b) An individual having a familial, financial, professional or employment relationship with the director whose indemnification or advance for expenses is the subject of the decision being made, which relationship would, in the circumstances, reasonably be expected to exert an influence on the director's judgment when voting on the decision being made.

(4) "Expenses" includes counsel fees.

(5) "Liability" means the obligation to pay a judgment, settlement, penalty, fine, including an excise tax assessed with respect to an employee benefit plan, or reasonable expenses incurred with respect to a proceeding.

(6) "Official capacity" means:

(a) When used with respect to a director, the office of director in a corporation; and

(b) When used with respect to an officer, as contemplated in section 30-29-856, Idaho Code, the office in a corporation held by the officer.

"Official capacity" does not include service for any other domestic or foreign corporation or any partnership, joint venture, trust, employee benefit plan or other entity.

(7) "Party" means an individual who was, is or is threatened to be made, a defendant or respondent in a proceeding.

(8) "Proceeding" means any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, arbitative or investigative and whether formal or informal.

30-29-851. PERMISSIBLE INDEMNIFICATION. (1) Except as otherwise provided in this section, a corporation may indemnify an individual who is a party to a proceeding because he is a director against liability incurred in the proceeding if:

(a) (i) He conducted himself in good faith; and

(ii) He reasonably believed:

(A) In the case of conduct in his official capacity, that his conduct was in the best interests of the corporation; and

(B) In all cases, that his conduct was at least not opposed to the best interests of the corporation; and

(iii) In the case of any criminal proceeding, he had no reasonable cause to believe his conduct was unlawful; or

(b) He engaged in conduct for which broader indemnification has been made permissible or obligatory under a provision of the articles of incorporation, as authorized by section 30-29-202(2)(e), Idaho Code.

(2) A director's conduct with respect to an employee plan for a purpose he reasonably believed to be in the best interests of the participants in, and the beneficiaries of, the plan is conduct that satisfies the requirement of subsection (1)(a)(ii)(B) of this section.

(3) The termination of a proceeding by judgment, order, settlement or conviction, or upon a plea of nolo contendere or its equivalent, is not, of itself, determinative that the director did not meet the relevant standard of conduct described in this section.

(4) Unless ordered by a court under section 30-29-854(1)(c), Idaho Code, a corporation may not indemnify a director:

(a) In connection with a proceeding by or in the right of the corporation, except for reasonable expenses incurred in connection with the proceeding if it is determined that the director has met the relevant standard of conduct under subsection (1) of this section; or

(b) In connection with any proceeding with respect to conduct for which he was adjudged liable on the basis that he received a financial benefit to which he was not entitled, whether or not involving action in his official capacity.

30-29-852. MANDATORY INDEMNIFICATION. A corporation shall indemnify a director who was wholly successful, on the merits or otherwise, in the defense of any proceeding to which he was a party because he was a director of the corporation against reasonable expenses incurred by him in connection with the proceeding.

30-29-853. ADVANCE FOR EXPENSES. (1) A corporation may, before final disposition of a proceeding, advance funds to pay for or reimburse the reasonable expenses incurred by a director who is a party to a proceeding because he is a director if he delivers to the corporation:

(a) A written affirmation of his good faith belief that he has met the relevant standard of conduct described in section 30-29-851, Idaho Code, or that the proceeding involves conduct for which liability has been eliminated under a provision of the articles of incorporation as authorized by section 30-29-202(2)(d), Idaho Code; and

(b) His written undertaking to repay any funds advanced if he is not entitled to mandatory indemnification under section 30-29-852, Idaho Code, and it is ultimately determined under section 30-29-854 or 30-29-855, Idaho Code, that he has not met the relevant standard of conduct described in section 30-29-851, Idaho Code.

(2) The undertaking required by subsection (1)(b) of this section must be an unlimited general obligation of the director but need not be secured and may be accepted without reference to the financial ability of the director to make repayment.

(3) Authorizations under this section shall be made:

(a) By the board of directors:

(i) If there are two (2) or more disinterested directors, by a majority vote of all the disinterested directors, a majority of whom shall for such purposes constitute a quorum, or by a majority of the members of a committee of two (2) or more disinterested directors appointed by such a vote; or

(ii) If there are fewer than two (2) disinterested directors, by the vote necessary for action by the board in accordance with section 30-29-824(3), Idaho Code, in which authorization directors who do not qualify as disinterested directors may participate; or

(b) By the shareholders, but shares owned by or voted under the control of a director who at the time does not qualify as a disinterested director may not be voted on the authorization.

30-29-854. COURT-ORDERED INDEMNIFICATION AND ADVANCE FOR EXPENSES. (1) A director who is a party to a proceeding because he is a director may apply for indemnification or an advance for expenses to the court conducting the proceeding or to another court of competent jurisdiction. After receipt of an application and after giving any notice it considers necessary, the court shall:

(a) Order indemnification if the court determines that the director is entitled to mandatory indemnification under section 30-29-852, Idaho Code;

(b) Order indemnification or advance for expenses if the court determines that the director is entitled to indemnification or advance for expenses pursuant to a provision authorized by section 30-29-858(1), Idaho Code; or

(c) Order indemnification or advance for expenses if the court determines, in view of all the relevant circumstances, that it is fair and reasonable:

(i) To indemnify the director; or

(ii) To advance expenses to the director, even if he has not met the relevant standard of conduct set forth in section 30-29-851(1), Idaho Code, failed to comply with section 30-29-853, Idaho Code, or was adjudged liable in a proceeding referred to in section 30-29-851(4) (a) or (b), Idaho Code, but if he was adjudged so liable his indemnification shall be limited to reasonable expenses incurred in connection with the proceeding.

(2) If the court determines that the director is entitled to indemnification under subsection (1) (a) of this section or to indemnification or advance for expenses under subsection (1) (b) of this section, it shall also order the corporation to pay the director's reasonable expenses incurred in connection with obtaining court-ordered indemnification or advance for expenses. If the court determines that the director is entitled to indemnification or advance for expenses under subsection (1) (c) of this section, it may also order the corporation to pay the director's reasonable expenses to obtain court-ordered indemnification or advance for expenses.

30-29-855. DETERMINATION AND AUTHORIZATION OF INDEMNIFICATION. (1) A corporation may not indemnify a director under section 30-29-851, Idaho Code, unless authorized for a specific proceeding after a determination has been made that indemnification of the director is permissible because he has met the relevant standard of conduct set forth in section 30-29-851, Idaho Code.

(2) The determination shall be made:

(a) If there are two (2) or more disinterested directors, by the board of directors by a majority vote of all the disinterested directors, a majority of whom shall for such purpose constitute a quorum, or by a majority of the members of a committee of two (2) or more disinterested directors appointed by such a vote;

(b) By special legal counsel:

(i) Selected in the manner prescribed in paragraph (a) of this subsection; or

(ii) If there are fewer than two (2) disinterested directors, selected by the board of directors, in which selection directors who do not qualify as disinterested directors may participate; or

(c) By the shareholders, but shares owned by or voted under the control of a director who at the time does not qualify as a disinterested director may not be voted on the determination.

(3) Authorization of indemnification shall be made in the same manner as the determination that indemnification is permissible, except that if there are fewer than two (2) disinterested directors or if the determination is made by special legal counsel, authorization of indemnification shall be made by those entitled under subsection (2) (b) (ii) of this section to select special legal counsel.

30-29-856. OFFICERS. (1) A corporation may indemnify and advance expenses under this part to an officer of the corporation who is a party to a proceeding because he is an officer of the corporation:

(a) To the same extent as a director; and

(b) If he is an officer but not a director, to such further extent as may be provided by the articles of incorporation, the bylaws, a resolution of the board of directors, or contract except for:

(i) Liability in connection with a proceeding by or in the right of the corporation other than for reasonable expenses incurred in connection with the proceeding; or

(ii) Liability arising out of conduct that constitutes:

(A) Receipt by him of a financial benefit to which he is not entitled;

(B) An intentional infliction of harm on the corporation or the shareholders; or

(C) An intentional violation of criminal law.

(2) The provisions of subsection (1) (b) of this section shall apply to an officer who is also a director if the basis on which he is made a party to the proceeding is an act or omission solely as an officer.

(3) An officer of a corporation who is not a director is entitled to mandatory indemnification under section 30-29-852, Idaho Code, and may apply to a court under section 30-29-854, Idaho Code, for indemnification or an advance for expenses, in each case to the same extent to which a director may be entitled to indemnification or advance for expenses under those provisions.

30-29-857. INSURANCE. A corporation may purchase and maintain insurance on behalf of an individual who is a director or officer of the corporation, or who, while a director or officer of the corporation, serves at the corporation's request as a director, officer, partner, trustee, employee or agent of another domestic or foreign corporation, partnership, joint venture, trust, employee benefit plan, or other entity, against liability asserted against or incurred by him in that capacity or arising from his status as a director or officer, whether or not the corporation would have power to indemnify or advance expenses to him against the same liability under this part; provided that banks, savings and loan associations and credit unions chartered under the laws of the state of Idaho may provide indemnification only by insurance.

30-29-858. VARIATION BY CORPORATE ACTION -- APPLICATION OF INDEMNIFICATION PROVISIONS. (1) A corporation may, by a provision in its articles of incorporation or bylaws or in a resolution approved by its board of directors or shareholders, obligate itself in advance of the act or omission giving rise to a proceeding to provide indemnification in accordance with section 30-29-851, Idaho Code, or advance funds to pay for or reimburse expenses in accordance with section 30-29-853, Idaho Code. Any such obligatory provision shall be deemed to satisfy the requirements for authorization referred to in section 30-29-853(3), Idaho Code, and in section 30-29-855(3), Idaho Code. Any such provision that obligates the corporation to provide indemnification to the fullest extent permitted by law shall be deemed to obligate the corporation to advance funds to pay for or reimburse expenses in accordance with section 30-29-853, Idaho Code, to the fullest extent permitted by law, unless the provision specifically provides otherwise.

(2) Any provision pursuant to subsection (1) of this section shall not obligate the corporation to indemnify or advance expenses to a director of a predecessor of the corporation, pertaining to conduct with respect to the predecessor, unless otherwise specifically provided. Any provision for indemnification or advance for expenses in the articles of incorporation, bylaws, or a resolution of the board of directors or shareholders of a predecessor of the corporation in a merger or in a contract to which the predecessor is a party, existing at the time the merger takes effect, shall be governed by section 30-22-206, Idaho Code.

(3) A corporation may, by a provision in its articles of incorporation, limit any of the rights to indemnification or advance for expenses created by or pursuant to this part, other than the rights to mandatory indemnification under section 30-29-852, Idaho Code, and to court-ordered indemnification and advance for expenses under section 30-29-854, Idaho Code.

(4) Sections 30-29-850 through 30-29-859, Idaho Code, do not limit a corporation's power to pay or reimburse expenses incurred by a director or an officer in connection with his appearance as a witness in a proceeding at a time when he is not a party.

(5) Sections 30-29-850 through 30-29-859, Idaho Code, do not limit a corporation's power to indemnify, advance expenses to or provide or maintain insurance on behalf of an employee or agent.

30-29-859. EXCLUSIVITY. A corporation may provide indemnification or advance expenses to a director or an officer only as permitted by sections 30-29-850 through 30-29-859, Idaho Code.

30-29-860. DEFINITIONS. For purposes of this section and sections 30-29-861 through 30-29-863, Idaho Code:

(1) "Conflicting interest" with respect to a corporation means the interest a director of the corporation has respecting a transaction effected or proposed to be effected by the corporation, or by a subsidiary of the corporation or any other entity in which the corporation has a controlling interest, if:

(a) Whether or not the transaction is brought before the board of directors of the corporation for action, the director knows at the time of commitment that he or a related person is a party to the transaction or has a beneficial financial interest in or so closely linked to the transaction and of such financial significance to the director or a related person that the interest would reasonably be expected to exert an influence on the director's judgment if he were called upon to vote on the transaction; or

(b) The transaction is brought, or is of such character and significance to the corporation that it would in the normal course be brought, before the board of directors of the corporation for action, and the director knows at the time of commitment that any of the following persons is either a party to the transaction or has a beneficial financial interest in or so closely linked to the transaction and of such financial significance to the person that the interest would reasonably be expected to exert an influence on the director's judgment if he were called upon to vote on the transaction:

(i) An entity, other than the corporation, of which the director is a director, general partner, agent or employee;

(ii) A person that controls one (1) or more of the entities specified in subparagraph (i) of this paragraph or an entity that is controlled by, or is under common control with, one (1) or more of the entities specified in subparagraph (i) of this paragraph; or

(iii) An individual who is a general partner, principal or employer of the director.

(2) "Director's conflicting interest transaction" with respect to a corporation means a transaction effected or proposed to be effected by the corporation, or by a subsidiary of the corporation or any other entity in which the corporation has a controlling interest, respecting that a director of the corporation has a conflicting interest.

(3) "Related person" of a director means:

(a) The spouse, or a parent or sibling thereof, of the director, or a child, grandchild, sibling, parent, or spouse of any thereof, of the director, or an individual having the same home as the director, or a trust

or estate of which an individual specified in this paragraph (a) is a substantial beneficiary; or

(b) A trust, estate, incompetent, conservatee or minor of which the director is a fiduciary.

(4) "Required disclosure" means disclosure by the director who has a conflicting interest of:

(a) The existence and nature of his conflicting interest; and

(b) All facts known to him respecting the subject matter of the transaction that an ordinarily prudent person would reasonably believe to be material to a judgment about whether or not to proceed with the transaction.

(5) "Time of commitment" respecting a transaction means the time when the transaction is consummated or, if made pursuant to contract, the time when the corporation, or its subsidiary or the entity in which it has a controlling interest, becomes contractually obligated so that its unilateral withdrawal from the transaction would entail significant loss, liability, or other damage.

30-29-861. JUDICIAL ACTION. (1) A transaction effected or proposed to be effected by a corporation or by a subsidiary of the corporation, or any other entity in which the corporation has a controlling interest, that is not a director's conflicting interest transaction may not be enjoined, set aside, or give rise to an award of damages or other sanctions, in a proceeding by a shareholder or by or in the right of the corporation, because a director of the corporation, or any person with whom or which he has a personal, economic, or other association, has an interest in the transaction.

(2) A director's conflicting interest transaction may not be enjoined, set aside, or give rise to an award of damages or other sanctions, in a proceeding by a shareholder or by or in the right of the corporation, because the director, or any person with whom or which he has a personal, economic, or other association, has an interest in the transaction, if:

(a) Directors' action respecting the transaction was at any time taken in compliance with section 30-29-862, Idaho Code;

(b) Shareholders' action respecting the transaction was at any time taken in compliance with section 30-29-863, Idaho Code; or

(c) The transaction, judged according to the circumstances at the time of commitment, is established to have been fair to the corporation.

30-29-862. DIRECTORS' ACTION. (1) Directors' action respecting a transaction is effective for purposes of section 30-29-861(2)(a), Idaho Code, if the transaction received the affirmative vote of a majority, but no fewer than two (2), of those qualified directors on the board of directors or on a duly empowered committee of the board who voted on the transaction after either required disclosure to them, to the extent the information was not known by them, or compliance with subsection (2) of this section; provided that action by a committee is so effective only if:

(a) All of its members are qualified directors; and

(b) Its members are either all the qualified directors on the board or are appointed by the affirmative vote of a majority of the qualified directors on the board.

(2) If a director has a conflicting interest respecting a transaction, but neither he nor a related person of the director specified in section 30-29-860(3)(a), Idaho Code, is a party to the transaction, and if the director has a duty under law or professional canon, or a duty of confidentiality to another person, respecting information relating to the transaction such that the director may not make the disclosure described in section 30-29-860(4)(b), Idaho Code, then disclosure is sufficient for purposes of subsection (1) of this section if the director:

(a) Discloses to the directors voting on the transaction the existence and nature of his conflicting interest and informs them of the character and limitations imposed by that duty before their vote on the transaction; and

(b) Plays no part, directly or indirectly, in their deliberations or vote.

(3) A majority, but no fewer than two (2), of all the qualified directors on the board of directors, or on the committee, constitutes a quorum for purposes of action that complies with this section. Directors' action that otherwise complies with this section is not affected by the presence or vote of a director who is not a qualified director.

(4) For purposes of this section, "qualified director" means, with respect to a director's conflicting interest transaction, any director who does not have either:

(a) A conflicting interest respecting the transaction; or

(b) A familial, financial, professional or employment relationship with a second director who does have a conflicting interest respecting the transaction, which relationship would, in the circumstances, reasonably be expected to exert an influence on the first director's judgment when voting on the transaction.

30-29-863. SHAREHOLDERS' ACTION. (1) Shareholders' action respecting a transaction is effective for purposes of section 30-29-861(2)(b), Idaho Code, if a majority of the votes entitled to be cast by the holders of all qualified shares were cast in favor of the transaction after:

(a) Notice to shareholders describing the director's conflicting interest transaction;

(b) Provision of the information referred to in subsection (4) of this section; and

(c) Required disclosure to the shareholders who voted on the transaction, to the extent the information was not known by them.

(2) For purposes of this section, "qualified shares" means any shares entitled to vote with respect to the director's conflicting interest transaction except shares that, to the knowledge, before the vote, of the secretary, or other officer or agent of the corporation authorized to tabulate votes, are beneficially owned, or the voting of which is controlled, by a director who has a conflicting interest respecting the transaction or by a related person of the director, or both.

(3) A majority of the votes entitled to be cast by the holders of all qualified shares constitutes a quorum for purposes of action that complies with this section. Subject to the provisions of subsections (4) and (5) of this section, shareholders' action that otherwise complies with this section is not affected by the presence of holders, or the voting of shares that are not qualified shares.

(4) For purposes of compliance with subsection (1) of this section, a director who has a conflicting interest respecting the transaction shall, before the shareholders' vote, inform the secretary, or other officer or agent of the corporation authorized to tabulate votes, of the number, and the identity of persons holding or controlling the vote, of all shares that the director knows are beneficially owned, or the voting of which is controlled, by the director or by a related person of the director, or both.

(5) If a shareholders' vote does not comply with subsection (1) of this section solely because of a failure of a director to comply with subsection (4) of this section, and if the director establishes that his failure did not determine and was not intended by him to influence the outcome of the vote, the court may, with or without further proceedings respecting section 30-29-861(2)(c), Idaho Code, take such action respecting the transaction and the director, and give such effect, if any, to the shareholders' vote, as it considers appropriate in the circumstances.

SECTION 64. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 9, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 9
[RESERVED]

SECTION 65. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 10, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 10
AMENDMENT OF ARTICLES OF INCORPORATION AND BYLAWS

30-29-1001. **AUTHORITY TO AMEND ARTICLES OF INCORPORATION.** (1) A corporation may amend its articles of incorporation at any time to add or change a provision that is required or permitted in the articles of incorporation as of the effective date of the amendment or to delete a provision that is not required to be contained in the articles of incorporation.

(2) A shareholder of the corporation does not have a vested property right resulting from any provision in the articles of incorporation, including provisions relating to management, control, capital structure, dividend, entitlement, or purpose or duration of the corporation.

30-29-1002. **AMENDMENT BEFORE ISSUANCE OF SHARES.** If a corporation has not yet issued shares, its board of directors, or its incorporators if it has no board of directors, may adopt one (1) or more amendments to the corporation's articles of incorporation.

30-29-1003. **AMENDMENT BY BOARD OF DIRECTORS AND SHAREHOLDERS.** If a corporation has issued shares, an amendment to the articles of incorporation shall be adopted in the following manner:

(1) The proposed amendment must be adopted by the board of directors.

(2) Except as provided in sections 30-29-1005, 30-29-1007 and 30-29-1008, Idaho Code, after adopting the proposed amendment, the board of directors must submit the amendment to the shareholders for their approval. The board of directors must also transmit to the shareholders a recommendation that the shareholders approve the amendment, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors must transmit to the shareholders the basis for that determination.

(3) The board of directors may condition its submission of the amendment to the shareholders on any basis.

(4) If the amendment is required to be approved by the shareholders, and the approval is to be given at a meeting, the corporation must notify each shareholder, whether or not entitled to vote, of the meeting of shareholders at which the amendment is to be submitted for approval. The notice must state that the purpose, or one (1) of the purposes, of the meeting is to consider the amendment and must contain or be accompanied by a copy of the amendment.

(5) Unless the articles of incorporation, or the board of directors acting pursuant to subsection (3) of this section, require a greater vote or a greater number of shares to be present, approval of the amendment requires the approval of the shareholders at a meeting at which a quorum consisting of at least a majority of the votes entitled to be cast on the amendment exists, and, if any class or series of shares is entitled to vote as a separate group on the amendment, except as provided in section 30-29-1004(3), Idaho Code, the approval of each such separate voting group at a meeting at which a quorum

of the voting group consisting of at least a majority of the votes entitled to be cast on the amendment by that voting group exists.

30-29-1004. VOTING ON AMENDMENTS BY VOTING GROUPS. Except as otherwise provided in the articles of incorporation:

(1) If a corporation has more than one (1) class of shares outstanding, the holders of the outstanding shares of a class, whether voting or nonvoting in whole or in part, are entitled to vote as a separate voting group, if shareholder voting is otherwise required by this chapter, on a proposed amendment to the articles of incorporation if the amendment would:

(a) Increase or decrease the aggregate number of authorized shares of the class;

(b) Effect an exchange or reclassification of all or part of the shares of the class into shares of another class;

(c) Effect an exchange or reclassification, or create the right of exchange, of all or part of the shares of another class into shares of the class;

(d) Change the rights, preferences or limitations of all or part of the shares of the class;

(e) Change the shares of all or part of the class into a different number of shares of the same class;

(f) Create a new class of shares having rights or preferences with respect to distributions or to dissolution that are prior, superior or substantially equal to the shares of the class;

(g) Increase the rights, preferences or number of authorized shares of any class that, after giving effect to the amendment, have rights or preferences with respect to distributions or to dissolution that are prior, superior or substantially equal to the shares of the class;

(h) Limit or deny an existing preemptive right of all or part of the shares of the class; or

(i) Cancel or otherwise affect rights to distributions that have accumulated but not yet been authorized on all or part of the shares of the class.

(2) If a proposed amendment would affect a series of a class of shares in one (1) or more of the ways described in subsection (1) of this section, the shares of that series are entitled to vote as a separate voting group on the proposed amendment.

(3) If a proposed amendment that entitles the holders of two (2) or more classes or series of shares to vote as separate voting groups under this section would affect those two (2) or more classes or series in the same or a substantially similar way, the holders of shares of all the classes or series so affected must vote together as a single voting group on the proposed amendment, unless otherwise provided in the articles of incorporation or required by the board of directors.

30-29-1005. AMENDMENT BY BOARD OF DIRECTORS. Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt amendments to the corporation's articles of incorporation without shareholder approval:

(1) To extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(2) To delete the names and addresses of the initial directors;

(3) To change the information required by section 30-405, Idaho Code, on its registered agent;

(4) If the corporation has only one (1) class of shares outstanding:

(a) To change each issued and unissued authorized share of the class into a greater number of whole shares of that class; or

(b) To increase the number of authorized shares of the class to the extent necessary to permit the issuance of shares as a share dividend;

(5) To change the corporate name by substituting the word "corporation," "incorporated," "company," "limited," or the abbreviation "corp.," "inc.," "co.," or "ltd.," for a similar word or abbreviation in the name, or by adding, deleting or changing a geographical attribution for the name;

(6) To reflect a reduction in authorized shares, as a result of the operation of section 30-29-631(2), Idaho Code, when the corporation has acquired its own shares and the articles of incorporation prohibit the reissue of the acquired shares;

(7) To delete a class of shares from the articles of incorporation, as a result of the operation of section 30-29-631(2), Idaho Code, when there are no remaining shares of the class because the corporation has acquired all shares of the class and the articles of incorporation prohibit the reissue of the acquired shares; or

(8) To make any change expressly permitted by section 30-29-602(1) or (2), Idaho Code, to be made without shareholder approval.

30-29-1006. ARTICLES OF AMENDMENT. After an amendment to the articles of incorporation has been adopted and approved in the manner required by this chapter and by the articles of incorporation, the corporation shall deliver to the secretary of state for filing articles of amendment, which shall set forth:

- (1) The name of the corporation;
- (2) The text of each amendment adopted;
- (3) If an amendment provides for an exchange, reclassification, or cancellation of issued shares, provisions for implementing the amendment if not contained in the amendment itself;
- (4) The date of each amendment's adoption; and
- (5) If an amendment:
 - (a) Was adopted by the incorporators or board of directors without shareholder approval, a statement that the amendment was duly approved by the incorporators or by the board of directors, as the case may be, and that shareholder approval was not required;
 - (b) Required approval by the shareholders, a statement that the amendment was duly approved by the shareholders in the manner required by this chapter and by the articles of incorporation; or
 - (c) Is being filed pursuant to section 30-29-120(2)(e), Idaho Code, a statement to that effect.

30-29-1007. RESTATED ARTICLES OF INCORPORATION. (1) A corporation's board of directors may restate its articles of incorporation at any time, with or without shareholder approval, to consolidate all amendments into a single document.

(2) If the restated articles include one (1) or more new amendments that require shareholder approval, the amendments must be adopted and approved as provided in section 30-29-1003, Idaho Code.

(3) A corporation that restates its articles of incorporation shall deliver to the secretary of state for filing articles of restatement setting forth the name of the corporation and the text of the restated articles of incorporation together with a certificate that states the restated articles consolidate all amendments into a single document and, if a new amendment is included in the restated articles, which also includes the statements required under section 30-29-1006, Idaho Code.

(4) Duly adopted restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

(5) The secretary of state may certify restated articles of incorporation, as the articles of incorporation currently in effect, without including the certificate information required by subsection (3) of this section.

30-29-1008. AMENDMENT PURSUANT TO REORGANIZATION. (1) A corporation's articles of incorporation may be amended without action by the board of directors or shareholders to carry out a plan of reorganization ordered or decreed by a court of competent jurisdiction under the authority of a law of the United States.

(2) The individual or individuals designated by the court shall deliver to the secretary of state for filing articles of amendment setting forth:

- (a) The name of the corporation;
- (b) The text of each amendment approved by the court;
- (c) The date of the court's order or decree approving the articles of amendment;
- (d) The title of the reorganization proceeding in which the order or decree was entered; and
- (e) A statement that the court had jurisdiction of the proceeding under federal statute.

(3) This section does not apply after entry of a final decree in the reorganization proceeding even though the court retains jurisdiction of the proceeding for limited purposes unrelated to consummation of the reorganization plan.

30-29-1009. EFFECT OF AMENDMENT. An amendment to the articles of incorporation does not affect a cause of action existing against or in favor of the corporation, a proceeding to which the corporation is a party, or the existing rights of persons other than shareholders of the corporation. An amendment changing a corporation's name does not abate a proceeding brought by or against the corporation in its former name.

30-29-1010 through 30-29-1019 -- RESERVED.

30-29-1020. AMENDMENT BY BOARD OF DIRECTORS OR SHAREHOLDERS. (1) A corporation's shareholders may amend or repeal the corporation's bylaws.

(2) A corporation's board of directors may amend or repeal the corporation's bylaws unless:

- (a) The articles of incorporation or section 30-29-1021, Idaho Code, reserve that power exclusively to the shareholders in whole or in part; or
- (b) The shareholders in amending, repealing, or adopting a bylaw expressly provide that the board of directors may not amend, repeal, or reinstate that bylaw.

30-29-1021. BYLAW INCREASING QUORUM OR VOTING REQUIREMENT FOR DIRECTORS. (1) A bylaw that increases a quorum or voting requirement for the board of directors may be amended or repealed:

- (a) If originally adopted by the shareholders, only by the shareholders unless the bylaws otherwise provide;
- (b) If adopted by the board of directors, either by the shareholders or by the board of directors.

(2) A bylaw adopted or amended by the shareholders that increases a quorum or voting requirement for the board of directors may provide that it can be amended or repealed only by a specified vote of either the shareholders or the board of directors.

(3) Action by the board of directors under subsection (1) of this section to amend or repeal a bylaw that changes the quorum or voting requirement for the board of directors must meet the same quorum requirement and be adopted by the same vote required to take action under the quorum and voting requirement then in effect or proposed to be adopted, whichever is greater.

SECTION 66. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 11, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 11
MERGER AND SHARE EXCHANGE

30-29-1101 through 30-29-1103 -- RESERVED.

30-29-1104. ACTION ON A PLAN OF MERGER OR SHARE EXCHANGE. In the case of a domestic corporation that is a party to a merger or share exchange:

(1) The plan of merger or share exchange must be adopted by the board of directors.

(2) Except as provided in subsection (7) of this section and in section 30-29-1105, Idaho Code, after adopting the plan of merger or share exchange the board of directors must submit the plan to the shareholders for their approval. The board of directors must also transmit to the shareholders a recommendation that the shareholders approve the plan, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors must transmit to the shareholders the basis for that determination.

(3) The board of directors may condition its submission of the plan of merger or share exchange to the shareholders on any basis.

(4) If the plan of merger or share exchange is required to be approved by the shareholders, and if the approval is to be given at a meeting, the corporation must notify each shareholder, whether or not entitled to vote, of the meeting of shareholders at which the plan is to be submitted for approval. The notice must state that the purpose, or one (1) of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing corporation or eligible entity, the notice shall also include or be accompanied by a copy or summary of the articles of incorporation or organizational documents of that corporation or eligible entity. If the corporation is to be merged into a corporation or eligible entity that is to be created pursuant to the merger, the notice shall include or be accompanied by a copy or a summary of the articles of incorporation or organizational documents of the new corporation or eligible entity.

(5) Unless the articles of incorporation, or the board of directors acting pursuant to subsection (3) of this section, requires a greater vote or a greater number of votes to be present, approval of the plan of merger or share exchange require the approval of the shareholders at a meeting at which a quorum consisting of at least a majority of the votes entitled to be cast on the plan exists, and, if any class or series of shares is entitled to vote as a separate group on the plan of merger or share exchange, the approval of each such separate voting group at a meeting at which a quorum of the voting group consisting of at least a majority of the votes entitled to be cast on the merger or share exchange by that voting group is present.

(6) Separate voting by voting groups is required:

(a) On a plan of merger, by each class or series of shares that:

(i) Are to be converted under the plan of merger into other securities, interests, obligations, rights to acquire shares, other securities or interests, cash, other property, or any combination of the foregoing; or

(ii) Would be entitled to vote as a separate group on a provision in the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under section 30-29-1004, Idaho Code;

(b) On a plan of share exchange by each class or series of shares included in the exchange, with each class or series constituting a separate voting group; and

(c) On a plan of merger or share exchange, if the voting group is entitled under the articles of incorporation to vote as a voting group to approve a plan of merger or share exchange.

(7) Unless the articles of incorporation otherwise provide, approval by the corporation's shareholders of a plan of merger or share exchange is not required if:

(a) The corporation will survive the merger or is the acquiring corporation in a share exchange;

(b) Except for amendments permitted by section 30-29-1005, Idaho Code, its articles of incorporation will not be changed;

(c) Each shareholder of the corporation whose shares were outstanding immediately before the effective date of the merger or share exchange will hold the same number of shares, with identical preferences, limitations, and relative rights, immediately after the effective date of change; and

(d) The issuance in the merger or share exchange of shares or other securities convertible into or rights exercisable for shares does not require a vote under section 30-29-621 (6), Idaho Code.

(8) If as a result of a merger or share exchange one (1) or more shareholders of a domestic corporation would become subject to owner liability for the debts, obligations or liabilities of any other person or entity, approval of the plan of merger or share exchange shall require the execution, by each such shareholder, of a separate written consent to become subject to such owner liability.

30-29-1105. MERGER BETWEEN PARENT AND SUBSIDIARY OR BETWEEN SUBSIDIARIES. (1) A domestic parent corporation that owns shares of a domestic or foreign corporation that carry at least ninety percent (90%) of the voting power of each class and series of the outstanding shares of the subsidiary that have voting power may merge the subsidiary into itself or into another such subsidiary, without the approval of the board of directors or shareholders of the subsidiary unless the articles of incorporation of any of the corporations otherwise provide, and unless, in the case of a foreign subsidiary, approval by the subsidiary's board of directors or shareholders is required by the laws under which the subsidiary is organized.

(2) If under subsection (1) of this section approval of a merger by the subsidiary's shareholders is not required, the parent corporation shall, within ten (10) days after the effective date of the merger, notify each of the subsidiary's shareholders that the merger has become effective.

(3) Except as provided in subsections (1) and (2) of this section, a merger between a parent and a subsidiary shall be governed by the provisions of this part applicable to mergers generally.

SECTION 67. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 12, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 12
DISPOSITION OF ASSETS

30-29-1201. DISPOSITION OF ASSETS NOT REQUIRING SHAREHOLDER APPROVAL. No approval of the shareholders of a corporation is required, unless the articles of incorporation otherwise provide:

(1) To sell, lease, exchange, or otherwise dispose of any or all of the corporation's assets in the usual and regular course of business;

(2) To mortgage, pledge, dedicate to the repayment of indebtedness, whether with or without recourse, or otherwise encumber any or all of the corporation's assets, whether or not in the usual and regular course of business; or

(3) To transfer any or all of the corporation's assets to one (1) or more corporations or eligible entities all the shares or interests of which are owned by the corporation; or

(4) To distribute assets pro rata to the holders of one (1) or more classes or series of the corporation's shares.

30-29-1202. SHAREHOLDER APPROVAL OF CERTAIN DISPOSITIONS. (1) A sale, lease, exchange or other disposition of assets, other than a disposition described in section 30-29-1201, Idaho Code, requires approval of the corporation's shareholders if the disposition would leave the corporation without a significant continuing business activity. If a corporation retains a business activity that represented at least twenty-five percent (25%) of total assets at the end of the most recently completed fiscal year, and twenty-five percent (25%) of either income from continuing operations before taxes or revenues from continuing operations for that fiscal year, in each case of the corporation and its subsidiaries on a consolidated basis, the corporation will conclusively be deemed to have retained a significant continuing business activity.

(2) A disposition that requires approval of the shareholders under subsection (1) of this section shall be initiated by a resolution by the board of directors authorizing the disposition. After adoption of such a resolution, the board of directors shall submit the proposed disposition to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the proposed disposition, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors shall transmit to the shareholders the basis for that determination.

(3) The board of directors may condition its submission of a disposition to the shareholders under subsection (1) of this section on any basis.

(4) If a disposition is required to be approved by the shareholders under subsection (1) of this section, and if the approval is to be given at a meeting, the corporation shall notify each shareholder, whether or not entitled to vote, of the meeting of shareholders at which the disposition is to be submitted for approval. The notice shall state that the purpose, or one (1) of the purposes, of the meeting is to consider the disposition and shall contain a description of the disposition, including the terms and conditions thereof and the consideration to be received by the corporation.

(5) Unless the articles of incorporation or the board of directors, acting pursuant to subsection (3) of this section, require a greater vote or a greater number of votes to be present, the approval of a disposition by the shareholders shall require the approval of the shareholders at a meeting at which a quorum consisting of at least a majority of the votes entitled to be cast on the disposition exists.

(6) After a disposition has been approved by the shareholders under subsection (2) of this section, and at any time before the disposition has been consummated, it may be abandoned by the corporation without action by the shareholders, subject to any contractual rights of other parties to the disposition.

(7) A disposition of assets in the course of dissolution under part 14 of this chapter is not governed by this section.

(8) The assets of a direct or indirect consolidated subsidiary shall be deemed the assets of the parent corporation for the purposes of this section.

SECTION 68. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 13, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 13
APPRAISAL RIGHTS

30-29-1301. DEFINITIONS. In this part:

(1) "Affiliate" means a person that directly or indirectly through one (1) or more intermediaries controls, is controlled by, or is under common control with another person or is a senior executive thereof. For purposes of section 30-29-1302 (2) (d), Idaho Code, a person is deemed to be an affiliate of its senior executives.

(2) "Beneficial shareholder" means a person who is the beneficial owner of shares held in a voting trust or by a nominee on the beneficial owner's behalf.

(3) "Corporation" means the issuer of the shares held by a shareholder demanding appraisal and, for matters covered in sections 30-29-1322 through 30-29-1331, Idaho Code, includes the surviving entity in a merger.

(4) "Fair value" means the value of the corporation's shares determined:

(a) Immediately before the effectuation of the corporate action to which the shareholder objects;

(b) Using customary and current valuation concepts and techniques generally employed for similar businesses in the context of the transaction requiring appraisal; and

(c) Without discounting for lack of marketability or minority status except, if appropriate, for amendments to the articles pursuant to section 30-29-1302 (1) (e), Idaho Code.

(5) "Interest" means interest from the effective date of the corporate action until the date of payment, at the rate of interest on judgments in this state on the effective date of the corporate action.

(6) "Preferred shares" means a class or series of shares whose holders have preference over any other class or series with respect to distributions.

(7) "Record shareholder" means the person in whose name shares are registered in the records of the corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with the corporation.

(8) "Senior executive" means the chief executive officer, chief operating officer, chief financial officer, and anyone in charge of a principal business unit or function.

(9) "Shareholder" means both a record shareholder and a beneficial shareholder.

30-29-1302. RIGHT TO APPRAISAL. (1) A shareholder is entitled to appraisal rights, and to obtain payment of the fair value of that shareholder's shares in the event of any of the following corporate actions:

(a) Consummation of a merger to which the corporation is a party:

(i) If shareholder approval is required for the merger by section 30-29-1104, Idaho Code, and the shareholder is entitled to vote on the merger, except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series that remain outstanding after consummation of the merger; or

(ii) If the corporation is a subsidiary and the merger is governed by section 30-29-1105, Idaho Code;

(b) Consummation of a share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is

entitled to vote on the exchange, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged;

(c) Consummation of a disposition of assets pursuant to section 30-29-1202, Idaho Code, if the shareholder is entitled to vote on the disposition;

(d) An amendment of the articles of incorporation with respect to a class or series of shares that reduces the number of shares of a class or series owned by the shareholder to a fraction of a share if the corporation has the obligation or right to repurchase the fractional share so created; or

(e) Any other amendment to the articles of incorporation, merger, share exchange or disposition of assets to the extent provided by the articles of incorporation, bylaws or a resolution of the board of directors.

(2) Notwithstanding subsection (1) of this section, the availability of appraisal rights under subsection (1) (a), (b), (c) and (d) of this section shall be limited in accordance with the following provisions:

(a) Appraisal rights shall not be available for the holders of shares of any class or series of shares that are:

(i) Listed on the New York stock exchange or the American stock exchange or designated as a national market system security on an interdealer quotation system by the national association of securities dealers, inc.; or

(ii) Not so listed or designated, but have at least two thousand (2,000) shareholders and the outstanding shares of such class or series have a market value of at least twenty million dollars (\$20,000,000), exclusive of the value of such shares held by its subsidiaries, senior executives, directors and beneficial shareholders owning more than ten percent (10%) of such shares.

(b) The applicability of paragraph (a) of this subsection shall be determined as of:

(i) The record date fixed to determine the shareholders entitled to receive notice of, and vote at, the meeting of shareholders to act upon the corporate action requiring appraisal rights; or

(ii) The day before the effective date of such corporate action if there is no meeting of shareholders.

(c) Paragraph (a) of this subsection shall not be applicable and appraisal rights shall be available pursuant to subsection (1) of this section for the holders of any class or series of shares who are required by the terms of the corporate action requiring appraisal rights to accept for such shares anything other than cash or shares of any class or any series of shares of any corporation, or any other proprietary interest of any other entity, that satisfies the standards set forth in paragraph (a) of this subsection at the time the corporate action becomes effective.

(d) Paragraph (a) of this subsection shall not be applicable and appraisal rights shall be available pursuant to subsection (1) of this section for the holders of any class or series of shares where:

(i) Any of the shares or assets of the corporation are being acquired or converted, whether by merger, share exchange or otherwise, pursuant to the corporate action by a person, or by an affiliate of a person, who:

(A) Is, or at any time in the one (1) year period immediately preceding approval by the board of directors of the corporate action requiring appraisal rights was, the beneficial owner of twenty percent (20%) or more of the voting power of the corporation, excluding any shares acquired pursuant to an offer for all shares having voting power if such offer was made within one (1) year prior to the corporate action re-

quiring appraisal rights for consideration of the same kind and of a value equal to or less than that paid in connection with the corporate action; or

(B) Directly or indirectly has, or at any time in the one (1) year period immediately preceding approval by the board of directors of the corporation of the corporate action requiring appraisal rights had, the power, contractually or otherwise, to cause the appointment or election of twenty-five percent (25%) or more of the directors to the board of directors of the corporation; or

(ii) Any of the shares or assets of the corporation are being acquired or converted, whether by merger, share exchange or otherwise, pursuant to such corporate action by a person, or by an affiliate of a person, who is, or at any time in the one (1) year period immediately preceding approval by the board of directors of the corporate action requiring appraisal rights was, a senior executive or director of the corporation or a senior executive of any affiliate thereof, and that senior executive or director will receive, as a result of the corporate action, a financial benefit not generally available to other shareholders as such, other than:

(A) Employment, consulting, retirement or similar benefits established separately and not as part of or in contemplation of the corporate action; or

(B) Employment, consulting, retirement or similar benefits established in contemplation of, or as part of, the corporate action that are not more favorable than those existing before the corporate action or, if more favorable, that have been approved on behalf of the corporation in the same manner as is provided in section 30-29-862, Idaho Code; or

(C) In the case of a director of the corporation who will, in the corporate action, become a director of the acquiring entity in the corporate action or one (1) of its affiliates, rights and benefits as a director that are provided on the same basis as those afforded by the acquiring entity generally to other directors of such entity or such affiliate.

(e) For the purposes of paragraph (d) of this subsection only, the term "beneficial owner" means any person who, directly or indirectly, through any contract, arrangement, or understanding, other than a revocable proxy, has or shares the power to vote, or to direct the voting of, shares, provided that a member of a national securities exchange shall not be deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because such member is the record holder of such securities if the member is precluded by the rules of such exchange from voting without instruction on contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted. When two (2) or more persons agree to act together for the purpose of voting their shares of the corporation, each member of the group formed thereby shall be deemed to have acquired beneficial ownership, as of the date of such agreement, of all voting shares of the corporation beneficially owned by any member of the group.

(3) Notwithstanding any other provision of this section, the articles of incorporation as originally filed or any amendment thereto may limit or eliminate appraisal rights for any class or series of preferred shares, but any such limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates appraisal rights for any of such shares that are outstanding immediately prior to the effective date of such amendment or that the corporation is or may be required to issue or sell thereafter pursuant to any conversion, exchange or other right existing im-

mediately before the effective date of such amendment shall not apply to any corporate action that becomes effective within one (1) year of that date if such action would otherwise afford appraisal rights.

(4) A shareholder entitled to appraisal rights under this part may not challenge a completed corporate action for which appraisal rights are available unless such corporate action:

(a) Was not effectuated in accordance with the applicable provisions of part 10, 11 or 12 of this chapter or the corporation's articles of incorporation, bylaws or board of directors' resolution authorizing the corporate action; or

(b) Was procured as a result of fraud or material misrepresentation.

30-29-1303. ASSERTION OF RIGHTS BY NOMINEES AND BENEFICIAL OWNERS. (1) A record shareholder may assert appraisal rights as to fewer than all the shares registered in the record shareholder's name but owned by a beneficial shareholder only if the record shareholder objects with respect to all shares of the class or series owned by the beneficial shareholder and notifies the corporation in writing of the name and address of each beneficial shareholder on whose behalf appraisal rights are being asserted. The rights of a record shareholder who asserts appraisal rights for only part of the shares held of record in the record shareholder's name under this subsection shall be determined as if the shares as to which the record shareholder objects and the record shareholder's other shares were registered in the names of different record shareholders.

(2) A beneficial shareholder may assert appraisal rights as to shares held on behalf of the shareholder only if such shareholder:

(a) Submits to the corporation the record shareholder's written consent to the assertion of such rights no later than the date referred to in section 30-29-1322(2)(b)(ii), Idaho Code; and

(b) Does so with respect to all shares of the class or series that are beneficially owned by the beneficial shareholder.

30-29-1304 through 30-29-1319 -- RESERVED.

30-29-1320. NOTICE OF APPRAISAL RIGHTS. (1) If proposed corporate action described in section 30-29-1302(1), Idaho Code, is to be submitted to a vote at a shareholders' meeting, the meeting notice must state that the corporation has concluded that shareholders are, are not or may be entitled to assert appraisal rights under this part. If the corporation concludes that appraisal rights are or may be available, a copy of this part must accompany the meeting notice sent to those record shareholders entitled to exercise appraisal rights.

(2) In a merger pursuant to section 30-29-1105, Idaho Code, the parent corporation must notify in writing all record shareholders of the subsidiary who are entitled to assert appraisal rights that the corporate action became effective. Such notice must be sent within ten (10) days after the corporate action became effective and include the materials described in section 30-29-1322, Idaho Code.

30-29-1321. NOTICE OF INTENT TO DEMAND PAYMENT. (1) If proposed corporate action requiring appraisal rights under section 30-29-1302, Idaho Code, is submitted to a vote at a shareholders' meeting, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares:

(a) Must deliver to the corporation before the vote is taken written notice of the shareholder's intent to demand payment if the proposed action is effectuated; and

(b) Must not vote, or cause or permit to be voted, any shares of such class or series in favor of the proposed action.

(2) A shareholder who does not satisfy the requirements of subsection (1) of this section is not entitled to payment under this part.

30-29-1322. APPRAISAL NOTICE AND FORM. (1) If proposed corporate action requiring appraisal rights under section 30-29-1302, Idaho Code, becomes effective, the corporation must deliver a written appraisal notice and form required by subsection (2) (a) of this section to all shareholders who satisfied the requirements of section 30-29-1321, Idaho Code. In the case of a merger under section 30-29-1105, Idaho Code, the parent must deliver a written appraisal notice and form to all record shareholders who may be entitled to assert appraisal rights.

(2) The appraisal notice must be sent no earlier than the date the corporate action became effective and no later than ten (10) days after such date and must:

(a) Supply a form that specifies the date of the first announcement to shareholders of the principal terms of the proposed corporate action and requires the shareholder asserting appraisal rights to certify:

- (i) Whether or not beneficial ownership of those shares for which appraisal rights are asserted was acquired before that date; and
- (ii) That the shareholder did not vote for the transaction;

(b) State:

(i) Where the form must be sent and where certificates for certificated shares must be deposited and the date by which those certificates must be deposited, which date may not be earlier than the date for receiving the required form under subsection (2) (b) (ii) of this section;

(ii) A date by which the corporation must receive the form, which date may not be fewer than forty (40) days nor more than sixty (60) days after the date the appraisal notice and form in subsection (1) of this section are sent, and state that the shareholder shall have waived the right to demand appraisal with respect to the shares unless the form is received by the corporation by such specified date;

(iii) The corporation's estimate of the fair value of the shares;

(iv) That, if requested in writing, the corporation will provide, to the shareholders so requesting, within ten (10) days after the date specified in subparagraph (ii) of this paragraph the number of shareholders who return the forms by the specified date and the total number of shares owned by them; and

(v) The date by which the notice to withdraw under section 30-29-1323, Idaho Code, must be received, which date must be within twenty (20) days after the date specified in subparagraph (ii) of this paragraph; and

(c) Be accompanied by a copy of this part.

30-29-1323. PERFECTION OF RIGHTS -- RIGHT TO WITHDRAW. (1) A shareholder who receives notice pursuant to section 30-29-1322, Idaho Code, and who wishes to exercise appraisal rights must certify on the form sent by the corporation whether the beneficial owner of such shares acquired beneficial ownership of the shares before the date required to be set forth in the notice pursuant to section 30-29-1322(2) (a), Idaho Code. If a shareholder fails to make this certification, the corporation may elect to treat the shareholder's shares as after-acquired shares under section 30-29-1325, Idaho Code. In addition, a shareholder who wishes to exercise appraisal rights must execute and return the form and, in the case of certificated shares, deposit the shareholder's certificates in accordance with the terms of the notice by the date referred to in the notice pursuant to section 30-29-1322(2) (b) (ii), Idaho Code. Once a shareholder deposits that shareholder's certificates or, in the case of uncertificated shares, returns the

executed forms, that shareholder loses all rights as a shareholder, unless the shareholder withdraws pursuant to subsection (2) of this section.

(2) A shareholder who has complied with subsection (1) of this section may nevertheless decline to exercise appraisal rights and withdraw from the appraisal process by so notifying the corporation in writing by the date set forth in the appraisal notice pursuant to section 30-29-1322(2)(b)(v), Idaho Code. A shareholder who fails to so withdraw from the appraisal process may not thereafter withdraw without the corporation's written consent.

(3) A shareholder who does not execute and return the form and, in the case of certificated shares, deposit that shareholder's share certificates where required, each by the date set forth in the notice described in section 30-29-1322(2), Idaho Code, shall not be entitled to payment under this part.

30-29-1324. PAYMENT. (1) Except as provided in section 30-29-1325, Idaho Code, within thirty (30) days after the form required by section 30-29-1322(2)(b)(ii), Idaho Code, is due, the corporation shall pay in cash to those shareholders who complied with section 30-29-1323(1), Idaho Code, the amount the corporation estimates to be the fair value of their shares, plus interest.

(2) The payment to each shareholder pursuant to subsection (1) of this section must be accompanied by:

- (a) Financial statements of the corporation that issued the shares to be appraised, consisting of a balance sheet as of the end of a fiscal year ending not more than sixteen (16) months before the date of payment, an income statement for that year, a statement of changes in shareholders' equity for that year, and the latest available interim financial statements, if any;
- (b) A statement of the corporation's estimate of the fair value of the shares, which estimate must equal or exceed the corporation's estimate given pursuant to section 30-29-1322(2)(b)(iii), Idaho Code; and
- (c) A statement that shareholders described in subsection (1) of this section have the right to demand further payment under section 30-29-1326, Idaho Code, and that if any shareholder does not do so within the time period specified therein, such shareholder shall be deemed to have accepted such payment in full satisfaction of the corporation's obligations under this part.

30-29-1325. AFTER ACQUIRED SHARES. (1) A corporation may elect to withhold payment required by section 30-29-1324, Idaho Code, from any shareholder who did not certify that beneficial ownership of all of the shareholder's shares for which appraisal rights are asserted was acquired before the date set forth in the appraisal notice sent pursuant to section 30-29-1322(2)(a), Idaho Code.

(2) If the corporation elected to withhold payment under subsection (1) of this section, it must, within thirty (30) days after the form required by section 30-29-1322(2)(b)(ii), Idaho Code, is due, notify all shareholders who are described in subsection (1) of this section:

- (a) Of the information required by section 30-29-1324(2)(a), Idaho Code;
- (b) Of the corporation's estimate of fair value pursuant to section 30-29-1324(2)(b), Idaho Code;
- (c) That they may accept the corporation's estimate of fair value, plus interest, in full satisfaction of their demands or demand appraisal under section 30-29-1326, Idaho Code;
- (d) That those shareholders who wish to accept such offer must so notify the corporation of their acceptance of the corporation's offer within thirty (30) days after receiving the offer; and

(e) That those shareholders who do not satisfy the requirements for demanding appraisal under section 30-29-1326, Idaho Code, shall be deemed to have accepted the corporation's offer.

(3) Within ten (10) days after receiving the shareholder's acceptance pursuant to subsection (2) of this section, the corporation must pay in cash the amount it offered under subsection (2) (b) of this section to each shareholder who agreed to accept the corporation's offer in full satisfaction of the shareholder's demand.

(4) Within forty (40) days after sending the notice described in subsection (2) of this section, the corporation must pay in cash the amount it offered to pay under subsection (2) (b) of this section to each shareholder described in subsection (2) (e) of this section.

30-29-1326. PROCEDURE IF SHAREHOLDER DISSATISFIED WITH PAYMENT OR OFFER. (1) A shareholder paid pursuant to section 30-29-1324, Idaho Code, who is dissatisfied with the amount of the payment must notify the corporation in writing of that shareholder's estimate of the fair value of the shares and demand payment of that estimate plus interest, less any payment under section 30-29-1324, Idaho Code. A shareholder offered payment under section 30-29-1325, Idaho Code, who is dissatisfied with that offer must reject the offer and demand payment of the shareholder's stated estimate of the fair value of the shares plus interest.

(2) A shareholder who fails to notify the corporation in writing of that shareholder's demand to be paid the shareholder's stated estimate of the fair value plus interest under subsection (1) of this section within thirty (30) days after receiving the corporation's payment or offer of payment under section 30-29-1324 or 30-29-1325, Idaho Code, respectively, waives the right to demand payment under this section and shall be entitled only to the payment made or offered pursuant to those respective sections.

30-29-1327 through 30-29-1329 -- RESERVED.

30-29-1330. COURT ACTION. (1) If a shareholder makes demand for payment under section 30-29-1326, Idaho Code, that remains unsettled, the corporation shall commence a proceeding within sixty (60) days after receiving the payment demand and petition the court to determine the fair value of the shares and accrued interest. If the corporation does not commence the proceeding within the sixty (60) day period, it shall pay in cash to each shareholder the amount demanded pursuant to section 30-29-1326, Idaho Code, plus interest.

(2) The corporation shall commence the proceeding in the appropriate court of the county where the corporation's principal office is located, or, if none in this state, Ada county. If the corporation is a foreign corporation, it shall commence the proceeding in the county in this state where the principal office of the domestic corporation merged with the foreign corporation was located or, if the domestic corporation did not have its principal office in this state at the time of the transaction, in Ada county.

(3) The corporation shall make all shareholders, whether or not residents of this state, whose demands remain unsettled parties to the proceeding, as in an action against their shares, and all parties must be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

(4) The jurisdiction of the court in which the proceeding is commenced under subsection (2) of this section is plenary and exclusive. The court may appoint one (1) or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have the powers described in the order appointing them or in any amendment to it. The shareholders demanding appraisal rights are entitled to the same discovery

rights as parties in other civil proceedings. There shall be no right to a jury trial.

(5) Each shareholder made a party to the proceeding is entitled to judgment:

(a) For the amount, if any, by which the court finds the fair value of the shareholder's shares, plus interest, exceeds the amount paid by the corporation to the shareholder for such shares; or

(b) For the fair value, plus interest, of the shareholder's shares for which the corporation elected to withhold payment under section 30-29-1325, Idaho Code.

30-29-1331. COURT COSTS AND COUNSEL FEES. (1) The court in an appraisal proceeding commenced under section 30-29-1330, Idaho Code, shall determine all costs of the proceeding, including the reasonable compensation and expenses of appraisers appointed by the court. The court shall assess the costs against the corporation, except that the court may assess costs against all or some of the shareholders demanding appraisal, in amounts the court finds equitable, to the extent the court finds such shareholders acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this part.

(2) The court in an appraisal proceeding may also assess the fees and expenses of counsel and experts for the respective parties, in amounts the court finds equitable:

(a) Against the corporation and in favor of any or all shareholders demanding appraisal if the court finds the corporation did not substantially comply with the requirements of section 30-29-1320, 30-29-1322, 30-29-1324 or 30-29-1325, Idaho Code; or

(b) Against either the corporation or a shareholder demanding appraisal, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this part.

(3) If the court in an appraisal proceeding finds that the services of counsel for any shareholder were of substantial benefit to other shareholders similarly situated, and that the fees for those services should not be assessed against the corporation, the court may award to such counsel reasonable fees to be paid out of the amounts awarded to shareholders who were benefited.

(4) To the extent the corporation fails to make a required payment pursuant to section 30-29-1324, 30-29-1325 or 30-29-1326, Idaho Code, the shareholder may sue directly for the amount owed and, to the extent successful, shall be entitled to recover from the corporation all costs and expenses of the suit, including counsel fees.

SECTION 69. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 14, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 14 DISSOLUTION

30-29-1401. DISSOLUTION BY INCORPORATORS OR INITIAL DIRECTORS. A majority of the incorporators or initial directors of a corporation that has not issued shares or has not commenced business may dissolve the corporation by delivering to the secretary of state for filing articles of dissolution that set forth:

- (1) The name of the corporation;
- (2) The date of its incorporation;
- (3) Either:

- (a) That none of the corporation's shares has been issued; or
- (b) That the corporation has not commenced business;
- (4) That no debt of the corporation remains unpaid;
- (5) That the net assets of the corporation remaining after winding up have been distributed to the shareholders, if shares were issued; and
- (6) That a majority of the incorporators or initial directors authorized the dissolution.

30-29-1402. DISSOLUTION BY BOARD OF DIRECTORS AND SHAREHOLDERS. (1) A corporation's board of directors may propose dissolution for submission to the shareholders.

- (2) For a proposal to dissolve to be adopted:
 - (a) The board of directors must recommend dissolution to the shareholders unless the board of directors determines that because of conflicts of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders; and
 - (b) The shareholders entitled to vote must approve the proposal to dissolve as provided in subsection (5) of this section.
- (3) The board of directors may condition its submission of the proposal for dissolution on any basis.
- (4) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider dissolving the corporation.
- (5) Unless the articles of incorporation or the board of directors, acting pursuant to subsection (3) of this section, require a greater vote, a greater number of shares to be present, or a vote by voting groups, adoption of the proposal to dissolve shall require the approval of the shareholders at a meeting at which a quorum consisting of at least a majority of the votes entitled to be cast exists.

30-29-1403. ARTICLES OF DISSOLUTION. (1) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth:

- (a) The name of the corporation;
 - (b) The date dissolution was authorized; and
 - (c) If dissolution was approved by the shareholders, a statement that the proposal to dissolve was duly approved by the shareholders in the manner required by this chapter and by the articles of incorporation.
- (2) A corporation is dissolved upon the effective date of its articles of dissolution.
- (3) For purposes of this part, "dissolved corporation" means a corporation whose articles of dissolution have become effective and includes a successor entity to which the remaining assets of the corporation are transferred subject to its liabilities for purposes of liquidation.

30-29-1404. REVOCATION OF DISSOLUTION. (1) A corporation may revoke its dissolution within one hundred twenty (120) days of its effective date.

- (2) Revocation of dissolution must be authorized in the same manner as the dissolution was authorized unless that authorization permitted revocation by action of the board of directors alone, in which event the board of directors may revoke the dissolution without shareholder action.
- (3) After the revocation of dissolution is authorized, the corporation may revoke the dissolution by delivering to the secretary of state for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth:
 - (a) The name of the corporation;
 - (b) The effective date of the dissolution that was revoked;

- (c) The date that the revocation of dissolution was authorized;
- (d) If the corporation's board of directors or incorporators revoked the dissolution, a statement to that effect;
- (e) If the corporation's board of directors revoked a dissolution authorized by the shareholders, a statement that revocation was permitted by action by the board of directors alone pursuant to that authorization; and
- (f) If shareholder action was required to revoke the dissolution, the information required by section 30-29-1403(1) (c), Idaho Code.

(4) Revocation of dissolution is effective upon the effective date of the articles of revocation of dissolution.

(5) When the revocation of dissolution is effective, it relates back to and takes effect as of the effective date of the dissolution and the corporation resumes carrying on its business as if dissolution had never occurred.

30-29-1405. EFFECT OF DISSOLUTION. (1) A dissolved corporation continues its corporate existence but may not carry on any business except that appropriate to wind up and liquidate its business and affairs, including:

- (a) Collecting its assets;
 - (b) Disposing of its properties that will not be distributed in kind to its shareholders;
 - (c) Discharging or making provision for discharging its liabilities;
 - (d) Distributing its remaining property among its shareholders according to their interests; and
 - (e) Doing every other act necessary to wind up and liquidate its business and affairs.
- (2) Dissolution of a corporation does not:
- (a) Transfer title to the corporation's property;
 - (b) Prevent transfer of its shares or securities, although the authorization to dissolve may provide for closing the corporation's share transfer records;
 - (c) Subject its directors or officers to standards of conduct different from those prescribed in part 8 of this chapter;
 - (d) Change quorum or voting requirements for its board of directors or shareholders; change provisions for selection, resignation, or removal of its directors or officers or both; or change provisions for amending its bylaws;
 - (e) Prevent commencement of a proceeding by or against the corporation in its corporate name;
 - (f) Abate or suspend a proceeding pending by or against the corporation on the effective date of dissolution; or
 - (g) Terminate the authority of the registered agent of the corporation.

30-29-1406. KNOWN CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved corporation may dispose of the known claims against it by notifying its known claimants in writing of the dissolution at any time after its effective date.

- (2) The written notice must:
- (a) Describe information that must be included in a claim;
 - (b) Provide a mailing address where a claim may be sent;
 - (c) State the deadline, which may not be fewer than one hundred twenty (120) days from the effective date of the written notice, by which the dissolved corporation must receive the claim; and
 - (d) State that the claim will be barred if not received by the deadline.
- (3) A claim against the dissolved corporation is barred:
- (a) If a claimant who was given written notice under subsection (2) of this section does not deliver the claim to the dissolved corporation by the deadline; or

(b) If a claimant whose claim was rejected by the dissolved corporation does not commence a proceeding to enforce the claim within ninety (90) days from the effective date of the rejection notice.

(4) For purposes of this section, "claim" does not include a contingent liability or a claim based on an event occurring after the effective date of dissolution.

30-29-1407. OTHER CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved corporation may also publish notice of its dissolution and request that persons with claims against the dissolved corporation present them in accordance with the notice.

(2) The notice must:

(a) Be published one (1) time in a newspaper of general circulation in the county where the dissolved corporation's principal office is or was located or, if none in this state, in Ada county;

(b) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and

(c) State that a claim against the dissolved corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of the notice.

(3) If the dissolved corporation publishes a newspaper notice in accordance with subsection (2) of this section, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within two (2) years after the publication date of the newspaper notice:

(a) A claimant who was not given written notice under section 30-29-1406, Idaho Code;

(b) A claimant whose claim was timely sent to the dissolved corporation but not acted on;

(c) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

(4) A claim that is not barred by section 30-29-1406(3), Idaho Code, or subsection (3) of this section may be enforced:

(a) Against the dissolved corporation, to the extent of its undistributed assets; or

(b) Except as provided in section 30-29-1408(4), Idaho Code, if the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of the shareholder's pro rata share of the claim or the corporate assets distributed to the shareholder in liquidation, whichever is less, but a shareholder's total liability for all claims under this section may not exceed the total amount of assets distributed to the shareholder.

30-29-1408. COURT PROCEEDING. (1) A dissolved corporation that has published a notice under section 30-29-1407, Idaho Code, may file an application with the district court of the county where the dissolved corporation's principal office is located, or, if none in this state, Ada county, for a determination of the amount and form of security to be provided for payment of claims that are contingent or have not been made known to the dissolved corporation or that are based on an event occurring after the effective date of dissolution but that, based on the facts known to the dissolved corporation, are reasonably estimated to arise after the effective date of dissolution. Provision need not be made for any claim that is or is reasonably anticipated to be barred under section 30-29-1407(3), Idaho Code.

(2) Within ten (10) days after the filing of the application, notice of the proceeding shall be given by the dissolved corporation to each claimant holding a contingent claim whose contingent claim is shown on the records of the dissolved corporation.

(3) The court may appoint a guardian ad litem to represent all claimants whose identities are unknown in any proceeding brought under this section. The reasonable fees and expenses of such guardian, including all reasonable expert witness fees, shall be paid by the dissolved corporation.

(4) Provision by the dissolved corporation for security in the amount and the form ordered by the court under subsection (1) of this section shall satisfy the dissolved corporation's obligations with respect to claims that are contingent, have not been made known to the dissolved corporation or are based on an event occurring after the effective date of dissolution, and such claims may not be enforced against a shareholder who received assets in liquidation.

30-29-1409. DIRECTOR DUTIES. (1) Directors shall cause the dissolved corporation to discharge or make reasonable provision for the payment of claims and make distributions of assets to shareholders after payment or provision for claims.

(2) Directors of a dissolved corporation that has been disposed of claims under section 30-29-1406, 30-29-1407 or 30-29-1408, Idaho Code, shall not be liable for breach of subsection (1) of this section, with respect to claims against the dissolved corporation that are barred or satisfied under section 30-29-1406, 30-29-1407 or 30-29-1408, Idaho Code.

30-29-1410 through 30-29-1429 -- RESERVED.

30-29-1430. GROUNDS FOR JUDICIAL DISSOLUTION. The Idaho district court designated in section 30-29-1431(1), Idaho Code, may dissolve a corporation:

(1) In a proceeding by the attorney general if it is established that:

(a) The corporation obtained its articles of incorporation through fraud; or

(b) The corporation has continued to exceed or abuse the authority conferred upon it by law;

(2) In a proceeding by a shareholder if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered because of the deadlock;

(b) The directors or those in control of the corporation have acted or are acting in a manner that is illegal, oppressive or fraudulent, and irreparable injury to the corporation is threatened or being suffered by reason thereof; or

(c) The shareholders are deadlocked in voting power and have failed, for a period that includes at least two (2) consecutive annual meeting dates to elect successors to directors whose terms have expired;

(3) In a proceeding by a creditor if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent; or

(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

30-29-1431. PROCEDURE FOR JUDICIAL DISSOLUTION. (1) Venue for a proceeding by the attorney general to dissolve a corporation lies in Ada county. Venue for a proceeding brought by any other party named in section 30-29-1430, Idaho Code, lies in the county where a corporation's principal office is or was located or, if none in this state, in Ada county.

(2) It is not necessary to make shareholders parties to the proceeding to dissolve a corporation unless relief is sought against them individually.

(3) A court in a proceeding brought to dissolve a corporation may issue injunctions, appoint a receiver or custodian pendente lite with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing can be held.

(4) Within ten (10) days of the commencement of a proceeding under section 30-29-1430(2), Idaho Code, to dissolve a corporation that has no shares listed on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national or affiliated securities association, the corporation must send to all shareholders, other than the petitioner, a notice stating that the shareholders may be entitled to avoid the dissolution of the corporation by electing to purchase the petitioner's shares under section 30-29-1434, Idaho Code, and accompanied by a copy of section 30-29-1434, Idaho Code.

30-29-1432. RECEIVERSHIP OR CUSTODIANSHIP. (1) A court in a judicial proceeding brought to dissolve a corporation may appoint one (1) or more receivers to wind up and liquidate, or one (1) or more custodians to manage, the business and affairs of the corporation. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. The court appointing a receiver or custodian has exclusive jurisdiction over the corporation and all of its property, wherever located.

(2) The court may appoint an individual or a domestic or foreign corporation, authorized to transact business in this state, as a receiver or custodian. The court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.

(3) The court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:

(a) The receiver:

(i) May dispose of all or any part of the assets of the corporation, wherever located, at a public or private sale, if authorized by the court; and

(ii) May sue and defend in his own name as receiver of the corporation in all courts of this state;

(b) The custodian may exercise all of the powers of the corporation, through or in place of its board of directors, to the extent necessary to manage the affairs of the corporation in the best interests of its shareholders and creditors.

(4) The court during a receivership, may redesignate the receiver a custodian, and during a custodianship may redesignate the custodian a receiver, if doing so is in the best interests of the corporation, its shareholders, and creditors.

(5) The court from time to time during the receivership or custodianship may order compensation paid and expense disbursements or reimbursements made to the receiver or custodian and his counsel from the assets of the corporation or proceeds from the sale of the assets.

30-29-1433. DECREE OF DISSOLUTION. (1) If after a hearing the court determines that one (1) or more grounds for judicial dissolution described in section 30-29-1430, Idaho Code, exist, it may enter a decree dissolving the corporation and specifying the effective date of the dissolution, and the clerk of the court shall deliver a certified copy of the decree to the secretary of state, who shall file it.

(2) After entering the decree of dissolution, the court shall direct the winding up and liquidation of the corporation's business and affairs in accordance with section 30-29-1405, Idaho Code, and the notification

of claimants in accordance with sections 30-29-1406 and 30-29-1407, Idaho Code.

30-29-1434. ELECTION TO PURCHASE IN LIEU OF DISSOLUTION. (1) In a proceeding under section 30-29-1430(2), Idaho Code, to dissolve a corporation that has no shares listed on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national or affiliated securities association, the corporation may elect or, if it fails to elect, one (1) or more shareholders may elect to purchase all shares owned by the petitioning shareholder at the fair value of the shares. In a proceeding under section 30-29-1430(2), Idaho Code, to dissolve a corporation that has shares listed on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national or affiliated securities association, the corporation may elect to purchase all shares owned by the petitioning shareholder at the fair value of the shares. An election pursuant to this section shall be irrevocable unless the court determines that it is equitable to set aside or modify the election.

(2) An election to purchase pursuant to this section may be filed with the court at any time within ninety (90) days after the filing of the petition under section 30-29-1430(2), Idaho Code, or at such later time as the court in its discretion may allow. If the election to purchase is filed by one (1) or more shareholders, the corporation shall, within ten (10) days thereafter, give written notice to all shareholders, other than the petitioner. The notice must state the name and number of shares owned by the petitioner and the name and number of shares owned by each electing shareholder and must advise the recipients of their right to join in the election to purchase shares in accordance with this section. Shareholders who wish to participate must file notice of their intention to join in the purchase no later than thirty (30) days after the effective date of the notice to them. All shareholders who have filed an election or notice of their intention to participate in the election to purchase thereby become parties to the proceeding and shall participate in the purchase in proportion to their ownership of shares as of the date the first election was filed, unless they otherwise agree or the court otherwise directs. After an election has been filed by the corporation or one (1) or more shareholders, the proceeding under section 30-29-1430(2), Idaho Code, may not be discontinued or settled, nor may the petitioning shareholder sell or otherwise dispose of his shares, unless the court determines that it would be equitable to the corporation and the shareholders, other than the petitioner, to permit such discontinuance, settlement, sale, or other disposition.

(3) If, within sixty (60) days of the filing of the first election, the parties reach agreement as to the fair value and terms of purchase of the petitioner's shares, the court shall enter an order directing the purchase of petitioner's shares upon the terms and conditions agreed to by the parties.

(4) If the parties are unable to reach an agreement as provided for in subsection (3) of this section, the court, upon application of any party, shall stay the section 30-29-1430(2), Idaho Code, proceedings and determine the fair value of the petitioner's shares as of the day before the date on which the petition under section 30-29-1430(2), Idaho Code, was filed or as of such other date as the court deems appropriate under the circumstances.

(5) Upon determining the fair value of the shares, the court shall enter an order directing the purchase upon such terms and conditions as the court deems appropriate, which may include payment of the purchase price in installments, where necessary in the interests of equity, provision for security to assure payment of the purchase price and any additional costs, fees, and expenses as may have been awarded, and, if the shares are to be purchased by shareholders, the allocation of shares among them. In allocating petitioner's shares among holders of different classes of shares, the court should attempt to preserve the existing distribution of voting rights among

holders of different classes insofar as practicable and may direct that holders of a specific class or classes shall not participate in the purchase. Interest may be allowed at the rate and from the date determined by the court to be equitable, but if the court finds that the refusal of the petitioning shareholder to accept an offer of payment was arbitrary or otherwise not in good faith, no interest shall be allowed. If the court finds that the petitioning shareholder had probable grounds for relief under section 30-29-1430(2)(b), Idaho Code, it may award to the petitioning shareholder reasonable fees and expenses of counsel and of any experts employed by him.

(6) Upon entry of an order under subsection (3) or (5) of this section, the court shall dismiss the petition to dissolve the corporation under section 30-29-1430, Idaho Code, and the petitioning shareholder shall no longer have any rights or status as a shareholder of the corporation, except the right to receive the amounts awarded to him by the order of the court that shall be enforceable in the same manner as any other judgment.

(7) The purchase ordered pursuant to subsection (5) of this section shall be made within ten (10) days after the date the order becomes final unless before that time the corporation files with the court a notice of its intention to adopt articles of dissolution pursuant to sections 30-29-1402 and 30-29-1403, Idaho Code, which articles must then be adopted and filed within fifty (50) days thereafter. Upon filing of such articles of dissolution, the corporation shall be dissolved in accordance with the provisions of sections 30-29-1405 through 30-29-1407, Idaho Code, and the order entered pursuant to subsection (5) of this section shall no longer be of any force or effect, except that the court may award the petitioning shareholder reasonable fees and expenses in accordance with the provisions of the last sentence of subsection (5) of this section and the petitioner may continue to pursue any claims previously asserted on behalf of the corporation.

(8) Any payment by the corporation pursuant to an order under subsection (3) or (5) of this section, other than an award of fees and expenses pursuant to subsection (5) of this section, is subject to the provisions of section 30-29-640, Idaho Code.

30-29-1435 through 30-29-1439 -- RESERVED.

30-29-1440. DEPOSIT WITH STATE TREASURER. Assets of a dissolved corporation that should be transferred to a creditor, claimant or shareholder of the corporation who cannot be found or who is not competent to receive them shall be reduced to cash and deposited with the state.

SECTION 70. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 15, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 15
[RESERVED]

SECTION 71. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 16, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 16
RECORDS AND REPORTS

30-29-1601. CORPORATE RECORDS. (1) A corporation shall keep as permanent records minutes of all meetings of its shareholders and board of directors, a record of all actions taken by the shareholders or board of directors without a meeting, and a record of all actions taken by a committee of the

board of directors in place of the board of directors on behalf of the corporation.

(2) A corporation shall maintain appropriate accounting records.

(3) A corporation or its agent shall maintain a record of its shareholders, in a form that permits preparation of a list of the names and addresses of all shareholders, in alphabetical order by class of shares showing the number and class of shares held by each.

(4) A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

(5) A corporation shall keep a copy of the following records at its principal office:

(a) Its articles or restated articles of incorporation, all amendments to them currently in effect, and any notices to shareholders referred to in section 30-29-120(2)(e), Idaho Code, regarding facts on which a filed document is dependent;

(b) Its bylaws or restated bylaws and all amendments to them currently in effect;

(c) Resolutions adopted by its board of directors creating one (1) or more classes or series of shares, and fixing their relative rights, preferences, and limitations, if shares issued pursuant to those resolutions are outstanding;

(d) The minutes of all shareholders' meetings, and records of all action taken by shareholders without a meeting, for the past three (3) years;

(e) All written communications to shareholders generally within the past three (3) years, including the financial statements furnished for the past three (3) years under section 30-29-1620, Idaho Code;

(f) A list of the names and business addresses of its current directors and officers; and

(g) Its most recent annual report delivered to the secretary of state under section 30-29-1622, Idaho Code.

30-29-1602. INSPECTION OF RECORDS BY SHAREHOLDERS. (1) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office, any of the records of the corporation described in section 30-29-1601(5), Idaho Code, if he gives the corporation written notice of his demand at least five (5) business days before the date on which he wishes to inspect and copy.

(2) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the shareholder meets the requirements of subsection (3) of this section and gives the corporation written notice of his demand at least five (5) days before the date on which he wishes to inspect and copy:

(a) Excerpts from minutes of any meeting of the board of directors, records of any action of a committee of the board of directors while acting in place of the board of directors on behalf of the corporation, minutes of any meeting of the shareholders, and records of action taken by the shareholders or board of directors without a meeting, to the extent not subject to inspection under section 30-29-1602(1), Idaho Code;

(b) Accounting records of the corporation; and

(c) The record of shareholders.

(3) A shareholder may inspect and copy the records described in subsection (2) of this section only if:

(a) He has been a holder of record of shares or of voting trust certificates for at least six (6) months immediately preceding his demand or shall be the holder of record of, or the holder of record of voting

trust certificates for, at least five percent (5%) of all the outstanding shares of the corporation;

(b) His demand is made in good faith and for a proper purpose;

(c) He describes with reasonable particularity his purpose and the records he desires to inspect; and

(d) The records are directly connected with his purpose.

(4) The right of inspection granted by this section may not be abolished or limited by a corporation's articles of incorporation or bylaws.

(5) This section does not affect:

(a) The right of a shareholder to inspect records under section 30-29-720, Idaho Code, or, if the shareholder is in litigation with the corporation, to the same extent as any other litigant; or

(b) The power of a court, independently of this chapter, to compel the production of corporate records for examination.

(6) For purposes of this section, "shareholder" includes a beneficial owner whose shares are held in a voting trust or by a nominee on his behalf.

30-29-1603. SCOPE OF INSPECTION RIGHT. (1) A shareholder's agent or attorney has the same inspection and copying rights as the shareholder represented.

(2) The right to copy records under section 30-29-1602, Idaho Code, includes, if reasonable, the right to receive copies by xerographic or other means, including copies through an electronic transmission if available and so requested by the shareholder.

(3) The corporation may comply at its expense with a shareholder's demand to inspect the record of shareholders under section 30-29-1602(2)(c), Idaho Code, by providing the shareholder with a list of shareholders that was compiled no earlier than the date of the shareholder's demand.

(4) The corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any documents provided to the shareholder. The charge may not exceed the estimated cost of production, reproduction or transmission of the records.

30-29-1604. COURT-ORDERED INSPECTION. (1) If a corporation does not allow a shareholder who complies with section 30-29-1602(1), Idaho Code, to inspect and copy any records required by that subsection to be available for inspection, the Idaho district court of the county where the corporation's principal office is located or, if none in this state, Ada county, may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the shareholder.

(2) If a corporation does not within a reasonable time allow a shareholder to inspect and copy any other record, the shareholder who complies with section 30-29-1602(2) and (3), Idaho Code, may apply to the Idaho district court of the county where the corporation's principal office is located or, if none in this state, Ada county, for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited basis.

(3) If the court orders inspection and copying of the records demanded, it shall also order the corporation to pay the shareholder's costs, including reasonable counsel fees, incurred to obtain the order unless the corporation proves that it refused inspection in good faith because it had a reasonable basis for doubt about the right of the shareholder to inspect the records demanded.

(4) If the court orders inspection and copying of the records demanded, it may impose reasonable restrictions on the use or distribution of the records by the demanding shareholder.

30-29-1605. INSPECTION OF RECORDS BY DIRECTORS. (1) A director of a corporation is entitled to inspect and copy the books, records and documents

of the corporation at any reasonable time to the extent reasonably related to the performance of the director's duties as a director, including duties as a member of a committee, but not for any other purpose or in any manner that would violate any duty to the corporation.

(2) The district court of the county where the corporation's principal office is located, or if none in this state, Ada county, may order inspection and copying of the books, records and documents at the corporation's expense upon application of a director who has been refused such inspection rights unless the corporation establishes that the director is not entitled to such inspection rights. The court shall dispose of an application under this subsection on an expedited basis.

(3) If an order is issued, the court may include provisions protecting the corporation from undue burden or expense, and prohibiting the director from using information obtained upon exercise of the inspection rights in a manner that would violate a duty to the corporation, and may also order the corporation to reimburse the director for the director's costs, including reasonable counsel fees, incurred in connection with the application.

30-29-1606. EXCEPTION TO NOTICE REQUIREMENT. (1) Whenever notice is required to be given under any provision of this chapter to any shareholder, such notice shall not be required to be given if:

(a) Notice of two (2) consecutive annual meetings, and all notices of meetings during the period between such two (2) consecutive annual meetings, have been sent to such shareholder at such shareholder's address as shown on the records of the corporation and have been returned undeliverable; or

(b) All, but not less than two (2), payments of dividends on securities during a twelve (12) month period, or two (2) consecutive payments of dividends on securities during a period of more than twelve (12) months, have been sent to such shareholder at such shareholder's address as shown on the records of the corporation and have been returned undeliverable.

(2) If any such shareholder shall deliver to the corporation a written notice setting forth such shareholder's then-current address, the requirement that notice be given to such shareholder shall be reinstated.

30-29-1607 through 30-29-1619 -- RESERVED.

30-29-1620. FINANCIAL STATEMENTS FOR SHAREHOLDERS. (1) A corporation upon written shareholder request shall furnish its shareholders annual financial statements or, if annual financial statements are not available, other appropriate accounting records, which may be consolidated or combined statements of the corporation and one (1) or more of its subsidiaries, as appropriate, that include a balance sheet as of the end of the fiscal year, an income statement for that year, and a statement of changes in shareholders' equity for the year unless that information appears elsewhere in the financial statements. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on that basis.

(2) If any annual financial statements furnished pursuant to subsection (1) of this section are reported upon by a public accountant, his report must accompany them. If not, the statements must be accompanied by a statement of the president or the person responsible for the corporation's accounting records:

(a) Stating his reasonable belief whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation; and

(b) Describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

30-29-1621. OTHER REPORTS TO SHAREHOLDERS. (1) If a corporation indemnifies or advances expenses to a director under section 30-29-851, 30-29-852, 30-29-853 or 30-29-854, Idaho Code, in connection with a proceeding by or in the right of the corporation, the corporation shall report the indemnification or advance in writing to the shareholders with or before the notice of the next shareholders' meeting.

(2) If a corporation issues or authorizes the issuance of shares for promissory notes, the corporation shall report in writing to the shareholders the number of shares authorized or issued, and the consideration received by the corporation, with or before the notice of the next shareholders' meeting.

SECTION 72. That Chapter 29, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 17, Chapter 29, Title 30, Idaho Code, and to read as follows:

PART 17
TRANSITION PROVISIONS

30-29-1701. APPLICATION OF CHAPTER TO EXISTING DOMESTIC CORPORATIONS. This chapter applies to all domestic corporations in existence on the effective date of this chapter that were incorporated under any general statute of this state providing for incorporation of corporations for profit if power to amend or repeal the statute under which the corporation was incorporated was reserved.

30-29-1702. APPLICATION TO QUALIFIED FOREIGN CORPORATIONS. A foreign corporation authorized to transact business in this state on the effective date of this chapter is subject to this chapter, but is not required to obtain a new certificate of authority to transact business under this chapter.

30-29-1703. SAVING PROVISIONS. (1) Except as provided in subsection (2) of this section, the repeal of a statute by this chapter does not affect:

(a) The operation of the statute or any action taken under it before its repeal;

(b) Any ratification, right, remedy, privilege, obligation or liability acquired, accrued, or incurred under the statute before its repeal;

(c) Any violation of the statute, or any penalty, forfeiture or punishment incurred because of the violation, before its repeal; or

(d) Any proceeding, reorganization or dissolution commenced under the statute before its repeal, and the proceeding, reorganization or dissolution may be completed in accordance with the statute as if it had not been repealed.

(2) If a penalty or punishment imposed for violation of a statute repealed by this chapter is reduced by this chapter, the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

30-29-1704. 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 the chapter are severable.

SECTION 73. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 30, Title 30, Idaho Code, and to read as follows:

CHAPTER 30
IDAHO NONPROFIT CORPORATION ACT

SECTION 74. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 1, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 1
GENERAL PROVISIONS

30-30-101. **SHORT TITLE.** This act shall be known and may be cited as the "Idaho Nonprofit Corporation Act" and shall apply to any type of lawful nonprofit corporation formed under the provisions of this act or other laws of this state.

30-30-102. **FILING REQUIREMENTS.** (1) Except as otherwise permitted by subsection (2) of this section, a record delivered to the secretary of state for filing pursuant to this chapter must be signed as follows:

(a) By the presiding officer of its board of directors of a domestic or foreign nonprofit corporation, its president, or by another of its officers;

(b) If directors have not been selected or the corporation has not been formed, by an incorporator; or

(c) If the corporation is in the hands of a receiver, trustee or other court-appointed fiduciary, by that fiduciary.

(2) The annual report delivered to the secretary of state for filing under section 30-21-213, Idaho Code, shall be executed by one (1) of the persons identified in subsection (1) of this section or by another person who is authorized by the board of directors to execute the report.

30-30-103. **DEFINITIONS.** Unless the context otherwise requires in this chapter:

(1) "Approved by or approval by the members" means approved or ratified by the affirmative vote of a majority of the votes represented and voting at a duly held meeting at which a quorum is present, which affirmative votes also constitute a majority of the required quorum, or by a written ballot or written consent in conformity with this act or by the affirmative vote, written ballot or written consent of such greater proportion, including the votes of all the members of any class, unit or grouping as may be provided in the articles, bylaws or this act for any specified member action.

(2) "Articles of incorporation" or "articles" includes amended and restated articles of incorporation and articles of merger.

(3) "Board" or "board of directors" means the board of directors by whatever name it is designated, except that no person or group of persons are the board of directors merely because of powers delegated to that person or group pursuant to section 30-30-601, Idaho Code.

(4) "Bylaws" means the code or codes of rules, other than the articles, adopted pursuant to this act for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(5) "Class" refers to a group of memberships that have the same rights with respect to voting, dissolution, redemption and transfer. For the purpose of this section, rights shall be considered the same if they are determined by a formula applied uniformly.

(6) "Cooperative corporation" or "cooperative" means any nonprofit corporation, operating on a cooperative basis, owned, operated, organized and maintained by its members, for the purpose of providing goods or services to its members.

(7) "Delegates" means those persons elected or appointed to vote in a representative assembly for the election of a director or directors or on other matters.

(8) "Directors" means individuals, designated in the articles or bylaws or elected by the incorporators, and their successors and individuals elected or appointed by any other name or title to act as members of the board.

(9) "Distribution" means the payment of a dividend or any part of the income or profit of a corporation to its members, directors or officers.

(10) "Employee" does not include an officer or director who is not otherwise employed by the corporation.

(11) "Foreign nonprofit corporation" means a corporation organized under a law other than the laws of this state that would be a nonprofit corporation if formed under the laws of this state.

(12) "Governmental subdivision" includes authority, county, district and municipality.

(13) "Member" shall also mean stockholder or shareholder, wherever and whenever those terms are used in this act, and shall apply to all nonprofit corporations formed under this act or other laws of this state that have stockholders or shareholders and issue shares of stock instead of memberships.

(14) "Membership" refers to the rights and obligations a member or members have pursuant to a corporation's articles, bylaws and this act.

(15) "Notice" is defined in section 30-30-104, Idaho Code.

(16) "Record date" means the date on which a corporation determines the identity of its members for the purposes of this act.

(17) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under section 30-30-621(2), Idaho Code, for custody of the minutes of the director and member meetings and for authenticating the records of the corporation.

(18) "United States" includes district, authority, bureau, commission, department and any other agency of the United States.

(19) "Vote" includes authorization by written ballot, absentee ballot and written consent.

(20) "Voting power" means the total number of votes entitled to be cast for the election of directors at the time the determination of voting power is made, excluding a vote that is contingent upon the happening of a condition or event that has not occurred at the time. Where a class is entitled to vote as a class for directors, the determination of voting power of the class shall be based on the percentage of the number of directors the class is entitled to elect out of the total number of authorized directors.

30-30-104. NOTICE. (1) Notice may be oral or written. Notice by electronic transmission is written notice.

(2) Notice may be communicated: in person; by telephone or voice mail; by telegraph, teletype or other electronic means; or by mail or private carrier; if these forms of personal notice are impracticable, notice may be communicated by publication for ten (10) days pursuant to section 60-109, Idaho Code.

(3) Oral notice is effective when communicated, if communicated in a comprehensible manner.

(4) Written notice, if in a comprehensible form, is effective at the earliest of the following:

- (a) When received;
- (b) Five (5) days after its deposit in the United States mail, as evidenced by sworn affidavit or postmark, if mailed correctly addressed and with first class postage affixed;
- (c) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee;
- (d) When electronically transmitted to a member in a manner authorized by the members.

(5) Written notice is correctly addressed to a member of a domestic or foreign nonprofit corporation if addressed to the member's address shown in the corporation's current list of members.

(6) A written notice or report delivered as part of a newsletter, magazine or other publication regularly sent to members shall constitute a written notice or report if addressed or delivered to the member's address shown in the corporation's current list of members, or in the case of members who are residents of the same household and who have the same address in the corporation's current list of members, if addressed or delivered to one of such members, at the address appearing on the current list of members.

(7) Written notice is correctly addressed to a domestic or foreign nonprofit corporation authorized to transact business in this state, other than in its capacity as a member, if addressed to its registered agent or to its secretary at its principal office shown in its most recent annual report or, in the case of a foreign nonprofit corporation that has not yet delivered an annual report, in its application for a certificate of authority.

(8) If section 30-30-505(2), Idaho Code, or any other provision of this act prescribes notice requirements for particular circumstances, those requirements govern. If articles or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this act, those requirements govern.

30-30-105. PRIVATE FOUNDATION. Except where otherwise determined by a court of competent jurisdiction, a corporation that is a private foundation as defined in section 509(a) of the Internal Revenue Code of 1986, as amended:

(1) Shall distribute such amounts for each taxable year at such time and in such manner as not to subject the corporation to tax under section 4942 of the code.

(2) Shall not engage in any act of self-dealing as defined in section 4941(d) of the code.

(3) Shall not retain any excess business holdings as defined in section 4943(c) of the code.

(4) Shall not make any taxable expenditures as defined in section 4944 of the code.

(5) Shall not make any taxable expenditures as defined in section 4945(d) of the code.

(6) Shall be authorized to terminate its status as a private foundation in a manner described in section 507(b)(1) of the Internal Revenue Code.

All references in this section to sections of the code shall be to such sections of the Internal Revenue Code of 1986, as amended from time to time, or to corresponding provisions of subsequent internal revenue laws of the United States.

30-30-106. JUDICIAL RELIEF. (1) If for any reason it is impractical or impossible for any corporation to call or conduct a meeting of its members, delegates or directors, or otherwise obtain their consent, in the manner prescribed by its articles, bylaws or this act, then upon petition of a director, officer, delegate or member, the district court may order that such a meeting be called or that a written ballot or other form of obtaining

the vote of members, delegates or directors be authorized, in such a manner as the court finds fair and equitable under the circumstances.

(2) The court shall, in an order issued pursuant to this section, provide for a method of notice reasonably designed to give actual notice to all persons who would be entitled to notice of a meeting held pursuant to the articles, bylaws and this act, whether or not the method results in actual notice to all such persons or conforms to the notice requirements that would otherwise apply. In a proceeding under this section the court may determine who the members or directors are.

(3) The order issued pursuant to this section may dispense with any requirements relating to the holding of or voting at meetings or obtaining votes, including any requirement as to quorums or as to the number or percentage of votes needed for approval, that would otherwise be imposed by the articles, bylaws or this act.

(4) Whenever practical, any order issued pursuant to this section shall limit the subject matter of meetings or other forms of consent authorized to items, including amendments to the articles or bylaws, the resolution of which will or may enable the corporation to continue managing its affairs without further resort to this section; provided however, that an order under this section may also authorize the obtaining of whatever votes and approvals are necessary for the dissolution, merger or sale of assets.

(5) Any meeting or other method of obtaining the vote of members, delegates or directors conducted pursuant to an order issued under this section, and that complies with all the provisions of such order, is for all purposes a valid meeting or vote, as the case may be, and shall have the same force and effect as if it complied with every requirement imposed by the articles, bylaws and this act.

(6) Any member of a cooperative association that provides electric service may apply to the district court of the county where the member's service entrance is located for a determination that the cooperative association's charges for electric service to that member are fair, just and reasonable and are not discriminatory or preferential. In the event that the court determines that the rate is not fair, just and reasonable or is discriminatory or preferential, the court shall remand the matter to the cooperative association to alter or amend the rate in conformance with the standards set forth herein.

30-30-107. RELIGIOUS CORPORATIONS -- CONSTITUTIONAL PROTECTIONS. If religious doctrine governing the affairs of a religious corporation is inconsistent with the provisions of this act on the same subject, the religious doctrine shall control to the extent required by the constitution of the United States or the constitution of this state or both.

SECTION 75. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 2, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 2 INCORPORATION

30-30-201. INCORPORATORS. One (1) or more persons may act as the incorporator or incorporators of a corporation by delivering articles of incorporation to the secretary of state for filing.

30-30-202. ARTICLES OF INCORPORATION. (1) The articles of incorporation must set forth:

(a) A corporate name for the corporation that satisfies the requirements of sections 30-21-301 and 30-21-302 (a), Idaho Code;

- (b) The purpose or purposes for which the corporation is organized, which may be, either alone or in combination with other purposes, the transaction of any lawful activity;
 - (c) The names and addresses of the individuals who are to serve as the initial directors;
 - (d) The information required by section 30-21-404 (a) , Idaho Code;
 - (e) The name and address of each incorporator;
 - (f) Whether or not the corporation will have members; and
 - (g) Provisions not inconsistent with law regarding the distribution of assets on dissolution.
- (2) The articles of incorporation may set forth:
- (a) Provisions not inconsistent with law regarding:
 - (i) Managing and regulating the affairs of the corporation;
 - (ii) Defining, limiting and regulating the powers of the corporation, its board of directors, and members or any class of members; and
 - (iii) The characteristics, qualifications, rights, limitations and obligations attaching to each or any class of members.
 - (b) Any provision that under this act is required or permitted to be set forth in the bylaws.
 - (3) Each incorporator named in the articles must sign the articles.
 - (4) The articles of incorporation need not set forth any of the corporation powers enumerated in this act.
 - (5) The articles of incorporation may authorize assessments to be levied upon all members or classes of membership alike, or upon the outstanding shares of stock of the corporation that issues shares of stock instead of memberships pursuant to its articles of incorporation, or in different amounts or proportions or upon a different basis upon different members or classes of membership, and may exempt some members or classes of membership from assessments. The articles of incorporation may fix the amount and method of collection of assessments, or may authorize the board of directors to fix the amount thereof, from time to time, and may make them payable at such times or intervals, and upon such notice and by such methods as the directors may prescribe. Assessments may be made enforceable by civil action or by the forfeiture of membership, or both, or by the sale of shares of the capital stock of a stockholder in a corporation that issues shares of stock instead of memberships, when authorized by the articles of incorporation of said corporation, upon notice given in writing twenty (20) days before commencement of such action or such forfeiture. If the articles of incorporation so provide, assessments may be secured by a lien upon real property to which membership rights are appurtenant, if appropriate, or upon the shares of stock of a stockholder or shareholder corporation, when authorized by its articles of incorporation.

30-30-203. INCORPORATION. (1) Unless a delayed effective date is specified, the corporate existence begins when the articles of incorporation are filed.

(2) The secretary of state's filing of the articles of incorporation is conclusive proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by the state to cancel or revoke the incorporation or involuntarily dissolve the corporation.

30-30-204. LIABILITY. All persons purporting to act as or on behalf of a corporation, knowing there was no incorporation under this act, are jointly and severally liable for all liabilities created while so acting.

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

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

(b) If initial directors are not named in the articles, the incorporator or incorporators shall hold an organizational meeting at the call of a majority of the incorporators:

(i) To elect directors and complete the organization of the incorporation; or

(ii) To elect a board of directors who shall complete the organization of the corporation.

(2) Action required or permitted by this act to be taken by incorporators at an organizational meeting may be taken without a meeting if the action taken is evidenced by one (1) or more written consents describing the action taken and signed by each incorporator.

(3) An organizational meeting may be held in or out of this state in accordance with section 30-30-613, Idaho Code.

30-30-206. BYLAWS. (1) The board of directors or members of a corporation shall adopt the initial bylaws for the corporation.

(2) The bylaws may contain any provision for regulating and managing the affairs of the corporation that is not inconsistent with law or the articles of incorporation.

(3) The patrons of a cooperative corporation, by dealing with the corporation, acknowledge that the terms and provisions of the articles of incorporation and bylaws, as well as policies, rules and regulations, shall constitute and be a contract between the corporation and each patron, and both the corporation and the patrons are bound by such contract, as fully as though each patron had individually signed a separate instrument containing such terms and provisions.

30-30-207. EMERGENCY BYLAWS AND POWERS. (1) Unless the articles provide otherwise, the directors of a corporation may adopt, amend or repeal bylaws to be effective only in an emergency defined in subsection (4) of this section. The emergency bylaws, which are subject to amendment or repeal by the members, may provide special procedures necessary for managing the corporation during the emergency, including:

(a) How to call a meeting of the board;

(b) Quorum requirements for the meeting; and

(c) Designation of additional or substitute directors.

(2) All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency. The emergency bylaws are not effective after the emergency ends.

(3) Corporate action taken in good faith in accordance with the emergency bylaws:

(a) Binds the corporation; and

(b) May not be used to impose liability on a corporate director, officer, employee, or agent.

(4) An emergency exists for purposes of this section if a quorum of the corporation's directors cannot readily be assembled because of some catastrophic event.

SECTION 76. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 3, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 3
PURPOSES AND POWERS

30-30-301. PURPOSES. (1) One (1) or more persons may act as the incorporator or incorporators of a corporation by delivering articles of incorporation to the secretary of state for filing.

(2) A corporation engaging in an activity that is subject to regulation under another statute of this state may incorporate under this act only if incorporation under this act is not prohibited by the other statute. The corporation shall be subject to all limitations of the other statute.

30-30-302. GENERAL POWERS. Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its affairs including, without limitation, power:

- (1) To sue and be sued, complain and defend in its corporate name;
- (2) To have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing or in any other manner reproducing it;
- (3) To make and amend bylaws not inconsistent with its articles of incorporation or with the laws of this state, for regulating and managing the affairs of the corporation;
- (4) To purchase, receive, lease or otherwise acquire and to own, hold, improve, use and otherwise deal with real property, including water and water rights, and personal property, or any legal or equitable interest in property, wherever located;
- (5) To sell, convey, mortgage, pledge, lease, exchange and otherwise dispose of all or any part of its property;
- (6) To purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal in and with, shares or other interests in or obligations of any entity;
- (7) To make contracts and guaranties, incur liabilities, borrow money, issue notes, bonds and other obligations, and secure any of its obligations by mortgage or pledge of any of its property, franchises or income;
- (8) To lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment, except as limited by section 30-30-620, Idaho Code;
- (9) To be a promoter, partner, member, associate or manager of any partnership, joint venture, trust or other entity;
- (10) To conduct its activities, locate offices and exercise the powers granted by this act within or without this state;
- (11) To elect or appoint directors, officers, employees and agents of the corporation, define their duties and fix their compensation;
- (12) To pay pensions and establish pension plans, pension trusts and other benefit and incentive plans for any or all of its current or former directors, officers, employees and agents;
- (13) To make donations not inconsistent with law for the public welfare or for charitable, religious, scientific or educational purposes and for other purposes that further the corporate interest;
- (14) To impose dues, assessments, admission and transfer fees upon its members and to levy assessments upon the outstanding shares of stock, of a corporation with capital stock, if authorized by the articles of incorporation of that corporation;
- (15) To establish conditions for admission of members, admit members and issue memberships;
- (16) To carry on a business; and
- (17) To do all things necessary or convenient, not inconsistent with law, to further the activities and affairs of the corporation.

30-30-303. EMERGENCY POWERS. (1) In anticipation of or during an emergency defined in subsection (4) of this section, the board of directors of a corporation may:

(a) Modify lines of succession to accommodate the incapacity of any director, officer, employee or agent; and

(b) Relocate the principal office, designate alternative principal offices or regional offices, or authorize the officer to do so.

(2) During an emergency defined in subsection (4) of this section, unless emergency bylaws provide otherwise:

(a) Notice of a meeting of the board of directors need be given only to those directors it is practicable to reach and may be given in any practicable manner, including by publication and radio; and

(b) One (1) or more officers of the corporation present at a meeting of the board of directors may be deemed to be directors for the meeting, in order of rank and within the same rank in order of seniority, as necessary to achieve a quorum.

(3) Corporate action taken in good faith during an emergency under this section to further the ordinary affairs of the corporation:

(a) Binds the corporation; and

(b) May not be used to impose liability on a corporate director, officer, employee or agent.

(4) An emergency exists for purposes of this section if a quorum of the corporation's directors cannot readily be assembled because of some catastrophic event.

30-30-304. ULTRA VIRES. (1) Except as provided in subsection (2) of this section, the validity of corporate action may not be challenged on the ground that the corporation lacks or lacked power to act.

(2) A corporation's power to act may be challenged in a proceeding against the corporation to enjoin an act where a third party has not acquired rights. The proceeding may be brought by a director, or by a member or members in a derivative proceeding.

(3) A corporation's power to act may be challenged in a proceeding against an incumbent or former director, officer, employee or agent of the corporation. The proceeding may be brought by a director, the corporation, directly, derivatively, or through a receiver, a trustee or other legal representative.

SECTION 77. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 4, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 4 MEMBERSHIP

30-30-401. ADMISSION OF MEMBERS. (1) The articles or bylaws may establish criteria or procedures for admission of members.

(2) No person shall be admitted as a member without his or her consent.

(3) No person who is not an incorporator shall become a member of a cooperative corporation unless such person shall agree to use services furnished by the corporation when such service shall be available through its facilities.

30-30-402. CONSIDERATION. Except as provided in its articles or bylaws, a corporation may admit members for no consideration or for such consideration as is determined by the board, or by the articles of incorporation.

30-30-403. NO REQUIREMENT OF MEMBERS. A corporation, except a cooperative corporation, is not required to have members.

30-30-404. DIFFERENCES IN RIGHTS AND OBLIGATIONS OF MEMBERS. All members shall have the same rights and obligations with respect to voting, dissolution, redemption and transfer, unless the articles or bylaws establish classes of membership with different rights or obligations or divide voting rights by voting districts. All members shall have the same rights and obligations with respect to any other matters, except as set forth in or authorized by the articles or bylaws.

30-30-405. TRANSFERS. Where transfer rights have been provided, no restriction on them shall be binding with respect to a member holding a membership issued prior to the adoption of the restriction unless the restriction is approved by the members and the affected member.

30-30-406. MEMBER'S LIABILITY TO THIRD PARTIES. A member of a corporation is not, as such, personally liable for the acts, debts, liabilities or obligations of the corporation.

30-30-407. MEMBER'S LIABILITY FOR DUES, ASSESSMENTS AND FEES. A member may become liable to the corporation for dues, assessments or fees.

30-30-408. RESIGNATION. (1) A member may resign at any time. A person ceases to be a stockholder only when that person's shares of stock have all been disposed of.

(2) The resignation of a member, or the disposal of all stock of a stockholder, does not relieve the member from any obligations the member may have to the corporation as a result of obligations incurred or commitments made prior to resignation.

(3) The provisions of title 42, Idaho Code, shall also apply to all resignations pursuant to this section if a company or corporation is regulated or governed pursuant to that title.

30-30-409. TERMINATION, EXPULSION AND SUSPENSION. (1) No member, except a member of a religious corporation, may be expelled or suspended, and no membership or memberships in such corporations may be terminated or suspended except pursuant to a procedure that is fair and reasonable and is carried out in good faith.

(2) A procedure is fair and reasonable when either:

(a) The articles or bylaws set forth a procedure that provides:

(i) Not less than fifteen (15) days' prior written notice of the expulsion, suspension or termination and the reasons therefor; and

(ii) An opportunity for the member to be heard, orally or in writing, not less than five (5) days before the effective date of the expulsion, suspension or termination by a person or persons authorized to decide that the proposed expulsion, termination or suspension not take place; or

(b) It is fair and reasonable taking into consideration all of the relevant facts and circumstances.

(3) Any written notice given by mail must be given by first class or certified mail sent to the last address of the member shown on the corporation's records.

(4) Any proceeding challenging an expulsion, suspension or termination, including a proceeding in which defective notice is alleged, must be commenced within one (1) year after the effective date of the expulsion, suspension or termination.

(5) A member who has been expelled or suspended may be liable to the corporation for dues, assessments or fees as a result of obligations incurred or commitments made prior to expulsion or suspension.

30-30-410. PURCHASE OF MEMBERSHIPS. A corporation may purchase the membership of a member who resigns or whose membership is terminated for the amount and pursuant to the conditions set forth in or authorized by its articles or bylaws. No payment shall be made in violation of section 30-30-904, Idaho Code.

30-30-411. DERIVATIVE SUITS. (1) A proceeding may be brought in the right of a domestic or foreign nonprofit corporation to procure a judgment in its favor by:

- (a) Any member or members having five percent (5%) or more of the voting power or by fifty (50) members, whichever is less; or
- (b) Any director.

(2) In any such proceeding, each complainant shall be a member or director at the time of bringing the proceeding.

(3) A complaint in a proceeding brought in the right of a corporation must be verified and alleged with particularity to the demand made, if any, to obtain action by the directors and either why the complainants could not obtain the action or why they did not make the demand. If a demand for action was made and the corporation's investigation of the demand is in progress when the proceeding is filed, the court may stay the suit until the investigation is completed.

(4) On termination of the proceeding, the court may require the complainants to pay any defendant's reasonable expenses, including attorney's fees, incurred in defending the suit if it finds that the proceeding was commenced frivolously or in bad faith.

(5) If the proceeding on behalf of the corporation results in the corporation taking some action requested by the complainants or otherwise was successful, in whole or in part, or if anything was received by the complainants as the result of a judgment, compromise or settlement of an action or claim, the court may award the complainants reasonable expenses, including attorney's fees.

30-30-412. DELEGATES. (1) A corporation may provide in its articles or bylaws for delegates having some or all of the authority of members.

(2) The articles or bylaws may set forth provisions relating to:

- (a) The characteristics, qualifications, rights, limitations and obligations of delegates including their selection and removal;
- (b) Calling, noticing, holding and conducting meetings of delegates; and
- (c) Carrying on corporate activities during and between meetings of delegates.

SECTION 78. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 5, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 5
MEMBER MEETINGS

30-30-501. ANNUAL AND REGULAR MEETINGS. (1) A corporation with members shall hold a membership meeting annually at a time stated in or fixed in accordance with the bylaws.

(2) A corporation with members may hold regular membership meetings at the times stated in or fixed in accordance with the bylaws.

(3) Annual and regular membership meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws. If no place is stated in or fixed in accordance with the bylaws, annual and regular meetings shall be held at the corporation's principal office.

(4) At the annual meeting:

(a) The president and chief financial officer shall report on the activities and financial condition of the corporation; and

(b) The members shall consider and act upon such other matters as may be raised consistent with the notice requirements of section 30-30-505, Idaho Code.

(5) At regular meetings the members shall consider and act upon such matters as may be raised consistent with the notice requirements of section 30-30-505, Idaho Code.

(6) The failure to hold an annual or regular meeting at a time stated in or fixed in accordance with a corporation's bylaws does not affect the validity of any corporate action.

30-30-502. SPECIAL MEETING. (1) A corporation with members shall hold a special meeting of members:

(a) On call of its board or the person or persons authorized to do so by the articles or bylaws; or

(b) Except as provided in the articles or bylaws of a religious corporation if the holders of at least ten percent (10%) of the voting power of any corporation sign, date and deliver to any corporate officer one (1) or more written demands for the meeting describing the purpose or purposes for which it is to be held.

(2) The close of business on the thirtieth day before delivery of the demand or demands for a special meeting to any corporate officer is the record date for the purpose of determining whether the ten percent (10%) requirement of subsection (1) of this section has been met.

(3) If a notice for a special meeting demanded under subsection (1) (b) of this section is not given pursuant to section 30-30-505, Idaho Code, within thirty (30) days after the date the written demand or demands are delivered to a corporate officer, regardless of the requirements of subsection (4) of this section, a person signing the demand or demands may set the time and place of the meeting and give notice pursuant to section 30-30-505, Idaho Code.

(4) Special meetings of members may be held in or out of this state at the place stated in or fixed in accordance with the bylaws. If no place is stated or fixed in accordance with the bylaws, special meetings shall be held at the corporation's principal office.

(5) Only those matters that are within the purpose or purposes described in the meeting notice required in section 30-30-505, Idaho Code, may be conducted at a special meeting of members.

30-30-503. COURT-ORDERED MEETINGS. (1) The district court of the county where a corporation's principal office is located or, if none in this state, Ada county, may summarily order a meeting to be held:

(a) On application of any member or other person entitled to participate in an annual or regular meeting, if an annual meeting was not held within the earlier of six (6) months after the end of the corporation's fiscal year or fifteen (15) months after its last annual meeting; or

(b) On application of any member or other person entitled to participate in a regular meeting, if a regular meeting is not held within forty (40) days after the date it was required to be held; or

(c) On application of a member who signed a demand for a special meeting valid under section 30-30-502, Idaho Code, a person or persons entitled to call a special meeting, if:

- (i) Notice of the special meeting was not given within thirty (30) days after the date the demand was delivered to a corporate officer; or
- (ii) The special meeting was not held in accordance with the notice.

(2) The court may fix the time and place of the meeting, specify a record date for determining members entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting, or direct that the votes represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the meeting.

(3) If the court orders a meeting, it may also order the corporation to pay the member's costs, including reasonable attorney's fees, incurred to obtain the order.

30-30-504. ACTION BY WRITTEN CONSENT. (1) Unless limited or prohibited by the articles or bylaws, action required or permitted by this act to be approved by the members may be approved without a meeting of members if the action is approved by members holding at least eighty percent (80%) of the voting power. The action must be evidenced by one (1) or more written consents describing the action taken, signed by those members representing at least eighty percent (80%) of the voting power, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(2) If not otherwise determined under section 30-30-503 or 30-30-507, Idaho Code, the record date for determining members entitled to take action without a meeting is the date the first member signs the consent under subsection (1) of this section.

(3) A consent signed under this section has the effect of a meeting vote and may be described as such in any document filed with the secretary of state.

(4) Written notice of member approval pursuant to this section shall be given to all members who have not signed the written consent. If written notice is required, member approval pursuant to this section shall be effective ten (10) days after such written notice is given.

30-30-505. NOTICE OF MEETING. (1) A corporation shall give notice consistent with its bylaws of meetings of members in a fair and reasonable manner.

(2) Any notice that conforms to the requirements of subsection (3) of this section is fair and reasonable, but other means of giving notice may also be fair and reasonable when all the circumstances are considered; provided however, that notice of matters referred to in subsection (3) (b) of this section must be given as provided in subsection (3) of this section.

(3) Notice is fair and reasonable if:

(a) The corporation notifies its members of the place, date, and time of each annual, regular and special meeting of members no fewer than ten (10) days, or if notice is mailed by other than first class or registered mail, thirty (30) days, nor more than sixty (60) days before the meeting date;

(b) Notice of an annual or regular meeting includes a description of any matters or matters that must be approved by the members under section 30-22-203, 30-22-303, 30-22-403, 30-22-503, 30-30-619, 30-30-626, 30-30-703, 30-30-709, 30-30-903 or 30-30-1003, Idaho Code; and

(c) Notice of a special meeting includes a description of the matter or matters for which the meeting is called.

(4) Unless the bylaws require otherwise, if an annual, regular or special meeting of members is adjourned to a different date, time or place, notice need not be given of the new date, time or place, if the new date, time

or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or must be fixed under section 30-30-507, Idaho Code, however, notice of the adjourned meeting must be given under this section to the members of record as of the new record date.

(5) When giving notice of an annual, regular or special meeting of members, a corporation shall give notice of a matter a member intends to raise at the meeting if:

- (a) Requested in writing to do so by a person entitled to call a special meeting; and
- (b) The request is received by the secretary or president of the corporation at least ten (10) days before the corporation gives notice of the meeting.

30-30-506. WAIVER OF NOTICE. (1) A member may waive any notice required in this act, the articles or bylaws before or after the date and time stated in the notice. The waiver must be in writing, be signed by the member entitled to the notice, and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(2) A member's attendance at a meeting:

- (a) Waives objection to lack of notice or defective notice of the meeting, unless the member at the beginning of the meeting objects to holding the meeting or transacting business at the meeting; or
- (b) Waives objection to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting notice, unless the member objects to considering the matter when it is presented.

30-30-507. RECORD DATE -- DETERMINING MEMBERS ENTITLED TO NOTICE AND VOTE. (1) The bylaws of a corporation may fix or provide the manner of fixing a date as the record date for determining the members entitled to notice of a members' meeting. If the bylaws do not fix or provide for fixing such a record date, the board may fix a future date as such a record date. If no such record date is fixed, members at the close of business on the business day preceding the day on which notice is given, or if notice is waived, at the close of business on the business day preceding the day on which the meeting is held, are entitled to notice of the meeting.

(2) The bylaws of a corporation may fix or provide the manner of fixing a date as the record date for determining the members entitled to vote at a members' meeting. If the bylaws do not fix or provide for fixing such a record date, the board may fix a future date as such a record date. If no such record date is fixed, members on the date of the meeting who are otherwise eligible to vote are entitled to vote at the meeting.

(3) The bylaws may fix or provide the manner for determining a date as the record date for the purpose of determining the members entitled to exercise any rights in respect of any other lawful action. If the bylaws do not fix or provide for fixing such a record date, the board may fix in advance such a record date. If no such record date is fixed, members at the close of business on the day on which the board adopts the resolution relating thereto, or the sixtieth day prior to the date of such other action, whichever is later, are entitled to exercise such rights.

(4) A record date fixed under this section may not be more than seventy (70) days before the meeting or action requiring a determination of members occurs.

(5) A determination of members entitled to notice of or to vote at a membership meeting is effective for any adjournment of the meeting unless the board fixes a new date for determining the right to notice or the right to vote, which it must do if the meeting is adjourned to a date more than seventy (70) days after the record date for determining members entitled to notice of the original meeting.

(6) If a court orders a meeting adjourned to a date more than one hundred twenty (120) days after the date fixed for the original meeting, it may provide that the original record date for notice or voting continues in effect or it may fix a new record date for notice or voting.

30-30-508. ACTION BY MAILED WRITTEN BALLOT OR ABSENTEE BALLOT. (1) Unless prohibited or limited by the articles or bylaws, any action that may be taken at any annual, regular or special meeting of members may be taken without a meeting if the corporation delivers a written ballot to every member entitled to vote on the matter. The articles or bylaws may provide that the members may vote by mail or by absentee ballot on any corporate action that may be taken at any annual, regular or special meeting of members.

(2) A written ballot for action taken without a meeting shall:

(a) Set forth each proposed action; and

(b) Provide an opportunity to vote for or against each proposed action.

(3) Approval by written ballot alone pursuant to this section when a meeting is not held shall be valid only when the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action and when the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

(4) All solicitations for votes by written ballot shall:

(a) Indicate the number of responses needed to meet the quorum requirements;

(b) State the percentage of approvals necessary to approve each matter other than election of directors; and

(c) Specify the time by which a ballot must be received by the corporation in order to be counted.

(5) Except as otherwise provided in the articles or bylaws, a written ballot may not be revoked.

30-30-509. MEMBERS' LIST FOR MEETING. (1) After fixing a record date for a notice of a meeting, a corporation shall prepare an alphabetical list of the names of all its members who are entitled to notice of the meeting. The list must show the address and number of votes each member is entitled to vote at the meeting. The corporation shall prepare on a current basis through the time of the membership meeting a list of members, if any, who are entitled to vote at the meeting but not entitled to notice of the meeting. This list shall be prepared on the same basis and be part of the list of members.

(2) The list of members must be available for inspection by any member for the purpose of communication with other members concerning the meeting, beginning two (2) business days after notice is given of the meeting for which the list was prepared and continuing through the meeting, at the corporation's principal office or at a reasonable place identified in the meeting notice in the city where the meeting will be held. A member or a member's agent or attorney is entitled on written demand to inspect and, subject to the limitations of sections 30-30-1102(3) and 30-30-1104, Idaho Code, to copy the list, at a reasonable time and at the member's expense, during the period it is available for inspection.

(3) The corporation shall make the list of members available at the meeting, and any member or a member's agent or attorney is entitled to inspect the list at any time during the meeting or any adjournment.

(4) If the corporation refuses to allow a member or a member's agent or attorney to inspect the list of members before or at the meeting or copy the list as permitted by subsection (2) of this section, the district court of the county where a corporation's principal office is located, or if none in this state, Ada county, on application of the member, may summarily order the inspection or copying at the corporation's expense and may postpone the

meeting for which the list was prepared until the inspection or copying is complete and may order the corporation to pay the member's costs, including reasonable attorney's fees, incurred to obtain the order.

(5) Unless a written demand to inspect and copy a membership list has been made under subsection (2) of this section prior to the membership meeting and a corporation improperly refuses to comply with the demand, refusal or failure to comply with this section does not affect the validity of action taken at the meeting.

(6) The articles or bylaws of a religious corporation may limit or abolish the rights of a member under this section to inspect and copy any corporate record.

30-30-510. VOTING ENTITLEMENT GENERALLY. (1) Unless the articles or bylaws provide otherwise, each member is entitled to one (1) vote on each matter voted on by the members, or by one (1) vote for each share of stock in a corporation that issues shares of stock instead of memberships, when authorized by the articles of incorporation of said corporation.

(2) Unless the articles or bylaws provide otherwise, if a membership stands of record in the names of two (2) or more persons, their acts with respect to voting shall have the following effect:

(a) If only one (1) votes, such act binds all; and

(b) If more than one (1) votes, the vote shall be divided on a pro rata basis.

30-30-511. QUORUM REQUIREMENTS. (1) Unless this act, the articles or bylaws provide for a higher or lower quorum, ten percent (10%) of the votes entitled to be cast on a matter must be represented in person, by proxy, by mailed written ballot or by absentee ballot at a meeting of members to constitute a quorum on that matter.

(2) A bylaw amendment to decrease the quorum for any member action may be approved by the members or, unless prohibited by the bylaws, by the board.

(3) A bylaw amendment to increase the quorum required for any member action must be approved by the members.

(4) Unless one-third (1/3) or more of the voting power is present in person, by proxy, by mailed written ballot or by absentee ballot, the only matters that may be voted upon at an annual or regular meeting of members are those matters that are described in the meeting notice.

30-30-512. VOTING REQUIREMENTS. (1) Unless this act, the articles or the bylaws require a greater vote or voting by class, if a quorum is present, the affirmative vote of the votes represented and voting, which affirmative votes also constitute a majority of the required quorum, is the act of the members.

(2) A bylaw amendment to increase or decrease the vote required for any member action must be approved by the members.

30-30-513. PROXIES. (1) Unless the articles or bylaws prohibit or limit proxy voting, a member may appoint a proxy to vote or otherwise act for the member by signing an appointment form either personally or by an attorney-in-fact.

(2) An appointment of a proxy is effective when received by the secretary or other officer or agent authorized to tabulate votes. An appointment is valid for eleven (11) months unless a different period is expressly provided in the appointment form; provided however, that no proxy shall be valid for more than three (3) years from its date of execution.

(3) An appointment of a proxy is revocable by the member.

(4) The death or incapacity of the member appointing a proxy does not affect the right of the corporation to accept the proxy's authority unless notice of the death or incapacity is received by the secretary or other offi-

cer or agent authorized to tabulate votes before the proxy exercises authority under the appointment.

(5) Appointment of a proxy is revoked by the person appointing the proxy:

(a) Attending any meeting and voting in person; or

(b) Signing and delivering to the secretary or other officer or agent authorized to tabulate proxy votes either a written statement that the appointment of the proxy is revoked or a subsequent appointment form.

(6) Subject to section 30-30-516, Idaho Code, and any express limitation on the proxy's authority appearing on the face of the appointment form, a corporation is entitled to accept the proxy's vote or other action as that of the member making the appointment.

(7) The articles or bylaws of a corporation may prescribe reasonable conditions under which proxy voting may be exercised.

30-30-514. CUMULATIVE VOTING FOR DIRECTORS. (1) If the articles or bylaws specifically provide for cumulative voting by members, members may so vote by multiplying the number of votes the members are entitled to cast by the number of directors for whom they are entitled to vote, and cast the product for a single candidate or distribute the product among two (2) or more candidates.

(2) Cumulative voting is not authorized at a particular meeting unless:

(a) The meeting notice or statement accompanying the notice states that cumulative voting will take place; or

(b) A member gives notice during the meeting and before the vote is taken of the member's intent to cumulate votes, and if one (1) member gives this notice all other members participating in the election are entitled to cumulate their votes without giving further notice.

(3) A director elected by cumulative voting may be removed by the members without cause if the requirements of section 30-30-608, Idaho Code, are met unless the votes cast against removal, or not consenting in writing to such removal, would be sufficient to elect such director if voted cumulatively at an election at which the same total number of votes were cast, or, if such action is taken by written ballot, all memberships entitled to vote were voted, and the entire number of directors authorized at the time of the director's most recent election were then being elected.

(4) Members may not cumulatively vote if the directors and members are identical.

30-30-515. OTHER METHODS OF ELECTING DIRECTORS. A corporation may provide in its articles or bylaws for election of directors by members or delegates:

(1) On the basis of chapter or other organizational unit;

(2) By region or other geographic unit, including voting district and, in respect to each such voting district, the articles or bylaws shall describe the boundaries thereof and designate the number of directors that shall be elected by the members residing therein;

(3) By preferential voting; or

(4) By any other reasonable method.

30-30-516. CORPORATION'S ACCEPTANCE OF VOTES. (1) If the name signed on a vote, consent, waiver or proxy appointment corresponds to the name of a member, the corporation, if acting in good faith, is entitled to accept the vote, consent, waiver or proxy appointment and give it effect as the act of the member.

(2) If the name signed on a vote, consent, waiver or proxy appointment does not correspond to the record name of a member, the corporation, if acting in good faith, is nevertheless entitled to accept the vote, consent, waiver or proxy appointment and give it effect as the act of the member if:

- (a) The member is an entity and the name signed purports to be that of an officer or agent of the entity;
- (b) The name signed purports to be that of an attorney-in-fact of the member and if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the member has been presented with respect to the vote, consent, waiver or proxy appointment;
- (c) Two (2) or more persons hold the membership as cotenants or fiduciaries and the name signed purports to be the name of at least one (1) of the coholders and the person signing appears to be acting on behalf of all the coholders; and
- (d) If:
- (i) The name signed purports to be that of an administrator, executor, guardian or conservator representing the member and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the vote, consent, waiver or proxy appointment;
 - (ii) The name signed purports to be that of a receiver or trustee in bankruptcy of the member, and, if the corporation requests, evidence of this status acceptable to the corporation has been presented with respect to the vote, consent, waiver or proxy appointment.
- (3) The corporation is entitled to reject a vote, consent, waiver or proxy appointment if the secretary or other officer or agent authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the member.
- (4) The corporation and its officer or agent who accepts or rejects a vote, consent, waiver or proxy appointment in good faith and in accordance with the standards of this section are not liable in damages to the member for the consequences of the acceptance or rejection.
- (5) Corporate action based on the acceptance or rejection of a vote, consent, waiver or proxy appointment under this section is valid unless a court of competent jurisdiction determines otherwise.
- (6) Contested elections shall be referred to the board of directors, which shall, after reviewing all ballots, proxies, reports of election inspectors or judges, and any other relevant documents or materials, certify the results of the election. In the case of a tie vote between candidates, the tie shall be determined by a toss of a coin. If allowed by the bylaws of the corporation, the board of directors shall have the power to call a new election if, after reviewing all relevant documents and information, the board of directors is unable to certify the results of the election.

30-30-517. VOTING AGREEMENTS. (1) If the articles or bylaws specifically allow for voting agreements, two (2) or more members may provide for the manner in which they will vote by signing an agreement for that purpose. Such agreements may be valid for a period of up to ten (10) years.

(2) A voting agreement created under this section is specifically enforceable.

SECTION 79. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 6, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 6
DIRECTORS AND OFFICERS

30-30-601. REQUIREMENT FOR AND DUTIES OF BOARD. (1) Each corporation must have a board of directors.

(2) Except as provided in this act or subsection (3) of this section, all corporate powers shall be exercised by or under the authority of, and the affairs of the corporation managed under the direction of, its board.

(3) The articles may authorize a person or persons to exercise some or all of the powers that would otherwise be exercised by a board. To the extent so authorized, any such person or persons shall have the duties and responsibilities of the directors, and the directors shall be relieved to that extent from such duties and responsibilities.

30-30-602. QUALIFICATIONS OF DIRECTORS. All directors must be individuals. If the corporation is a cooperative, all directors must be members of the corporation, provided, that unless otherwise provided in the bylaws, a person who has the right to vote on behalf of an entity that is a member of the corporation may serve as a director. The articles or bylaws may prescribe other qualifications for directors.

30-30-603. NUMBER OF DIRECTORS. (1) The board of directors must consist of three (3) or more individuals, with the number specified in or fixed in accordance with the articles or bylaws. Notwithstanding the foregoing, the board of directors of a religious corporation must consist of at least one (1) individual, with the number specified in or fixed in accordance with the articles or bylaws.

(2) The number of directors may be increased or decreased within the limitations contained in subsection (1) of this section from time to time by amendment to or in the manner prescribed in the articles or bylaws.

30-30-604. ELECTION, DESIGNATION AND APPOINTMENT OF DIRECTORS. (1) If the corporation has members, all the directors, except the initial directors, shall be elected at the first annual meeting of members, and at each annual meeting thereafter, unless the articles or bylaws provide some other time or method of election, or provide that some of the directors are appointed by some other person or designated.

(2) If the corporation does not have members, all the directors, except the initial directors, shall be elected, appointed or designated as provided in the articles or bylaws. If no method of designation or appointment is set forth in the articles or bylaws, the directors, other than the initial directors, shall be elected by the board.

30-30-605. TERMS OF DIRECTORS GENERALLY. (1) The articles or bylaws must specify the terms of directors. Except for designated or appointed directors, the terms of directors may not exceed five (5) years. In the absence of any term specified in the articles or bylaws, the term of each director shall be one (1) year. Directors may be elected for successive terms.

(2) A decrease in the number of directors or term of office does not shorten an incumbent director's term.

(3) Except as provided in the articles or bylaws:

(a) The term of a director filling a vacancy in the office of a director elected by members expires at the next election of directors by members; and

(b) The term of a director filling any other vacancy expires at the end of the unexpired term that such director is filling.

(4) Despite the expiration of a director's term, the director continues to serve until the director's successor is elected, designated or appointed, and qualifies, or until there is a decrease in the number of directors.

30-30-606. STAGGERED TERMS FOR DIRECTORS. The articles or bylaws may provide for staggering the terms of directors by dividing the total number of directors into groups. The terms of office of the several groups need not be uniform.

30-30-607. RESIGNATION OF DIRECTORS. (1) A director may resign at any time by delivering written notice to the board of directors, its presiding officer or to the president or secretary.

(2) A resignation is effective when the notice is effective unless the notice specifies a future effective date. If a resignation is made effective at a future date, the board may fill the pending vacancy before the effective date if the board provides that the successor does not take office until the effective date.

30-30-608. REMOVAL OF DIRECTORS ELECTED BY MEMBERS OR DIRECTORS. (1) The members may remove one (1) or more directors elected by them without cause.

(2) If a director is elected by a class, chapter or other organizational unit or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit or grouping.

(3) Except as provided in subsection (9) of this section, a director may be removed under subsection (1) or (2) of this section only if the number of votes cast to remove the director would be sufficient to elect the director at a meeting to elect directors.

(4) If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect the director under cumulative voting is voted against the director's removal, or if the director was elected by a class, chapter, unit or grouping of members, a director may not be removed if the number of votes sufficient to elect the director by that class, chapter, unit or grouping is voted against the director's removal.

(5) A director elected by members may be removed by the members only at a meeting called for the purpose of removing the director and the meeting notice must state that the purpose, or one (1) of the purposes, of the meeting is removal of the director.

(6) In computing whether a director is protected from removal under subsections (2) through (4) of this section, it should be assumed that the votes against removal are cast in an election for the number of directors of the class to which the director to be removed belonged on the date of that director's election.

(7) An entire board of directors may be removed under subsections (1) through (5) of this section.

(8) A director elected by the board may be removed without cause by the vote of two-thirds (2/3) of the directors then in office or such greater number as is set forth in the articles or bylaws; provided however, that a director elected by the board to fill the vacancy of a director elected by the members may be removed without cause by the members, but not the board.

(9) If, at the beginning of a director's term on the board, the articles or bylaws provide that the director may be removed for missing a specified number of board meetings, the board may remove the director for failing to attend the specified number of meetings. The director may be removed only if a majority of the directors then in office vote for the removal.

(10) The articles or bylaws of a religious corporation may:

(a) Limit the application of this section; and

(b) Set forth the vote and procedures by which the board or any person may remove with or without cause a director elected by the members or the board.

30-30-609. REMOVAL OF DESIGNATED OR APPOINTED DIRECTORS. (1) A designated director may be removed by an amendment to the articles or bylaws deleting or changing the designation.

(2) Appointed directors:

(a) Except as otherwise provided in the articles or bylaws, an appointed director may be removed without cause by the person appointing the director;

- (b) The person removing the director shall do so by giving written notice of the removal to the director and either the presiding officer of the board or the corporation's president or secretary; and
- (c) A removal is effective when the notice is effective unless the notice specifies a future effective date.

30-30-610. VACANCY ON BOARD. (1) Unless the articles or bylaws provide otherwise, and except as provided in subsections (2) and (3) of this section, if a vacancy occurs on a board of directors, including a vacancy resulting from an increase in the number of directors:

- (a) The members, if any, may fill the vacancy. If the vacant office was held by a director elected by a class, chapter or other organizational unit or by region or other geographic grouping, only members of the class, chapter, unit or grouping are entitled to vote to fill the vacancy if it is filled by the members;
- (b) The board of directors may fill the vacancy; or
- (c) If the directors remaining in office constitute fewer than a quorum of the board, they may fill the vacancy by the affirmative vote of a majority of all the directors remaining in office.

(2) Unless the articles or bylaws provide otherwise, if a vacant office was held by an appointed director, only the person who appointed the director may fill the vacancy.

(3) If a vacant office was held by a designated director, the vacancy shall be filled as provided in the articles or bylaws. In the absence of an applicable article or bylaw provision, the vacancy may not be filled by the board.

(4) A vacancy that will occur at a specific later date, by reason of a resignation effective at a later date under section 30-30-607(2), Idaho Code, or otherwise, may be filled before the vacancy occurs but the new director may not take office until the vacancy occurs.

30-30-611. COMPENSATION OF DIRECTORS. Unless the articles or bylaws provide otherwise, a board of directors may fix the compensation, fees, insurance or benefits, if any, of directors.

30-30-612. REGULAR AND SPECIAL MEETINGS. (1) If the time and place of a directors' meeting is fixed by the bylaws or the board, the meeting is a regular meeting. All other meetings are special meetings.

(2) A board of directors may hold regular or special meetings in or out of this state.

(3) Unless the articles or bylaws provide otherwise, a board may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

30-30-613. ACTION WITHOUT MEETING. (1) Unless the articles or bylaws provide otherwise, action required or permitted by this act to be taken at a board of directors' meeting may be taken without a meeting if the action is taken by all members of the board. The action must be evidenced by one (1) or more written consents describing the action taken, signed by each director, and included in the minutes filed with the corporate records reflecting the action taken.

(2) Action taken under this section is effective when the last director signs the consent, unless the consent specifies a different effective date.

(3) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

30-30-614. CALL AND NOTICE OF MEETINGS. (1) Unless the articles, by-laws or subsection (3) of this section provides otherwise, regular meetings of the board may be held without notice.

(2) Unless the articles, bylaws or subsection (3) of this section provides otherwise, special meetings of the board must be preceded by at least two (2) days' notice to each director of the date, time, and place, but not the purpose, of the meeting.

(3) In corporations without members, any board action to remove a director or to approve a matter that would require approval by the members if the corporation had members shall not be valid unless each director is given at least seven (7) days' written notice that the matter will be voted upon at a directors' meeting or unless notice is waived pursuant to section 30-30-615, Idaho Code.

(4) Unless the articles or bylaws provide otherwise, the presiding officer of the board, the president or twenty percent (20%) of the directors then in office may call and give notice of a meeting of the board.

30-30-615. WAIVER OF NOTICE. (1) A director may, at any time before, during or after the meeting, waive any notice required by this act, the articles or bylaws. Except as provided in subsection (2) of this section, the waiver must be in writing, signed by the director entitled to the notice, and filed with the minutes or the corporate records.

(2) A director's attendance at or participation in a meeting waives any required notice of the meeting unless the director upon arriving at the meeting or prior to the vote on a matter not noticed in conformity with this act, the articles or bylaws objects to lack of notice and does not thereafter vote for or assent to the objected to action.

30-30-616. QUORUM AND VOTING. (1) Except as otherwise provided in this act, the articles or bylaws, a quorum of a board of directors consists of a majority of the directors in office immediately before a meeting begins. In no event may the articles or bylaws authorize a quorum of fewer than the greater of one-third (1/3) of the number of directors in office or two (2) directors.

(2) If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the board unless this act, the articles or bylaws require the vote of a greater number of directors.

30-30-617. COMMITTEES OF THE BOARD. (1) Unless prohibited or limited by the articles or bylaws, a board of directors may create one (1) or more committees of the board and appoint members of the board to serve on them. Each committee shall have two (2) or more directors, who serve at the pleasure of the board.

(2) The creation of a committee and appointment of members to it must be approved by the greater of:

(a) A majority of all the directors in office when the action is taken;
or

(b) The number of directors required by the articles or bylaws to take action under section 30-30-616, Idaho Code.

(3) Sections 30-30-612 through 30-30-616, Idaho Code, which govern meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the board, apply to committees of the board and their members as well.

(4) To the extent specified by the board of directors or in the articles or bylaws, each committee of the board may exercise the board's authority under section 30-30-601, Idaho Code.

(5) A committee of the board may not, however:

(a) Authorize distributions;

- (b) Approve or recommend to members dissolution, merger, or the sale, pledge or transfer of all or substantially all of the corporation's assets;
 - (c) Elect, appoint or remove directors or fill vacancies on the board or on any of its committees; or
 - (d) Adopt, amend or repeal the articles or bylaws.
- (6) The creation of, delegation of authority to, or action by a committee does not alone constitute compliance by a director with the standards of conduct described in section 30-30-618, Idaho Code.

30-30-618. GENERAL STANDARDS FOR DIRECTORS. (1) A director shall discharge his duties as a director, including his duties as a member of a committee:

- (a) In good faith;
 - (b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
 - (c) In a manner the director reasonably believes to be in the best interests of the corporation.
- (2) In discharging his duties, a director is entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, if prepared or presented by:
- (a) One (1) or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;
 - (b) Legal counsel, public accountants or other persons as to matters the director reasonably believes are within the person's professional or expert competence;
 - (c) A committee of the board of which the director is not a member, as to matters within its jurisdiction, if the director reasonably believes the committee merits confidence; or
 - (d) In the case of religious corporations, religious authorities and ministers, priests, rabbis or other persons whose position or duties in the religious organization the director believes justify reliance and confidence and whom the director believes to be reliable and competent in the matters presented.
- (3) A director is not acting in good faith if the director has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (2) of this section unwarranted.
- (4) A director is not liable to the corporation, any member, or any other person for any action taken or not taken as a director, if the director acted in compliance with this section.
- (5) A director shall not be deemed to be a trustee with respect to the corporation or with respect to any property held or administered by the corporation, including, without limit, property that may be subject to restrictions imposed by the donor or transferor of such property.

30-30-619. DIRECTOR -- CONFLICT OF INTEREST. (1) A conflict of interest transaction is a transaction with the corporation in which a director of the corporation has a direct or indirect interest. A conflict of interest transaction is not voidable or the basis for imposing liability on the director if the transaction was fair at the time it was entered into or is approved as provided in subsection (2) of this section.

- (2) A transaction in which a director of a corporation has a conflict of interest may be approved if:
- (a) The material facts of the transaction and the director's interest were disclosed or known to the board of directors or a committee of the board and the board or committee of the board authorized, approved or ratified the transaction; or

(b) The material facts of the transaction and the director's interest were disclosed or known to the members and they authorized, approved or ratified the transaction.

(3) For purposes of this section, a director of the corporation has an indirect interest in a transaction if:

(a) Another entity in which the director has a material interest or in which the director is a general partner is a party to the transaction; or

(b) Another entity of which the director is a director, officer or trustee is a party to the transaction.

(4) For purposes of subsection (2) of this section, a conflict of interest transaction is authorized, approved or ratified, if it receives the affirmative vote of a majority of the directors on the board or on the committee, who have no direct or indirect interest in the transaction. If a majority of the directors on the board who have no direct or indirect interest in the transaction vote to authorize, approve or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (2) (a) of this section if the transaction is otherwise approved as provided in subsection (2) of this section.

(5) For purposes of subsection (2) (b) of this section, a conflict of interest transaction is authorized, approved or ratified by the members if it receives a majority of the votes entitled to be counted under this subsection. Votes cast by or voted under the control of a director who has a direct or indirect interest in the transaction, and votes cast by or voted under the control of an entity described in subsection (3) (a) of this section, may not be counted in a vote of members to determine whether to authorize, approve or ratify a conflict of interest transaction under subsection (2) (b) of this section. The vote of these members, however, is counted in determining whether the transaction is approved under other sections of this act. A majority of the voting power, whether or not present, that are entitled to be counted in a vote on the transaction under this subsection constitutes a quorum for the purpose of taking action under this section.

(6) The articles, bylaws or a resolution of the board may impose additional requirements on conflict of interest transactions.

30-30-620. LOANS TO OR GUARANTEES FOR DIRECTORS AND OFFICERS. (1) Except with regard to loan or guarantee programs available to all members, a corporation may not lend money to or guarantee the obligation of a director or officer of the corporation, provided that a cooperative corporation may lend money to or guarantee the obligation of a director or officer with regard to loan or guarantee programs available to all members.

(2) The fact that a loan or guarantee is made in violation of this section does not affect the borrower's liability on the loan.

30-30-621. REQUIRED OFFICERS. (1) Unless otherwise provided in the articles or bylaws, a corporation shall have a president, a secretary, a treasurer and such other officers as are appointed by the board. Except in the case of religious corporations, any two (2) or more offices may be held by the same person, except the offices of president and secretary. A religious corporation is not required to have officers.

(2) The bylaws or the board shall delegate to one (1) of the officers responsibility for preparing minutes of the directors' and members' meetings and for authenticating records of the corporation.

(3) The same individual may simultaneously hold more than one (1) office in a corporation.

30-30-622. DUTIES AND AUTHORITY OF OFFICERS. Each officer has the authority and shall perform the duties set forth in the bylaws or, to the extent

consistent with the bylaws, the duties and authority prescribed in a resolution of the board or by direction of an officer authorized by the board to prescribe the duties and authority of other officers.

30-30-623. STANDARDS OF CONDUCT FOR OFFICERS. (1) An officer with discretionary authority shall discharge his duties under that authority:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner the officer reasonably believes to be in the best interests of the corporation and its members, if any.

(2) In discharging his duties, an officer is entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, if prepared or presented by:

(a) One (1) or more officers or employees of the corporation who the officer reasonably believes to be reliable and competent in the matters presented;

(b) Legal counsel, public accountants or other persons as to matters the officer reasonably believes are within the person's professional or expert competence; or

(c) In the case of religious corporations, religious authorities and ministers, priests, rabbis or other persons whose position or duties in the religious organization the officer believes justify reliance and confidence and who the officer believes to be reliable and competent in the matters presented.

(3) An officer is not acting in good faith if the officer has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (2) of this section unwarranted.

(4) An officer is not liable to the corporation, any member, or other person for any action taken or not taken as an officer, if the officer acted in compliance with this section.

30-30-624. RESIGNATION AND REMOVAL OF OFFICERS. (1) An officer may resign at any time by delivering notice to the corporation. A resignation is effective when the notice is effective unless the notice specifies a future effective date. If a resignation is made effective at a future date and the corporation accepts the future effective date, its board of directors may fill the pending vacancy before the effective date if the board provides that the successor does not take office until the effective date.

(2) A board may remove any officer at any time with or without cause.

30-30-625. OFFICERS' AUTHORITY TO EXECUTE DOCUMENTS. Any contract or other instrument in writing executed or entered into between a corporation and any other person is not invalidated as to the corporation by any lack of authority of the signing officers in the absence of actual knowledge on the part of the other person that the signing officers had no authority to execute the contract or other instrument if it is signed by any two (2) officers in category 1 of this section or by one (1) officer in category 1 of this section and one (1) officer in category 2 of this section.

Category 1 -- The presiding officer of the board and the president.

Category 2 -- A vice president, the secretary, treasurer
and executive director.

30-30-626. INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS. (1) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal,

administrative or investigative, other than an action by or in the right of the corporation, by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorney's fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner that he reasonably believed to be in or not opposed to the best interests of the corporation and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(2) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses, including attorney's fees, actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in that such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses that such court shall deem proper.

(3) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsection (1) or (2) of this section, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him in connection herewith.

(4) Any determination under subsection (1) or (2) of this section, unless ordered by a court, shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsection (1) or (2) of this section. Such determination shall be made:

- (a) By the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding; or
- (b) If such quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion; or
- (c) By the members.

(5) Expenses, including attorney's fees, incurred in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount if it shall ultimately be determined that he is not entitled to be indemnified by the corporation as authorized in this section.

(6) The indemnification and advancement of expenses provided by, or granted pursuant to the other subsections of this section shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any bylaw, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office.

(7) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section; provided that credit unions chartered under the laws of the state of Idaho may provide indemnification only by insurance.

(8) For the purposes of this section, the term "corporation" includes, in addition to the resulting corporation, all constituent corporations and their predecessors absorbed in a consolidation or merger, which, if separate existence had continued, would have had power and authority to indemnify its directors, officers, employees or agents.

(9) The indemnification and advancement of expenses provided by, or granted pursuant to, this section shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, and personal representatives of such a person.

SECTION 80. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 7, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 7

AMENDMENT OF ARTICLES OF INCORPORATION AND BYLAWS

30-30-701. **AUTHORITY TO AMEND ARTICLES.** A corporation may amend its articles of incorporation at any time to add or change a provision that is required or permitted in the articles or to delete a provision not required in the articles. Whether a provision is required or permitted in the articles is determined as of the effective date of the amendment.

30-30-702. **AMENDMENT OF ARTICLES BY DIRECTORS.** (1) Unless the articles provide otherwise, a corporation's board of directors may adopt one (1) or more amendments to the corporation's articles without member approval:

(a) To extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(b) To delete the names and addresses of the initial directors;

(c) To change the information required by section 30-21-404(a)(1), Idaho Code;

(d) To change the corporate name by substituting the word "corporation," "incorporated," "company," "limited," or the abbreviation "corp.," "inc.," "co.," or "ltd.," for a similar word or abbreviation in the name, or by adding, deleting or changing a geographical attribution to the name; or

(e) To make any other change expressly permitted by this act to be made by director action.

(2) If a corporation has no members, its incorporators, until directors have been chosen, and thereafter its board of directors, may adopt one (1) or more amendments to the corporation's articles subject to any approval

required pursuant to section 30-30-801, Idaho Code. The corporation shall provide notice of any meeting at which an amendment is to be voted upon. The notice shall be in accordance with section 30-30-614(3), Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider a proposed amendment to the articles and contain or be accompanied by a copy or summary of the amendment or state the general nature of the amendment. The amendment must be approved by a majority of the directors in office at the time the amendment is adopted.

30-30-703. AMENDMENT OF ARTICLES BY DIRECTORS AND MEMBERS. (1) Unless this act, the articles, bylaws, the members, acting pursuant to subsection (2) of this section, or the board of directors, acting pursuant to subsection (3) of this section, require a greater vote or voting by class, an amendment to a corporation's articles to be adopted must be approved:

(a) By the board, if the amendment does not relate to the number of directors, the composition of the board, the term of office of directors, or the method or way in which directors are elected or selected;

(b) Except as provided in section 30-30-702(1), Idaho Code, by the members by two-thirds (2/3) of the votes cast or a majority of the voting power, whichever is less; and

(c) In writing by any person or persons whose approval is required by a provision of the articles authorized in this section.

(2) The members may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or on any other basis.

(3) If the board initiates an amendment to the articles or board approval is required in subsection (1) of this section to adopt an amendment to the articles, the board may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or any other basis.

(4) If the board or the members seek to have the amendment approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in writing in accordance with section 30-30-505, Idaho Code. The notice must state that the purpose, or one (1) of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

(5) If the board or the members seek to have the amendment approved by the members by written consent or written ballot or absentee ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the amendment.

30-30-704. CLASS VOTING BY MEMBERS ON AMENDMENTS TO ARTICLES. (1) The members of a class in a corporation are entitled to vote as a class on a proposed amendment to the articles if the amendment would:

(a) Affect the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption or transfer of memberships in a manner different than such amendment would affect another class;

(b) Change the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption or transfer by changing the rights, privileges, preferences, restrictions or conditions of another class;

(c) Increase or decrease the number of memberships authorized for that class;

(d) Increase the number of memberships authorized for another class;

(e) Effect an exchange, reclassification or termination of the memberships of that class; or

(f) Authorize a new class of memberships.

(2) The members of a class of a religious corporation are entitled to vote as a class on a proposed amendment to the articles only if a class vote is provided for in the articles or bylaws.

(3) If a class is to be divided into two (2) or more classes as a result of an amendment to the articles of a corporation, the amendment must be approved by the members of each class that would be created by the amendment.

(4) Except as provided in the articles or bylaws of a religious corporation, if a class vote is required to approve an amendment to the articles of a corporation, the amendment must be approved by the members of the class by two-thirds (2/3) of the votes cast by the class or a majority of the voting power of the class, whichever is less.

(5) A class of members of a corporation, except a religious corporation, is entitled to the voting rights granted in this section although the articles and bylaws provide that the class may not vote on the proposed amendment.

30-30-705. ARTICLES OF AMENDMENT. A corporation amending its articles shall deliver to the secretary of state articles of amendment setting forth:

- (1) The name of the corporation;
- (2) The text of each amendment adopted;
- (3) The date of each amendment's adoption;
- (4) If approval of members was not required, a statement to that effect and a statement that the amendment was approved by a sufficient vote of the board of directors or incorporators;
- (5) If approval by members was required:
 - (a) The designation, number of memberships outstanding, number of votes entitled to be cast by each class entitled to vote separately on the amendment, and number of votes of each class indisputably voting on the amendment; and
 - (b) Either the total number of votes cast for and against the amendment by each class entitled to vote separately on the amendment or the total number of undisputed votes cast for the amendment by each class and a statement that the number cast for the amendment by each class was sufficient for approval by that class.
- (6) If approval of the amendment by some person or persons other than the members, the board or the incorporators is required pursuant to section 30-30-801, Idaho Code, a statement that the approval was obtained.

30-30-706. RESTATED ARTICLES OF INCORPORATION. (1) A corporation's board of directors may restate its articles of incorporation at any time with or without approval by members or any other person.

(2) The restatement may include one (1) or more amendments to the articles. If the restatement includes an amendment requiring approval by the members or any other person, it must be adopted as provided in section 30-30-703, Idaho Code.

(3) If the restatement includes an amendment requiring approval by members, the board must submit the restatement to the members for their approval.

(4) If the board seeks to have the restatement approved by the members at a membership meeting, the corporation shall notify each of its members of the proposed membership meeting in writing in accordance with section 30-30-505, Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider the proposed restatement and contain or be accompanied by a copy or summary of the restatement that identifies any amendments or other change it would make in the articles.

(5) If the board seeks to have the restatement approved by the members by written ballot or written consent, the material soliciting the approval shall contain or be accompanied by a copy or summary of the restatement that identifies any amendments or other change it would make in the articles.

(6) A restatement requiring approval by the members must be approved by the same vote as an amendment to articles under section 30-30-703, Idaho Code.

(7) If the restatement includes an amendment requiring approval pursuant to section 30-30-801, Idaho Code, the board must submit the restatement for such approval.

(8) A corporation restating its articles shall deliver to the secretary of state articles of restatement setting forth the name of the corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(a) Whether the restatement contains an amendment to the articles requiring approval by the members or any other person other than the board of directors and, if it does not, that the board of directors adopted the restatement; or

(b) If the restatement contains an amendment to the articles requiring approval by the members, the information required by section 30-30-705, Idaho Code; and

(c) If the restatement contains an amendment to the articles requiring approval by a person whose approval is required pursuant to section 30-30-801, Idaho Code, a statement that such approval was obtained.

(9) Duly adopted restated articles of incorporation supersede the original articles of incorporation and all amendments to them.

(10) The secretary of state may certify restated articles of incorporation, as the articles of incorporation currently in effect.

30-30-707. EFFECT OF AMENDMENT AND RESTATEMENT OF ARTICLES. An amendment to articles of incorporation does not affect a cause of action existing against or in favor of the corporation, a proceeding to which the corporation is a party, any requirement or limitation imposed upon the corporation or any property held by it by virtue of any trust upon which such property is held by the corporation or the existing rights of persons other than members of the corporation. An amendment changing a corporation's name does not abate a proceeding brought by or against the corporation in its former name.

30-30-708. AMENDMENT OF BYLAWS BY DIRECTORS. If a corporation has no members, its incorporators, until directors have been chosen, and thereafter its board of directors, may adopt one (1) or more amendments to the corporation's bylaws subject to any approval required pursuant to section 30-30-801, Idaho Code. The corporation shall provide notice of any meeting of directors at which an amendment is to be approved. The notice shall be in accordance with section 30-30-614(3), Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider a proposed amendment to the bylaws and contain or be accompanied by a copy or summary of the amendment or state the general nature of the amendment. The amendment must be approved by a majority of the directors in office at the time the amendment is adopted.

30-30-709. AMENDMENT OF BYLAWS BY DIRECTORS AND MEMBERS. (1) Unless the articles or bylaws provide otherwise, an amendment to a corporation's bylaws to be adopted must be approved:

(a) By a simple majority of the board;

(b) By the members by a simple majority of the votes cast or a majority of the voting power, whichever is less; and

(c) In writing by any person or persons whose approval is required by a provision of the articles authorized in section 30-30-801, Idaho Code.

(2) If the board initiates an amendment to the bylaws or board approval is required to adopt an amendment to the bylaws, the board may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or on any other basis.

(3) If the board or the members seek to have the amendment approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in writing in accordance with

section 30-30-505, Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

(4) If the board or the members seek to have the amendment approved by the members by written consent or written ballot or absentee ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the amendment.

30-30-710. CLASS VOTING BY MEMBERS ON AMENDMENTS TO BYLAWS. (1) If the members of a class in a corporation are entitled to vote as a class on amendments to the bylaws, they may vote as a class on a proposed amendment to the bylaws if the amendment would:

(a) Affect the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption or transfer of memberships in a manner different than such amendment would affect another class;

(b) Change the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption or transfer by changing the rights, privileges, preferences, restrictions or conditions of another class;

(c) Increase or decrease the number of memberships authorized for that class;

(d) Increase the number of memberships authorized for another class;

(e) Effect an exchange, reclassification or termination of all or part of the memberships of that class; or

(f) Authorize a new class of memberships.

(2) The members of a class of a religious corporation are entitled to vote as a class on a proposed amendment to the bylaws only if a class vote is provided for in the articles or bylaws.

(3) If a class is to be divided into two (2) or more classes as a result of an amendment to the bylaws, the amendment must be approved by the members of each class that would be created by the amendment; and

(4) If a class vote is required to approve an amendment to the bylaws, the amendment must be approved by the members of the class by two-thirds (2/3) of the votes cast by the class or a majority of the voting power of the class, whichever is less.

(5) A class of members is entitled to the voting rights granted by this section although the articles and bylaws provide that the class may not vote on the proposed amendment.

SECTION 81. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 8, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 8

MERGER AND MEMBERSHIP EXCHANGES

30-30-801. APPROVAL BY THIRD PERSONS. The articles may require an amendment to the articles or bylaws to be approved in writing by a specified person or persons other than the board. Such an article provision may only be amended with the approval in writing of such person or persons.

30-30-802. APPROVAL OF PLAN OF MERGER. (1) One (1) or more nonprofit corporations may merge into a business or nonprofit corporation, if the plan of merger is approved as provided in section 30-30-803, Idaho Code.

(2) The plan of merger must set forth:

(a) The name of each corporation planning to merge and the name of the surviving corporation into which each plans to merge;

(b) The terms and conditions of the planned merger;

(c) The manner and basis, if any, of converting memberships of each merging corporation into memberships, obligations or securities of the surviving or any other corporation or into cash or other property in whole or part.

(3) The plan of merger may set forth:

- (a) Any amendments to the articles of incorporation or bylaws of the surviving corporation to be effected by the planned merger; and
- (b) Other provisions relating to the planned merger.

30-30-803. ACTION ON PLAN BY BOARD, MEMBERS AND THIRD PERSONS. (1) Unless this act, the articles, bylaws or the board of directors or members, acting pursuant to subsection (3) of this section, require a greater vote or voting by class, a plan of merger to be adopted must be approved:

(a) By the board;

(b) By the members, if any, by two-thirds (2/3) of the votes cast or a majority of the voting power, whichever is less; and

(c) In writing by any person or persons whose approval is required by a provision of the articles authorized in section 30-30-801, Idaho Code, for an amendment to the articles or bylaws.

(2) If the corporation does not have members, the merger must be approved by a majority of the directors in office at the time the merger is approved. In addition, the corporation shall provide notice of any directors' meeting at which such approval is to be obtained in accordance with section 30-30-614(3), Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider the proposed merger.

(3) The board may condition its submission of the proposed merger, and the members may condition their approval of the merger, on receipt of a higher percentage of affirmative votes or on any other basis.

(4) If the board seeks to have the plan approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in accordance with section 30-30-505, Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider the plan of merger and contain or be accompanied by a copy or summary of the plan. The copy or summary of the plan for members of the surviving corporation shall include any provision that, if contained in a proposed amendment to the articles of incorporation or bylaws, would entitle members to vote on the provision. The copy or summary of the plan for members of the disappearing corporation shall include a copy or summary of the articles and bylaws that will be in effect immediately after the merger takes effect.

(5) If the board seeks to have the plan approved by the members by written consent or written ballot or absentee ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the plan. The copy or summary of the plan for members of the surviving corporation shall include any provision that, if contained in a proposed amendment to the articles of incorporation or bylaws, would entitle members to vote on the provision. The copy or summary of the plan for members of the disappearing corporation shall include a copy or summary of the articles and bylaws that will be in effect immediately after the merger takes effect.

(6) Voting by a class of members is required on a plan of merger if the plan contains a provision that, if contained in a proposed amendment to articles of incorporation or bylaws, would entitle the class of members to vote as a class on the proposed amendment under section 30-30-704 or 30-30-710, Idaho Code. The plan is approved by a class of members by two-thirds (2/3) of the votes cast by the class or a majority of the voting power of the class, whichever is less.

(7) After a merger is adopted, and at any time before articles of merger are filed, the planned merger may be abandoned, subject to any contractual rights, without further action by members or other persons who approved the

plan in accordance with the procedure set forth in the plan of merger or, if none is set forth, in the manner determined by the board of directors.

SECTION 82. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 9, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 9
DISPOSITION OF ASSETS

30-30-901. BEQUESTS, DEVISES AND GIFTS. Any bequest, devise, gift, grant or promise contained in a will or other instrument of donation, subscription, or conveyance, that is made to a constituent corporation and that takes effect or remains payable after the merger, inures to the surviving corporation unless the will or other instrument otherwise specifically provides.

30-30-902. SALE OF ASSETS IN REGULAR COURSE OF ACTIVITIES AND MORTGAGE OF ASSETS. (1) A corporation may on the terms and conditions and for the consideration determined by the board of directors:

(a) Sell, lease, exchange or otherwise dispose of all, or substantially all, of its property in the usual and regular course of its activities; or

(b) Mortgage, pledge, dedicate to the repayment of indebtedness, whether with or without recourse, or otherwise encumber any or all of its property whether or not in the usual and regular course of its activities.

(2) Unless the articles require it, approval of the members or any other person of a transaction described in subsection (1) of this section is not required.

30-30-903. SALE OF ASSETS OTHER THAN IN REGULAR COURSE OF ACTIVITIES. (1) A corporation may sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property, with or without the goodwill, other than in the usual and regular course of its activities on the terms and conditions and for the consideration determined by the corporation's board if the proposed transaction is authorized in subsection (2) of this section.

(2) Unless this act, the articles, bylaws or the board of directors or members, acting pursuant to subsection (4) of this section, require a greater vote or voting by class, the proposed transaction to be authorized must be approved:

(a) By the board;

(b) By the members by a simple majority of the votes cast or a majority of the voting power, whichever is less; and

(c) In writing by any person or persons whose approval is required by a provision of the articles authorized in section 30-30-505, Idaho Code, for an amendment to the articles or bylaws.

(3) If the corporation does not have members the transaction must be approved by a vote of a majority of the directors in office at the time the transaction is approved. In addition, the corporation shall provide notice of any directors' meeting at which such approval is to be obtained in accordance with section 30-30-614(3), Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider the sale, lease, exchange or other disposition of all, or substantially all, of the property or assets of the corporation and contain or be accompanied by a copy or summary of a description of the transaction.

(4) The board may condition its submission of the proposed transaction, and the members may condition their approval of the transaction, on receipt of a higher percentage of affirmative votes or on any other basis.

(5) If the corporation seeks to have the transaction approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in accordance with section 30-30-505, Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider the sale, lease, exchange, or other disposition of all, or substantially all, of the property or assets of the corporation and contain or be accompanied by a copy or summary of a description of the transaction.

(6) If the board needs to have the transaction approved by the members by written consent or written ballot or absentee ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of a description of the transaction.

(7) After a sale, lease, exchange, or other disposition of property is authorized, the transaction may be abandoned, subject to any contractual rights, without further action by the members or any other person who approved the transaction in accordance with the procedure set forth in the resolution proposing the transaction or, if none is set forth, in the manner determined by the board of directors.

30-30-904. PROHIBITED DISTRIBUTIONS. Except as authorized in section 30-30-905, Idaho Code, a corporation shall not make any distributions.

30-30-905. AUTHORIZED DISTRIBUTIONS. (1) Corporations may make distributions upon dissolution in conformity with section 30-30-1005 or 30-30-1006, Idaho Code.

(2) The operations of a corporation that is a cooperative corporation shall be so conducted that all members will, through their membership, furnish capital for the corporation as provided in the corporation's bylaws. No interest or dividends shall be paid or payable by the corporation on any capital furnished by its members. The corporation is obligated to account on a membership basis to all its members for all amounts received and receivable from the furnishing of service and from other sources in excess of operating costs and expenses properly chargeable against the furnishing of service. The corporation is obligated to pay by credits to a capital account for each member all such amounts in excess of operating costs and expenses. The books and records of the corporation shall be set up and kept in such a manner that at the end of each fiscal year the amount of capital, if any, so furnished by each member is clearly reflected and credited in an appropriate record to the capital account of each member. In the event of dissolution or liquidation of the corporation, after all outstanding indebtedness of the corporation shall have been paid, outstanding capital credits shall be retired without priority on a pro rata basis before any payments are made on account of property rights of members. If, at any time prior to dissolution or liquidation, the board shall determine that the financial condition of the corporation will not be impaired thereby, the capital credited to members' accounts may be retired in full or in part.

SECTION 83. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 10, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 10
DISSOLUTION

30-30-1001. DISSOLUTION BY INCORPORATORS OR DIRECTORS AND THIRD PERSONS. (1) A majority of the incorporators or directors of a corporation that has no members may, prior to the organization meeting of directors and subject to any approval required by the articles or bylaws, dissolve the corporation by delivering to the secretary of state articles of dissolution.

(2) The corporation shall give notice of any meeting at which dissolution will be approved. The notice shall be in accordance with section 30-30-614(3), Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider dissolution of the corporation.

(3) The incorporators or directors in approving dissolution shall adopt a plan of dissolution indicating to whom the assets owned or held by the corporation will be distributed after all creditors have been paid.

30-30-1002. DISSOLUTION BY DIRECTORS, MEMBERS AND THIRD PERSONS. (1) Unless this act, the articles, bylaws or the board of directors or members, acting pursuant to subsection (3) of this section, require a greater vote or voting by class, dissolution is authorized if it is approved:

(a) By the board;

(b) By the members, if any, by two-thirds (2/3) of the votes cast or a majority of the voting power, whichever is less; and

(c) In writing by any person or persons whose approval is required by a provision of the articles authorized in section 30-30-801, Idaho Code, for an amendment to the articles or bylaws.

(2) If the corporation does not have members, dissolution must be approved by a vote of a majority of the directors in office at the time the transaction is approved. In addition, the corporation shall provide notice of any directors' meeting at which such approval is to be obtained in accordance with section 30-30-614(3), Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider dissolution of the corporation and contain or be accompanied by a copy or summary of the plan of dissolution.

(3) The board may condition its submission of the proposed dissolution, and the members may condition their approval of the dissolution on receipt of a higher percentage of affirmative votes or on any other basis.

(4) If the board seeks to have dissolution approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in accordance with section 30-30-505, Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider dissolving the corporation and contain or be accompanied by a copy or summary of the plan of dissolution.

(5) If the board seeks to have dissolution approved by the members by written consent or written ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the plan of dissolution.

(6) The plan of dissolution shall indicate to whom the assets owned or held by the corporation will be distributed after all creditors have been paid.

30-30-1003. ARTICLES OF DISSOLUTION. (1) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state articles of dissolution setting forth:

(a) The name of the corporation;

(b) The date dissolution was authorized;

(c) A statement that dissolution was approved by a sufficient vote of the board;

(d) If approval of members was not required, a statement to that effect and a statement that dissolution was approved by a sufficient vote of the board of directors or incorporators;

(e) If approval by members was required:

(i) The designation, number of memberships outstanding, number of votes entitled to be cast by each class entitled to vote separately on dissolution, and number of votes of each class indisputably voting on dissolution; and

(ii) Either the total number of votes cast for and against dissolution by each class entitled to vote separately on dissolution or the total number of undisputed votes cast for dissolution by each class and a statement that the number cast for dissolution by each class was sufficient for approval by that class; and

(f) If approval of dissolution by some person or persons other than the members, the board or the incorporators is required pursuant to section 30-30-1002(1)(c), Idaho Code, a statement that the approval was obtained.

(2) A corporation is dissolved upon the effective date of its articles of dissolution.

30-30-1004. EFFECT OF DISSOLUTION. (1) A dissolved corporation continues its corporate existence but may not carry on any activities except those appropriate to wind up and liquidate its affairs, including:

(a) Preserving and protecting its assets and minimizing its liabilities;

(b) Discharging or making provision for discharging its liabilities and obligations;

(c) Disposing of its properties that will not be distributed in kind;

(d) Returning, transferring or conveying assets held by the corporation upon a condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, in accordance with such condition;

(e) Transferring, subject to any contractual or legal requirements, its assets as provided in or authorized by its articles of incorporation or bylaws;

(f) If no provision has been made in its articles or bylaws for distribution of assets on dissolution, it may transfer, subject to any contractual or legal requirement, its assets:

(i) To one (1) or more persons described in section 501(c)(3) of the Internal Revenue Code; or

(ii) To its members or, if it has no members, to those persons whom the corporation holds itself out as benefiting or serving; and

(g) Doing every other act necessary to wind up and liquidate its assets and affairs.

(2) Dissolution of a corporation does not:

(a) Transfer title to the corporation's property;

(b) Subject its directors or officers to standards of conduct different from those prescribed in sections 30-30-618 and 30-30-623, Idaho Code;

(c) Change quorum or voting requirements for its board or members; change provisions for selection, resignation or removal of its directors or officers or both; or change provisions for amending its bylaws;

(d) Prevent commencement of a proceeding by or against the corporation in its corporate name;

(e) Abate or suspend a proceeding pending by or against the corporation on the effective date of dissolution; or

(f) Terminate the authority of the registered agent.

30-30-1005. KNOWN CLAIMS AGAINST DISSOLVED CORPORATION. (1) The directors of a dissolved corporation may dispose of the known claims against it by following the procedure described in this section.

(2) The directors of a dissolved corporation shall notify its known claimants in writing of the dissolution at any time after its effective date. The written notice must:

(a) Describe information that must be included in a claim;

(b) Provide a mailing address where a claim may be sent;

(c) State the deadline, which may not be fewer than one hundred twenty (120) days from the effective date of the written notice, by which the dissolved corporation must receive the claim; and

(d) State that the claim will be barred if not received by the deadline.

(3) A claim against the dissolved corporation is barred:

(a) If a claimant who was given written notice under subsection (2) of this section does not deliver the claim to the dissolved corporation by the deadline; or

(b) If a claimant whose claim was rejected by the dissolved corporation does not commence a proceeding to enforce the claim within ninety (90) days from the effective date of the rejection notice.

(4) For purposes of this section, "claim" does not include a contingent liability or a claim based on an event occurring after the effective date of dissolution.

30-30-1006. UNKNOWN CLAIMS AGAINST DISSOLVED CORPORATION. (1) The directors of a dissolved corporation may also publish notice of its dissolution and request that persons with claims against the corporation present them in accordance with the notice.

(2) The notice must:

(a) Be published one (1) time in a newspaper of general circulation in the county where the dissolved corporation's principal office is or was located, or, if none in this state, in Ada county;

(b) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and

(c) State that a claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within five (5) years after publication of the notice.

(3) If the directors of a dissolved corporation publish a newspaper notice in accordance with subsection (2) of this section, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within five (5) years after the publication date of the newspaper notice:

(a) A claimant who did not receive written notice under section 30-30-1005, Idaho Code;

(b) A claimant whose claim was timely sent to the dissolved corporation but not acted on; and

(c) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

(4) A claim may be enforced under this section:

(a) Against the dissolved corporation to the extent of its undistributed assets; or

(b) If the assets have been distributed in liquidation, against any person, other than a creditor of the corporation, to whom the corporation distributed its property to the extent of the distributee's pro rata share of the claim or the corporate assets distributed to such person in liquidation, whichever is less, but the distributee's total liability for all claims under this section may not exceed the total amount of assets distributed to the distributee.

SECTION 84. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 11, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 11
RECORDS AND REPORTS

30-30-1101. CORPORATE RECORDS. (1) A corporation shall keep as permanent records minutes of all meetings of its members and board of directors, a record of all actions taken by the members or directors without a meeting, and a record of all actions taken by committees of the board of directors as authorized in section 30-30-617(4), Idaho Code.

(2) A corporation shall maintain appropriate accounting records.

(3) A corporation shall maintain a record of its members in a form that permits preparation of a list of the name and address of all members, in alphabetical order by class, showing the number of votes each member is entitled to cast.

(4) A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

(5) A corporation shall keep a copy of the following records at its principal office:

(a) Its articles or restated articles of incorporation and all amendments to them currently in effect;

(b) Its bylaws or restated bylaws and all amendments to them currently in effect;

(c) Resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations and obligations of members or any class or category of members;

(d) The minutes of all meetings of members and records of all actions approved by the members for the past three (3) years;

(e) All written communications to members generally within the past seven (7) years, including the financial statements furnished for the past seven (7) years under section 30-30-1105, Idaho Code;

(f) A list of the names and business or home addresses of its current directors and officers; and

(g) Its most recent annual report delivered to the secretary of state under section 30-21-213, Idaho Code.

30-30-1102. INSPECTION OF RECORDS BY MEMBERS. (1) Subject to subsection (5) of this section and section 30-30-1103(3), Idaho Code, a member is entitled to inspect and copy, at a reasonable time and location specified by the corporation, any of the records of the corporation described in section 30-30-1101(5), Idaho Code, if the member gives the corporation written notice or a written demand at least fifteen (15) business days before the date on which the member wishes to inspect and copy.

(2) Subject to paragraph (c) of this subsection, a member is entitled to inspect and copy, at a reasonable time and reasonable location specified by the corporation, any of the following records of the corporation if the member meets the requirements of subsection (3) of this section and gives the corporation written notice at least fifteen (15) business days before the date on which the member wishes to inspect and copy:

(a) Excerpts from any records required to be maintained under section 30-30-1101(1), Idaho Code, to the extent not subject to inspection under subsection (1) of this section;

(b) Accounting records of the corporation; and

(c) Subject to section 30-30-1104, Idaho Code, the membership list.

(3) A member may inspect and copy the records identified in subsection (2) of this section only if:

(a) The member's demand is made in good faith and for a proper purpose reasonably related to the member's interest as a member of the corporation;

(b) The member describes with reasonable particularity the purpose and the records the member desires to inspect;

- (c) The records are directly connected with this purpose; and
- (d) The board of directors shall determine whether a member's request is for a proper purpose.

(4) The provisions of this section do not affect:

(a) The right of a member to inspect records under section 30-30-509, Idaho Code, or, if the member is in litigation with the corporation, to the same extent as any other litigant; or

(b) The board of directors may restrict or deny inspection of personnel and employment records and confidential attorney-client communications if it determines that such restriction or denial of access to said records or information is in the best interests of the corporation.

(5) The articles or bylaws of a religious corporation may limit or abolish the right of a member under this section to inspect and copy any corporate record.

30-30-1103. SCOPE OF INSPECTION RIGHTS. (1) A member's agent or attorney has the same inspection and copying rights as the member the agent or attorney represents.

(2) The right to copy records under section 30-30-1102, Idaho Code, includes, if reasonable, the right to receive copies made by photographic, xerographic, or other means.

(3) The corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any documents provided to the member. The charge may not exceed the estimated cost of production or reproduction of the records.

(4) The corporation may comply with a member's demand to inspect the record of members under section 30-30-1102(2)(c), Idaho Code, by providing the member with a list of its members that was compiled no earlier than the date of the member's demand.

30-30-1104. LIMITATIONS ON USE OF MEMBERSHIP LIST. Without consent of the board, a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a member's interest as a member. Without limiting the generality of the foregoing and without the consent of the board, a membership list or any part thereof may not be:

(1) Used to solicit money or property unless such money or property will be used solely to solicit the votes of the members in an election to be held by the corporation;

(2) Used for any commercial purpose; or

(3) Sold to or purchased by any person.

30-30-1105. FINANCIAL STATEMENTS FOR MEMBERS. (1) Except as provided in the articles or bylaws of a religious corporation, a corporation upon written demand from a member shall furnish that member its latest annual financial statements, which may be consolidated or combined statements of the corporation and one (1) or more of its subsidiaries or affiliates, as appropriate, that include a balance sheet as of the end of the fiscal year and statement of operations for that year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on that basis.

(2) If annual financial statements are reported upon by a public accountant, the accountant's report must accompany them. If not, the statements must be accompanied by the statement of the president or the person responsible for the corporation's financial accounting records:

(a) Stating the president's or other person's reasonable belief as to whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation; and

(b) Describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

30-30-1106. REPORT OF INDEMNIFICATION TO MEMBERS. If a corporation indemnifies or advances expenses to a director under section 30-30-626, Idaho Code, in connection with a proceeding by or in the right of the corporation, the corporation shall report the indemnification or advance in writing to the members with or before the notice of the next meeting of members.

SECTION 85. That Chapter 30, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 12, Chapter 30, Title 30, Idaho Code, and to read as follows:

PART 12
TRANSITION PROVISIONS

30-30-1201. APPLICATION TO EXISTING DOMESTIC NONPROFIT CORPORATIONS. This chapter applies to all domestic nonprofit corporations in existence on July 1, 1993, that were incorporated under the laws of this state.

30-30-1202. APPLICATION TO QUALIFIED FOREIGN NONPROFIT CORPORATION. A foreign nonprofit corporation authorized to transact business in this state on July 1, 1993, is subject to this chapter but is not required to obtain a new certificate of authority to transact business under this chapter.

30-30-1203. APPLICATION TO CANAL COMPANIES AND CAREY ACT COMPANIES. Should any provision of this chapter, as it pertains to canal companies or Carey act companies, conflict with the provisions of title 42, Idaho Code, the provisions of title 42, Idaho Code, shall prevail.

30-30-1204. SAVING PROVISIONS. (1) Except as provided in subsection (2) of this section, the repeal of a statute by this chapter does not affect:

- (a) The operation of the statute or any action taken under it before its repeal;
- (b) Any ratification, right, remedy, privilege, obligation or liability acquired, accrued or incurred under the statute before its repeal;
- (c) Any violation of the statute or any penalty, forfeiture or punishment incurred because of the violation, before its repeal;
- (d) Any proceeding, reorganization or dissolution commenced under the statute before its repeal, and the proceeding, reorganization, or dissolution may be completed in accordance with the statute as if it had not been repealed; or
- (e) Any meeting of members or directors or action by written consent noticed or any action taken before its repeal as a result of a meeting of members or directors or action by written consent.

(2) If a penalty or punishment imposed for violation of a statute repealed by this chapter is reduced by this chapter, the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

(3) Except as specifically provided in this chapter, this chapter shall not affect the provisions of other statutes applicable to any form of nonprofit corporation.

CHAPTER 244
(S.B. No. 1030)

AN ACT

RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 18-3309, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-853, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; REPEALING SECTION 22-4721, IDAHO CODE, RELATING TO TEMPORARY LINES OF CREDIT FOR START-UP COSTS; AMENDING SECTION 23-1002, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-232, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 25-3102, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 25-4014, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 26-104, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 26-2239, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-102, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-105, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 27-121, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 27-503, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-8-402, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-41-106, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-4206, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-133, IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 350, LAWS OF 2014, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-133, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 145, LAWS OF 2014, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-518, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1629, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 33-2303, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1402, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4431, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 40-528, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 44-2013, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 32, LAWS OF 2011, TO REDESIGNATE THE SECTION; AMENDING SECTION 45-517, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 45-1604, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 46-1110, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-1178, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-420G, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-1321, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 51-105, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 51-113, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 51-114, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-5003, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 56-609, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-2443, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3022S, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 85, LAWS OF 2014, TO REDESIGNATE THE SECTION; AMENDING SECTION 66-324, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-450B, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-808, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 67-808a, IDAHO CODE, RELATING TO THE PURCHASE OF FURNISHINGS AND ACCESSORIES FOR THE GOVERNOR'S RESIDENCE; REPEALING SECTION 67-808b, IDAHO CODE, RELATING

TO MAINTENANCE AND UPKEEP OF THE GOVERNOR'S RESIDENCE; AMENDING SECTION 67-908, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-1401, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-1405, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-1704, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 67-2325, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-2338, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-2603, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 67-2724, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-3002, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 67-3531, IDAHO CODE, TO PROVIDE A CORRECT CITATION REFERENCE; AMENDING SECTION 67-4308, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-4501, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-4504, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-5714, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6603, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6621, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7010, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7016, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-519, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 72-1461, 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 18-3309, Idaho Code, be, and the same is hereby amended to read as follows:

18-3309. AUTHORITY OF GOVERNING BOARDS OF PUBLIC COLLEGES AND UNIVERSITIES REGARDING FIREARMS. (1) The board of regents of the university of Idaho, the boards of trustees of the state colleges and universities, the board of for professional-technical education and the boards of trustees of each of the community colleges established under chapter 21, title 33, Idaho Code, hereby have the authority to prescribe rules and regulations relating to firearms.

(2) Notwithstanding any other provision of state law, this authority shall not extend to regulating or prohibiting the otherwise lawful possession, carrying or transporting of firearms or ammunition by persons licensed under section 18-3302H or 18-3302K, Idaho Code.

(a) However, a person issued a license under the provisions of section 18-3302H or 18-3302K, Idaho Code, shall not carry a concealed weapon:

(i) Within a student dormitory or residence hall; or

(ii) Within any building of a public entertainment facility, provided that proper signage is conspicuously posted at each point of public ingress to the facility notifying attendees of any restriction on the possession of firearms in the facility during the game or event.

(b) As used in this section:

(i) "Public entertainment facility" means an arena, stadium, amphitheater, auditorium, theater or similar facility with a seating capacity of at least one thousand (1,000) persons that is owned or operated by the board of regents of the university of Idaho, a board of trustees of a state college or university, the state board of for professional-technical education or a board of trustees of a community college established under chapter 21, title 33, Idaho Code, that is primarily designed and used for artistic, theatrical, cultural, charitable, musical, sporting or entertainment events, but does not include publicly accessible

outdoor grounds or rights-of-way appurtenant to the facility, including parking lots within the facility used for the parking of motor vehicles.

(ii) "Student dormitory or residence hall" means a building owned or operated by the board of regents of the university of Idaho, a board of trustees of a state college or university, the state board of for professional-technical education or a board of trustees of a community college established under chapter 21, title 33, Idaho Code, located on or within the campus area owned by the university or college to house persons residing on campus as students, but does not include off-campus housing or publicly accessible outdoor grounds or rights-of-way appurtenant to the building, including parking lots within the building used for the parking of motor vehicles.

(c) The provisions of subsection (2) (a) of this section shall not apply to the following persons:

(i) A person or persons complying with the provisions of section 19-202A, Idaho Code.

(ii) A person or an employee who is authorized to carry a firearm by the university or college board of trustees, board of regents, governing board or a person or entity with authority over the building or facility.

(iii) A person who possesses a firearm for authorized use in an approved program, event, activity or other circumstance approved by a person or entity with authority over the building or facility.

(iv) A person who possesses a firearm in a private vehicle while delivering students, employees or other persons to and from a university, college or public entertainment facility.

(v) An on-duty or off-duty certified peace officer.

(3) Any rule, regulation or policy that is contrary to this section is null and void.

SECTION 2. That Section 19-853, Idaho Code, be, and the same is hereby amended to read as follows:

19-853. DUTY TO NOTIFY ACCUSED OR DETAINED OF RIGHT TO COUNSEL. (1) If a person who is being detained by a law enforcement officer, or who is confined or who is the subject of hospitalization proceedings pursuant to section 66-322, 66-326, 66-329, 66-404 or 66-406, Idaho Code, or who is under formal charge of having committed, or is being detained under a conviction of, a serious crime, is not represented by an attorney under conditions in which a person having his own counsel would be entitled to be so represented, the law enforcement officers concerned, upon commencement of detention, or the court, upon formal charge or hearing, as the case may be, shall:

(a) Clearly inform him of his right to counsel and of the right of an indigent person to be represented by an attorney at public expense; and

(b) If the person detained or charged does not have an attorney, notify the defending attorney or trial court concerned, as the case may be, that he is not so represented. As used in this subsection, the term "commencement of detention" includes the taking into custody of a probationer.

(2) Upon commencement of any later judicial proceeding relating to the same matter including, but not limited to, preliminary hearing, arraignment, trial, any post-conviction proceeding or post-commitment proceeding, the presiding officer shall clearly inform the person so detained or charged of his right to counsel and of the right of an indigent person to be represented by an attorney at public expense. Provided, the appointment of an attorney at public expense in uniform post-conviction procedure act proceedings shall be in accordance with section 19-4904, Idaho Code.

(3) If a court determines that the person is entitled to be represented by an attorney at public expense, it shall promptly notify the defending attorney.

(4) Upon notification by the court or assignment under this section, the defending attorney shall represent the person with respect to whom the notification is made.

SECTION 3. That Section 22-4721, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 23-1002, Idaho Code, be, and the same is hereby amended to read as follows:

23-1002. ALCOHOLIC CONTENT. (1) Beer containing not more than six ~~per cent~~ percent (6%) of alcohol by weight may be manufactured, imported and/or sold and distributed in and into this state or possessed therein in the manner and under the conditions prescribed in this act and not otherwise.

(2) Beer containing more than four ~~per cent~~ percent (4%) of alcohol by weight shall be considered and taxed as wine.

SECTION 5. That Section 25-232, Idaho Code, be, and the same is hereby amended to read as follows:

25-232. DISEASE AND ANIMAL DAMAGE CONTROL TAX LEVY AND FEES ON CATTLE, HORSES, AND MULES. (a) There is hereby imposed upon cattle, horses, and mules in the state of Idaho a fee of twenty-two cents (22¢) per head. Said fee shall be collected at the time of every brand inspection when a charge for brand inspection is made as required by law. Such fee when collected shall be paid by the person paying the charge for brand inspection and shall be used by the Idaho department of agriculture for livestock disease control. The state brand inspector shall collect said fees in addition to, at the same time and in the same manner as the fee collected for brand inspection. The fees so collected shall be deposited as provided in section 25-233, Idaho Code.

(b) In addition to the fee imposed in subsection (a) of this section, there is hereby imposed an additional fee of not to exceed five cents (5¢) per head upon the same livestock subject to the fee required in subsection (a) of this section. The amount of the additional fee shall be fixed by order of the state brand board upon the written recommendation of the Idaho cattle association. The fees collected under the provisions of this subsection ~~(b)~~ shall be deposited in the Idaho sheep and goat health ~~board~~ account, and the board shall quarterly transmit the proper share of such moneys to the board of directors of each animal damage control district. The provisions of section 67-3525, Idaho Code, shall not apply to the payment of moneys from the Idaho sheep and goat health ~~board~~ account to the animal damage control districts.

(c) The state brand inspector shall be reimbursed for the reasonable and necessary expenses incurred for the collections required in this section, in an amount determined by the administrator of the division of animal industries, a representative of the Idaho cattle association and the inspector, but the total of such expense reimbursement for the fees collected as required in subsections (a) and (b) of this section shall not exceed one and one-quarter cents (1 1/4¢) per head.

SECTION 6. That Section 25-3102, Idaho Code, be, and the same is hereby amended to read as follows:

25-3102. DAIRY PRODUCTS COMMISSION -- ESTABLISHMENT -- MEMBERS. (1) There is hereby created and established in the department of self-governing agencies the "Idaho dairy products commission" to be composed of nine (9) producer members, three (3) from each of the three (3) commission districts

referred to in section 25-3104, Idaho Code, who shall be elected by the producers of said districts as hereinafter set forth, and they shall hold office for a term of three (3) years.

(2) The dean of the college of agriculture agricultural and life sciences, university of Idaho, or his duly authorized representative, and a duly authorized representative of the Idaho milk processors association, shall be ex officio members without vote of the commission.

SECTION 7. That Section 25-4014, Idaho Code, be, and the same is hereby amended to read as follows:

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 district building fund account.

(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 8. That Section 26-104, Idaho Code, be, and the same is hereby amended to read as follows:

26-104. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not ~~effect~~ affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 9. That Section 26-2239, Idaho Code, be, and the same is hereby amended to read as follows:

26-2239. EXEMPTIONS. The provisions of this act shall not apply to the following:

(1) Persons licensed to practice law in this state, to the extent that they are retained by their clients to engage in activities authorized by this act, and such activities are incidental to the practice of law. Such exemption shall not apply to an attorney engaged in a separate business conducting the activities authorized by this act;

(2) Any regulated lender as defined in section 28-41-301, Idaho Code, and its subsidiary, affiliate or agent, to the extent that the regulated lender, subsidiary, affiliate or agent collects for the regulated lender or engages in acts governed by this act which are incidental to the business of a regulated lender;

(3) Any bank, trust company, credit union, insurance company or industrial loan company authorized to do business in this state;

(4) Any federal, state or local governmental agency or instrumentality;

(5) Any real estate broker or real estate salesman licensed under the laws of and residing within this state while engaged in acts authorized by his real estate license;

(6) Any person authorized to engage in escrow business in this state while engaged in authorized escrow business;

(7) Any mortgage company engaged in the regular business of a mortgage company as defined in section 26-2802, Idaho Code, except a mortgage company engaged in a separate business conducting the activities authorized by this act;

(8) Any court-appointed trustee, receiver or conservator;

(9) Any telephone corporation, as defined in subsection (104) of section 62-603, Idaho Code, whose initial request for payment on behalf of such telephone corporation or on behalf of another person is made by the telephone corporation as a part of regular telecommunications billings to its customers and at a time before the account, bill, claim or other indebtedness becomes past due or delinquent;

(10) Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom he is so related or affiliated and if the principal business of such person is not the collection of debts.

SECTION 10. That Section 26-31-102, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-102. GENERAL DEFINITIONS. As used in this chapter and in rules promulgated pursuant to this chapter:

(1) "Borrower" means the person who has applied for a residential mortgage loan from a licensee, or person required to be licensed, under this chapter, or on whose behalf the activities set forth in section 26-31-201(3), (5) or (7), or section 26-31-303(7), Idaho Code, are conducted.

(2) "Control person" means a person who:

(a) Is a person who has the power, directly or indirectly, to direct the management or policies of a company, including a managing member, general partner, director, executive officer or other person occupying a similar position or performing similar functions, or, in the case of a limited liability company, is a managing member;

(b) Directly or indirectly has the right to vote ten percent (10%) or more of a class of a voting security of a mortgage broker or mortgage lender;

(c) Is a qualified person in charge as defined in section 26-31-201, Idaho Code; or

(d) Is an individual identified as a manager of a location for which an applicant is applying for a license under part 2 of this chapter.

(3) "Deficiency" means information contained in, or omitted from, an application for a mortgage broker, mortgage lender or mortgage loan originator license that causes the application to be inaccurate, incomplete or otherwise not in conformance with the provisions of this chapter, any rule pro-

mulgated or order issued under this chapter, application instructions published by the director or the provisions of the NMLSR policy guidebook.

(4) "Department" means the department of finance of the state of Idaho.

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

(6) "Financial services" means any activity pertaining to securities, commodities, banking, insurance, consumer lending, money services businesses, consumer debt management or real estate including, but not limited to, acting as or being associated with a bank or savings association, credit union, farm credit system institution, mortgage lender, mortgage broker, real estate salesperson or agent, appraiser, closing agent, title company, escrow agent, payday lender, money transmitter, check casher, pawnbroker, collection agent, debt management company, title lender or credit repair organization.

(7) "Housing finance agency" means any entity that is:

(a) Chartered by a state to help meet the affordable housing needs of the residents of the state;

(b) Supervised directly or indirectly by the state government; and

(c) Subject to audit and review by the state in which it operates.

(8) "Licensee" means a person licensed pursuant to this chapter to engage in the activities regulated by this chapter.

(9) "Nationwide mortgage licensing system and registry" or "NMLSR" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the licensing and registration of mortgage brokers, mortgage lenders and mortgage loan originators.

(10) "NMLSR policy guidebook" means the conference of state bank supervisor's and the American association of residential mortgage regulator's NMLSR policy guidebook for licensees, published by the NMLSR, as identified by administrative rule.

(11) "Person" means a natural person, corporation, company, limited liability company, partnership or association.

(12) "Real estate settlement procedures act" means the act set forth in 12 U.S.C. section 2601 et seq., as identified by administrative rule.

(13) "Regulation X" means regulation X as issued by the federal bureau of consumer protection and codified at 12 CFR 1024 et seq., as identified by administrative rule.

(14) "Regulation Z" means regulation Z as issued by the federal bureau of consumer protection and codified at 12 CFR 1026 et seq., as identified by administrative rule.

(15) "Residential mortgage loan" means any loan that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, as defined in section 103(vw) of the truth in lending act, located in Idaho, or on residential real estate.

(16) "Residential real estate" means any real property located in Idaho, upon which is constructed or intended to be constructed a dwelling as defined in section 103(vw) of the truth in lending act.

(17) "Truth in lending act" means the act set forth in 15 U.S.C. section 1601 et seq., as identified by administrative rule.

(18) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.

SECTION 11. That Section 26-31-105, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-105. RELATIONSHIP TO OTHER LAWS. (1) All political subdivisions of this state shall be prohibited from enacting and enforcing ordinances, resolutions, regulations and rules pertaining to the financial or lending activities of persons who:

(a) Are subject to the jurisdiction of the department, including those whose activities are subject to this chapter;

(b) Are subject to the jurisdiction or regulatory supervision of the board of governors of the federal reserve system, the office of the comptroller of the currency, ~~the office of thrift supervision~~, the national credit union administration, the federal deposit insurance corporation, the federal trade commission or the United States department of housing and urban development; or

(c) Originate, purchase, sell, assign, securitize or service property interests or obligations created by financial transactions or loans made, executed or originated by persons referred to in paragraph (a) or (b) of this subsection or who assist or facilitate such transactions.

(2) The requirements of this section shall apply to all ordinances, resolutions and rules pertaining to financial or lending activities, including any ordinances, resolutions or rules disqualifying persons from doing business with a political subdivision based upon financial or lending activities or imposing reporting requirements or any other obligations upon persons regarding financial or lending activities.

(3) In the event that the United States department of housing and urban development, pursuant to the authority granted to it under section 1508, P.L. 110-289, determines that a provision of this chapter does not meet the requirements of section 1508, P.L. 110-289, the director may, in his discretion, for the sole purpose of complying with the determination, refrain from enforcing the provision found by the department of housing and urban development to not meet the requirements of section 1508, P.L. 110-289, until the adjournment of the session of the legislature next following the determination by the department of housing and urban development.

SECTION 12. That Section 27-121, Idaho Code, be, and the same is hereby amended to read as follows:

27-121. LEVIES BY CEMETERY MAINTENANCE BOARD COMMISSIONERS. (1) At the last regular meeting of the cemetery maintenance board prior to the second Monday of September in each year, the cemetery board of each cemetery maintenance district may levy for cemetery purposes a property tax in each cemetery maintenance district of not more than four hundredths of one percent (.04%) of the market value for assessment purposes on all taxable property within the cemetery maintenance district. Upon the levy being made by the cemetery maintenance board under this section, it shall be the duty of the secretary of the district to transmit to the county auditor and county assessor and ~~the state board of equalization~~, tax commission certified copies of the resolution providing for such levy as provided in section 63-808, Idaho Code. Said taxes shall be collected as provided in section 63-812, Idaho Code.

(2) An additional property tax of not more than six hundredths of one percent (.06%) of the market value for assessment purposes on all taxable property within the cemetery maintenance district may be levied by the cemetery board for the sole and express purpose of acquisition of burial ground. The proceeds from such levy may be accumulated by the board for future acquisitions, or pledged to the repayment of indebtedness incurred pursuant to section 27-122, Idaho Code, provided, that the proposal to levy such additional amount of property tax, or portion thereof, shall have been approved by at least two-thirds (2/3) of the qualified electors residing in the cemetery maintenance district at a previous election held in accordance with the provisions of section 34-106, Idaho Code.

SECTION 13. That Section 27-503, Idaho Code, be, and the same is hereby amended to read as follows:

27-503. PERMITTED ACTS -- NOTICE. (1) If action is necessary to protect the burial site from ~~forseeable~~ foreseeable destruction and upon prior notification to the director of the state historical society and to the appropriate Indian tribe in the vicinity of the intended action if the cairn or grave contains remains of an Indian, a professional archaeologist may excavate a cairn or grave and remove material objects and human remains for subsequent reinterment following scientific study. Reinterment shall be under the supervision of the appropriate Indian tribe if the cairn or grave contained remains of an Indian.

(2) Except as provided in subsection (1) of this section, any proposed excavation by a professional archaeologist of a native Indian cairn or grave shall be initiated only after prior written notification to the director of the state historical society and with prior written consent of the appropriate Indian tribe in the vicinity of the intended action. Failure of a tribe to respond to a request for permission within sixty (60) days of its mailing by certified mail, return receipt requested, shall be deemed consent. All material objects and human remains removed during such an excavation shall, following scientific study, be reinterred at the archaeologist's expense under the supervision of the Indian tribe.

(3) In order to determine the appropriate Indian tribe under this section and section 27-502, Idaho Code, a professional archaeologist or other person shall consult with the director of the state historical society who shall designate the appropriate tribe.

SECTION 14. That Section 28-8-402, Idaho Code, be, and the same is hereby amended to read as follows:

28-8-402. ASSURANCE THAT INDORSEMENT OR INSTRUCTION IS EFFECTIVE. (1) An issuer may require the following assurance that each necessary indorsement or each instruction is genuine and authorized:

(a) In all cases, a guaranty of the signature of the person making an indorsement or originating an instruction including, in the case of an instruction, reasonable assurance of identity;

(b) If the indorsement is made or the instruction is originated by an agent, appropriate assurance of actual authority to sign;

(c) If the indorsement is made or the instruction is originated by a fiduciary pursuant to section 28-8-107(1)(d) or (1)(e), appropriate evidence of appointment or incumbency;

(d) If there is more than one (1) fiduciary, reasonable assurance that all who are required to sign have done so; and

(e) If the indorsement is made or the instruction is originated by a person not covered by another provision of this subsection, assurance appropriate to the case corresponding as nearly as may be to the provisions of this subsection.

(2) An issuer may elect to require reasonable assurance beyond that specified in this section.

(3) In this section:

(a) "Guaranty of the signature" means a guaranty signed by or on behalf of a person reasonably believed by the issuer to be responsible. An issuer may adopt standards with respect to responsibility if they are not manifestly unreasonable.

(b) "~~Appropriate~~Appropriate evidence of appointment or incumbency" means:

(i) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of the court or an officer thereof and dated within sixty (60) days before the date of presentation for transfer; or

(ii) In any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reason-

ably believed by an issuer to be responsible or, in the absence of that document or certificate, other evidence the issuer reasonably considered appropriate.

SECTION 15. That Section 28-41-106, Idaho Code, be, and the same is hereby amended to read as follows:

28-41-106. WAIVER -- AGREEMENT TO ~~FOREGO~~ FORGO RIGHTS -- SETTLEMENT OF CLAIMS. (1) Except as otherwise provided in this act, a debtor may not waive or agree to ~~forego~~ forgo rights or benefits under this act.

(2) A claim by a debtor against a creditor for an excess charge, other violation of this act, or civil penalty, or a claim against a debtor for default or breach of a duty imposed by this act, if disputed in good faith, may be settled by agreement.

(3) A claim, whether or not disputed, against a debtor may be settled for less value than the amount claimed.

(4) A settlement in which the debtor waives or agrees to ~~forego~~ forgo rights or benefits under this act is invalid if the court, as a matter of law, finds the settlement to have been unconscionable at the time it was made. The competence of the debtor, any deception or coercion practiced upon him, the nature and extent of the legal advice received by him, and the value of the consideration are relevant to the issue of unconscionability.

(5) Title 41, Idaho Code, shall not apply to an agreement by a creditor or lessor, with or without consideration, to forgive or waive all or any part of a debt or lease obligation following a partial or total loss of the property that is the subject of a loan, credit sale or lease transaction and the forgiveness shall not be considered the transaction of insurance for the purposes of the Idaho credit code.

SECTION 16. That Section 31-4206, Idaho Code, be, and the same is hereby amended to read as follows:

31-4206. TERMINATION OF AUTHORITY. The authority shall terminate at such time as the governing body of the county, by proper resolution, shall declare that there is no longer a need for a housing authority to function within such county. The determination that there is no longer a need for such authority to function (a) may be made by the governing body on its own motion or (b) may be made by the governing body upon motion of the duly appointed and acting commissioners of the authority that they no longer have any need to function within said county.

The governing body of the county shall, however, before adopting a ~~resoltuion~~ resolution terminating such authority, determine, by audit if necessary, the financial condition of said authority, and if there is any outstanding liability due and owing by said authority, the county shall provide the necessary funds for satisfaction thereof; if, however, funds are found, over and above such liabilities, the county shall provide for the satisfaction of said liabilities and the balance of the funds shall be accepted by the county and the authority shall be released from their responsibility therefor.

Any funds so received by such county, as a result of the termination of the authority, shall be dedicated to the extension, maintenance and promotion of the public parks system of said county for the benefit and welfare of the county.

SECTION 17. That Section 33-133, Idaho Code, as enacted by Section 2, Chapter 350, Laws of 2014, be, and the same is hereby amended to read as follows:

33-1334. ASSESSMENT ITEM REVIEW COMMITTEE.

(1) (a) The state board of education shall establish a committee consisting of thirty (30) individuals, representing each of the six (6) education regions of the state established by the state board of education, to review all summative computer adaptive test questions. The committee's review shall include reviews for bias and sensitivity. The committee is authorized to make recommendations to the state board of education and the state department of education to revise or eliminate summative computer adaptive test questions from state assessments. The state board of education shall make the final determination regarding the adoption or rejection of the committee's recommendations. The committee established shall include the following members appointed by the state board of education:

(i) Two (2) parents of public school or public charter school students, selected from each of the six (6) education regions in this state;

(ii) One (1) public school or public charter school teacher, selected from each of the six (6) education regions in this state;

(iii) One (1) member who is an administrator of a school district or public charter school, selected from each of the six (6) education regions in this state; and

(iv) One (1) member from the district board of trustees or public charter school board of directors, selected from each of the six (6) education regions in this state.

(b) The state department of education shall provide staff support to the review committee.

(c) The term of office of each committee member appointed shall be four (4) years.

(d) The president of the state board of education shall adjust the length of terms to stagger the terms of committee members so that approximately one-half (1/2) of the committee members are appointed every two (2) years.

(e) No committee member may receive compensation or benefits for the member's service on the committee.

(f) The state board of education may solicit recommendations for committee members from districts, public charter schools and other public education stakeholders.

(2) The state board of education shall determine when committee recommendations must be submitted to the state board of education and the state department of education, provided that any such submission date must provide adequate time for the committee to review summative computer adaptive test questions before the assessment is administered to students. Adequate time means no fewer than thirty (30) days from the date the committee is notified of the summative computer adaptive test questions.

(3) The state board is hereby authorized to promulgate rules to implement the provisions of this section.

SECTION 18. That Section 33-133, Idaho Code, as enacted by Section 1, Chapter 145, Laws of 2014, be, and the same is hereby amended to read as follows:

33-1335. TEACHERS -- CLASSROOM SIZE -- REPORTING. (1) Definitions. The following terms have the following meanings:

(a) "Teacher" means an individual holding a teaching certificate issued by the state department of education.

(b) "Classroom" means a place where groups of students meet for instruction in a particular subject, including students enrolled in virtual schools or charter schools.

(c) "Classroom instructor" means an individual holding a teaching certificate issued by the state department of education and who has been assigned to teach students one (1) or more subjects.

(d) "Class size" means the number of students who regularly appear in an instructor's classroom or on a class roster and for whom the classroom instructor is primarily responsible and accountable.

(e) "Pupil-teacher ratio" means the total number of students in a school building divided by the total number of teachers working in that school building. For the purposes of this act, the term "school building" also includes virtual charter schools.

(f) "Total caseload" means the total number of students serviced by classroom instructors in a secondary school setting.

(2) Reporting.

(a) The state department of education shall gather statistical information using a unified approach that will demonstrate:

(i) The total number of teachers actively employed within an Idaho school district listed by individual school building;

(ii) The pupil-teacher ratio for every Idaho school district listed by individual school building;

(iii) The number of elementary classroom teachers in every Idaho school building listed by grade and subject;

(iv) The number of secondary classroom teachers in every Idaho school building listed by grade and subject;

(v) The class size in every Idaho elementary school building listed by teacher; and

(vi) The class size, by each section and by total caseload, in every secondary school building listed by teacher.

(b) The report under this subsection shall be prepared and published once annually by January 1 and shall be made available on a public website maintained by the state department of education.

(c) For purposes of this subsection, each teacher will be identified by a unique numeric identifier and not by individual name.

(3) Statewide database. The state department of education shall maintain a statewide database of the statistical information collected and published.

SECTION 19. That Section 33-518, Idaho Code, be, and the same is hereby amended to read as follows:

33-518. EMPLOYEE PERSONNEL FILES. The board of trustees of each school district, including any specially chartered district, shall provide for the establishment and maintenance of a personnel file for each employee of the school district. Each personnel file shall contain any and all material relevant to the evaluation of the employee. The employee shall be provided timely notice of all materials placed in the personnel file and shall be afforded the opportunity to attach a rebuttal to any such materials. Personnel files are declared to be confidential and excepted from public access under any provision of the Idaho Code, including, but not limited to, sections 9-301, 9-338 and 59-1009, Idaho Code, provided that each employee or designated representative shall be given access to his own personnel file upon request and shall be provided copies of materials contained therein, with the exception of recommendation letters, in a timely manner upon request.

SECTION 20. That Section 33-1629, Idaho Code, be, and the same is hereby amended to read as follows:

33-1629. AGRICULTURAL AND NATURAL RESOURCE EDUCATION PROGRAMS. (1) Idaho Quality Program Standards Incentive Grants.

(a) The board of for professional-technical education shall adopt and implement Idaho quality program standards for agricultural and natural resource education programs offered in any grade 9 through 12. Such standards shall apply to the areas of instruction, curriculum development, advisory committees, student development and community development. Such standards shall be used to assess the quality of local programs and to set goals for continued program improvement.

(b) The board of for professional-technical education shall establish and administer an incentive grant program for instructors of agricultural and natural resource education programs offered in any grade 9 through 12 where such programs meet or exceed the applicable Idaho quality program standards as determined by the board. A district may apply to the board, on behalf of an instructor, for a grant provided for in this subsection. The board shall develop an application form and criteria to judge each application for the grant program. Grant awards shall be made by the board to instructors of programs that meet or exceed the criteria established by the board. The maximum amount of an incentive grant as provided for in this section shall be ten thousand dollars (\$10,000).

(c) There is hereby created in the state treasury the quality program standards incentive grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to or otherwise provided for by law. Moneys in the fund shall be used exclusively for incentive grants as provided for in this subsection. Moneys in the fund shall be continuously appropriated for the purposes of this incentive grant program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.

(d) The board of for professional-technical education shall in its annual budget request to the legislature request funding for the grant program provided for in this section.

(e) The board of for professional-technical education shall adopt rules to implement the grant program established by this subsection.

(2) Agricultural Education Program Start-Up Grants.

(a) The board of for professional-technical education shall establish and administer a start-up grant program for school districts and public charter schools to begin or to re-establish an agricultural and natural resource education program in any grade 9 through 12.

(b) The board shall develop an application form and criteria to judge each application for a start-up grant. Any school district or public charter school may apply for a start-up grant.

(c) There shall be no more than four (4) start-up grants awarded per school year. The maximum award for any one (1) start-up grant shall be twenty-five thousand dollars (\$25,000).

(d) There is hereby created in the state treasury the agricultural and natural resource education program start-up grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to or otherwise provided for by law. Moneys in the fund shall be used exclusively for start-up grants as provided for in this subsection. Moneys in the fund shall be continuously appropriated for the purposes of this start-up grant program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.

(e) The board of for professional-technical education shall in its annual budget request to the legislature request funding for the grant program provided for in this subsection.

(f) The board of for professional-technical education shall adopt rules to implement the grant program established by this subsection.

(3) The provisions of this section shall apply to agricultural and natural resource education programs provided for in grades 9 through 12.

SECTION 21. That Section 33-2303, Idaho Code, be, and the same is hereby amended to read as follows:

33-2303. POWERS OF BOARD IN CARRYING OUT PROVISIONS. (1) The board heretofore designated as the state board for professional-technical education is hereby designated as the state board for the purpose of providing for the vocational rehabilitation of persons with disabilities, other than those who are legally blind, and is empowered and directed to cooperate in the administration of said act of Congress; to prescribe and provide such courses of vocational services as may be necessary for the vocational rehabilitation of persons with disabilities, other than those who are legally blind, and provide for the supervision of such services; to appoint such assistants as may be necessary to administer this act and said act of Congress in this state; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the federal government and the state of Idaho for the vocational rehabilitation of such persons.

(2) In order to provide vocational rehabilitation services the board of for professional-technical education may enter into, or authorize a state vocational rehabilitation agency over which it has oversight to enter into, agreements with any person, corporation or association, approved by the board of for professional-technical education to provide such services.

(3) Any person, corporation or association may make application to the board of for professional-technical education for approval and certification to provide vocational rehabilitation services. The board of for professional-technical education may either grant or deny certification or revoke certification previously granted after investigation of the applicant, in accordance with standards as set forth in rules promulgated by the board of for professional-technical education, and consistent with national accreditation bodies. The board of for professional-technical education may authorize a state vocational rehabilitation agency over which it has oversight to provide the approvals or certifications described in this subsection.

SECTION 22. That Section 39-1402, Idaho Code, be, and the same is hereby amended to read as follows:

39-1402. DEFINITIONS. As used in this act:

(a) "Agency" means the department of health and welfare;

(b) "~~The f~~Federal act" shall mean, when applicable, either (1) Public Law 725 of the 79th Congress, approved August 13, 1946, entitled the Hospital Survey and Construction Act and amendments thereto or (2) Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, Public Law 88-164, and amendments thereto or (3) Public Law 91-517 of the 91st Congress, and amendments thereto;

(c) "~~The s~~Surgeon general" means the surgeon general of the public health service of the United States department of health and human services;

(d) "Health facilities" shall mean any of the following:

- (1) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week of two (2) or more nonrelated individuals suffering from illness, disease, injury, deformity, or requiring care because of old age, or a place devoted primarily to providing for not less than twenty-four (24) hours in any week of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals. The term hospital includes public health centers in general, tuberculosis, mental, chronic disease and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals;
- (2) A facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with said facility;
- (3) A facility specially designed for the diagnosis, treatment, education, training, or custodial care of people with intellectual disabilities, including facilities for training specialists and sheltered workshops for people with intellectual disabilities, but only if such workshops are part of facilities which provide or will provide comprehensive services for people with intellectual disabilities;
- (4) A facility providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons, which services are provided principally for persons residing in a particular community or communities in or near which the facility is situated or at a statewide facility;
- (e) "~~The~~Secretary" means the secretary of health and human services of the United States, or his delegate to administer the federal act;
- (f) "Nonprofit facility" means a facility which is owned and operated by one (1) or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

SECTION 23. That Section 39-4431, Idaho Code, be, and the same is hereby amended to read as follows:

39-4431. COLLECTION AND ENFORCEMENT. (1) The collection and enforcement procedures available to the Idaho state tax commission provided by the Idaho income tax act, sections 63-3030A, 63-3038, 63-3039, 63-3040, 63-3042 through 63-3045A, 63-3047 through 63-3065A, 63-3068, ~~63-3070~~, 63-3071, 63-3072, 63-3073 and 63-3078, Idaho Code, as they now exist or as they may subsequently be amended, shall apply and be available to the department of environmental quality for the enforcement of the commercial disposal fee and for the assessment and collection of any amounts due thereunder. Said sections shall, for the aforementioned purposes, be considered part of this chapter and wherever liens or any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement or collection under this chapter, be described as commercial disposal fee liens and proceedings.

(2) The department of environmental quality may be made a party defendant in any action at law or in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the state of Idaho shall be responsible for any final judgment secured against the department of environmental quality and said judgment shall be paid or satisfied out of the general fund of the state.

SECTION 24. That Section 40-528, Idaho Code, be, and the same is hereby amended to read as follows:

40-528. FEDERAL TRANSIT ADMINISTRATION AUTHORITY. (1) The Idaho transportation department and its director are the designated recipients for the federal transit administration funding for the rural transit program and the small urban transit program within the state of Idaho.

(2) Notwithstanding the provisions of subsection (1) of this section:

(a) The department is not the designated recipient for large urbanized areas as determined and defined by the United States department of commerce, bureau of the census; and

(b) The department is not the designated recipient for any qualifying urbanized area identified by the governor prior to July 1, 2011.

SECTION 25. That Section 44-2013, Idaho Code, as amended by Section 2, Chapter 32, Laws of 2011, be, and the same is hereby amended to read as follows:

44-2013~~4~~. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision is declared void, invalid, or unenforceable in whole or in part, such declaration shall not affect the remaining provisions of this chapter.

SECTION 26. That Section 45-517, Idaho Code, be, and the same is hereby amended to read as follows:

45-517. LIEN FOR ~~WORKMEN'S~~ WORKER'S COMPENSATION SECURITY. The term "labor" as used in this title, shall include the cost of ~~workmen's~~ worker's compensation and occupational disease compensation security required by the provisions of ~~Idaho Code, Section 72-801 and Section 72-1203~~ sections 72-301 through 72-304, Idaho Code, and amendments thereto, payment for which security has not been made.

SECTION 27. That Section 45-1604, Idaho Code, be, and the same is hereby amended to read as follows:

45-1604. EXCLUSIONS. The provisions of this chapter shall not apply to:

(1) Regulated lenders, as defined in section 28-41-301, Idaho Code;

(2) Any person licensed or chartered under the laws of any state or of the United States as a bank, trust company, savings and loan association, credit union, or industrial loan company. The terms "bank," "trust company," "savings and loan association," "credit union" and "industrial loan company" shall include affiliates or wholly owned subsidiaries of such organizations, provided that the affiliate or subsidiary is regularly examined by the chartering state or federal agency for consumer compliance purposes;

(3) Mortgage lenders and mortgage brokers licensed under the Idaho residential mortgage practices act, sections ~~26-3101~~ 26-31-101 et seq., Idaho Code;

(4) Employees and agents of the organizations specified in subsections (1), (2) and (3) of this section, when acting within the scope of such employment or agency; and

(5) Family member or members of the owner or owners of record of any interest in residential real property subject to foreclosure. For purposes of this chapter, "family member or members" means a natural person or the spouse of a natural person who is related to such owner or owners of record by blood, adoption or marriage within the second degree of consanguinity or a grandchild or the spouse of a grandchild.

SECTION 28. That Section 46-1110, Idaho Code, be, and the same is hereby amended to read as follows:

46-1110. JURISDICTION OF GENERAL COURTS-MARTIAL. Each command of the Idaho military has court-martial jurisdiction over all persons subject to this code.

General courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may adjudge any of the following punishments:

- (1) Reprimand;
- (2) Fine of not more than two hundred dollars (\$200);
- (3) Forfeiture of all pay and allowances;
- (4) Dismissal, bad conduct discharge, or dishonorable discharge;
- (5) Reduction in rank of an enlisted member to the lowest enlisted grade; or
- (6) Confinement in lieu of fine of not more than one hundred (100) days; or
- (7) Any combination of the above.

SECTION 29. That Section 46-1178, Idaho Code, be, and the same is hereby amended to read as follows:

46-1178. FRAUDS AGAINST THE GOVERNMENT. Any person subject to this code₇;

- (1) Who knowingly:
 - (a) Makes any false claim or fraudulent claim against the state of Idaho or the United States or any officer thereof; or
 - (b) Presents to any person in the civil or military service thereof, for approval or payment, any false or fraudulent claim against the state of Idaho or the United States or any officer thereof; or
 - (2) Who, for the purpose of obtaining the approval, allowance, or payment of any claim against the state of Idaho or the United States or any officer thereof:
 - (a) Makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;
 - (b) Makes any oath to any fact or to any writing or other paper knowing the oath to be false; or
 - (c) Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited; or
 - (3) Who, having charge, possession, custody, or control of any money, or other property of the state of Idaho or the United States, furnished or intended for the military thereof, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or
 - (4) Who, being authorized to make or deliver any paper, certifying the receipt of any property of the state of Idaho or the United States furnished or intended for the military thereof, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the state of Idaho or the Unites United States;
- shall be punished as a court-martial may direct.

SECTION 30. That Section 49-420G, Idaho Code, be, and the same is hereby amended to read as follows:

49-420G. IDAHO BOY SCOUT PLATES. (1) On and after January 1, 2004, any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, or registered under any other section of law for which the purchase of special plates is allowed, may apply for, and upon department approval, receive special Idaho boy scout license plates in lieu of regular license plates. The provisions of this section shall not apply to

any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of Idaho boy scout plates for other vehicles shall be subject to the rules, policies and procedures of the department.

(2) In addition to the regular registration fee required in chapter 4, title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars (\$35.00) for the initial issuance of plates and twenty-five dollars (\$25.00) upon each succeeding annual registration. Ten dollars (\$10.00) of the initial fee and ten dollars (\$10.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Twenty-five dollars (\$25.00) of each initial fee and fifteen dollars (\$15.00) of each renewal fee shall be deposited by the department to the respective boy scout council in which the selling county is located. Inland Northwest Council, Boy Scouts of America, contains the following counties: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone. Ore-Ida Council, Boy Scouts of America, contains the following counties: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington. Snake River Council, Boy Scouts of America, contains the following counties: Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka and Twin Falls. Grand Teton Council, Boys Boy Scouts of America, contains the following counties: Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power and Teton. Boy scout councils whose borders extend outside the state of Idaho are restricted to utilization of received funds totally within the state of Idaho.

(3) Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the owner may transfer the special plates to another vehicle upon payment of the required transfer fees. The owner may only display the plates on another vehicle upon receipt of the new registration from the department.

(4) The Idaho boy scout license plate shall be of a color and design in accordance with the provisions of section 49-402C, Idaho Code. That portion of the design which features the Idaho boy scout program shall be acceptable to the Boy Scouts of America. The design shall be approved by the department, utilizing a numbering system as determined by the department. Initial costs of the plate program, including the costs of plate design shall be paid by the Boy Scouts of America.

(5) Sample boy scout license plates may be purchased for a fee of thirty dollars (\$30.00), ten dollars (\$10.00) of which shall be deposited in the state highway account and twenty dollars (\$20.00) of which shall be deposited by the department to the respective boy scout council in which the selling county is located as provided in subsection (2) of this section. Boy scout councils whose boundaries extend outside the state of Idaho are restricted to utilization of received funds totally within the state of Idaho. No additional fee shall be charged for personalizing sample plates.

SECTION 31. That Section 50-1321, Idaho Code, be, and the same is hereby amended to read as follows:

50-1321. NECESSITY FOR CONSENT OF ADJOINING OWNERS -- ACKNOWLEDGMENT AND FILING OF CONSENT -- LIMITATION ON RULE -- PREREQUISITES TO ORDER OF VACATION. No vacation of a public street, public ~~right-of-way~~ right-of-way or any part thereof having been duly accepted and recorded as part of a plat or subdivided tract shall take place unless the consent of the adjoining owners be obtained in writing and delivered to the public highway agency having jurisdiction over said public street or public ~~right-of-way~~ right-of-way. Such public street or public ~~right-of-way~~ right-of-way may, nevertheless, be vacated without such consent of the owners of the property abutting upon such public street or public right of way when such public street or public ~~right~~

~~of way right-of-way~~ has not been opened or used by the public for a period of five (5) years and when such nonconsenting owner or owners have access to ~~his, her or their~~ the property from some other public street, public ~~right-of way right-of-way~~ or private road. However, before such order of vacation can be entered, it must appear to the satisfaction of the public highway agency that the owner or owners of the property abutting said public street or public ~~right-of way right-of-way~~ have been served with notice of the proposed abandonment in the same manner and for the same time as is now or may hereafter be provided for the service of the summons in an action at law. Any vacation of lands within one (1) mile of a city shall require written notification to the city by regular mail at least thirty (30) days prior to the vacation.

SECTION 32. That Section 51-105, Idaho Code, be, and the same is hereby amended to read as follows:

51-105. APPOINTMENT PROCEDURE -- OATH. (1) Each person to be appointed a notary public shall submit an application to the secretary of state on a form prescribed by the secretary of state. The application shall include such information as the secretary of state shall deem proper and shall include that the applicant:

- (a) Is at least eighteen (18) years of age;
- (b) Is a resident of the state of Idaho or a nonresident who is employed in or doing business in the state of Idaho;
- (c) Is able to read and write the English language; and
- (d) Has not been convicted of a serious crime nor removed from office for official misconduct during the immediately preceding ten (10) year period.

The applicant shall also take the following oath, which shall appear on the application form:

"I,, solemnly swear (or affirm) that the answers to all questions in this application are true, complete and correct; that I have carefully read the notary laws of this State and I am familiar with their provisions; that I will uphold the Constitution of the United States and the Constitution and laws of the State of Idaho; and that I will faithfully perform, to the best of my ability, the duties of the office of notary public, and I do hereby voluntarily submit myself to the continuing jurisdiction of the courts of the state of Idaho and to the processes thereof."

The oath shall be signed and sworn to (or affirmed) by the applicant in the presence of a notary public or other person authorized to administer oaths in this state.

(2) Each person to be appointed a notary public shall execute and append to the application a bond to the state of Idaho in the amount of ten thousand dollars (\$10,000). The surety ~~which that~~ provides the bond shall be:

- (a) A bonding or surety company authorized to do business in this state; or
- (b) ~~The bureau of risk management office in the department of administration~~ for the state of Idaho if the applicant is regularly employed by the state and the commission is required in the scope of that employment.

SECTION 33. That Section 51-113, Idaho Code, be, and the same is hereby amended to read as follows:

51-113. GROUNDS FOR REMOVAL. A notary public may be removed from the office upon any of the following grounds:

- (a) Conviction of a serious crime within the immediately preceding ten (10) year period;
- (b) Any action which constitutes official misconduct;

- (c) Any material misstatement of fact in his application for appointment as a notary public;
- (d) Failure of a conservator or guardian to submit a timely resignation after a notary public becomes incompetent;
- (e) Failure of a notary public to submit a timely resignation when he becomes disqualified by virtue of no longer: (1) being a citizen of the United States; or (2) being a resident of Idaho;
- (f) Cancellation of the notary bond by the bonding or surety company; or
- (g) Cancellation of the notary bond by the state of Idaho when the notary public's bond has been provided by the bureau of risk management office in the department of administration of the state of Idaho and the notary's employment with the state is terminated.

SECTION 34. That Section 51-114, Idaho Code, be, and the same is hereby amended to read as follows:

51-114. REMOVAL PROCEDURE. (1) If a notary public is convicted of a serious crime in any court of this state, the clerk of the court, if he knows that the convict is a notary public or upon the request of any person, shall forward to the secretary of state a certified copy of the judgment of conviction. If a notary public is convicted of a serious crime in a federal court or a court of another state, any person may obtain a certified copy of the judgment of conviction and forward it to the secretary of state. Upon receipt of a certified copy of a judgment of conviction of a serious crime in the preceding ten (10) year period, the secretary of state shall forthwith cancel the commission of the notary public.

(2) If in any civil or criminal case the court finds that a notary public has committed any act which constitutes official misconduct under section 51-112, Idaho Code, the clerk of the court, upon the request of any person, shall forward a certified copy of the findings of fact, or relevant extract therefrom, to the secretary of state. Upon receipt of the certified copy of the findings of fact or extract therefrom the secretary of state shall, if he finds that the act of the notary public as found by the court constitutes official misconduct, forthwith cancel the commission of the notary public.

(3) Upon receipt of proof on the public record of a material misstatement of fact in the application of a notary public, certified by the custodian of such record, the secretary of state shall forthwith cancel the commission of the notary public.

(4) If the conservator or guardian of a notary public who has been adjudged incompetent fails to submit a timely resignation as required by subsection (3) of section 51-115, Idaho Code, the clerk of the court which found the notary public to be incompetent shall, upon the request of any person, forward to the secretary of state a certified copy of the order adjudging the notary to be incompetent. Upon receipt of such order, the secretary of state shall forthwith cancel the commission of the notary public.

(5) If the secretary of state receives credible information that a notary public is no longer a resident of Idaho or employed in or doing business in the state of Idaho, the secretary of state shall send to the notary public at his last known address by certified return receipt mail a statement setting forth such information and a notice of opportunity to rebut. If the statement and notice cannot be delivered or if no rebuttal is received within forty-five (45) days after mailing the notice, the secretary of state shall cancel the commission of the notary public. If the statement is rebutted by statements which indicate that the notary public is not disqualified on residency business, or employment grounds, the secretary of state shall take no further action.

(6) A bonding or surety company, or in the case of a state employee, the bureau of risk management office in the department of administration, shall file prompt written notice of cancellation of a notary's bond with the secre-

tary of state who shall forthwith cancel the commission of the notary public. The cancellation of the bond shall be effective only upon receipt by the secretary of state of notice of cancellation.

SECTION 35. That Section 54-5003, Idaho Code, be, and the same is hereby amended to read as follows:

54-5003. DEFINITIONS. As used in this chapter:

(1) "Heating, ventilation and air conditioning (HVAC)" means and includes the business, trade, practice or work, materials and fixtures used in the design, construction, installation, improvement, extension and alteration of all piping, venting, ductwork, appliances and appurtenances in connection with any heating, ventilation or air conditioning system or subsystems of such.

(2) "Heating, ventilation and air conditioning apprentice" means any person who, as his principal occupation, is engaged in learning and assisting in installation, improvement, extension, alteration or repair of HVAC systems. An apprentice shall perform HVAC work under the supervision of an HVAC journeyman or HVAC contractor.

(3) "Heating, ventilation and air conditioning contractor" means any person who fabricates, installs, maintains, services and repairs warm air heating and water heating systems, heat pumps, complete with warm air appliances including, but not limited to, boilers, pool heaters, space heaters, decorative gas and solid-fuel burning appliances, and gas, propane, electric or oil-fired water heaters; ventilating systems complete with blowers and plenum chambers; air conditioning systems complete with air conditioning unit and the ducts, registers, flues, humidity and thermostatic controls of air, liquid or gas temperatures below fifty (50) degrees fahrenheit or ten (10) degrees celsius, and air filters in connection with any of these systems.

(4) "Heating, ventilation and air conditioning journeyman" means any person who, as his principal occupation, is engaged in the installation, improvement, extension, alteration or repair of HVAC systems and who is familiar with the provisions of this chapter and who works in the employ and under direction of an HVAC contractor.

(5) "Heating, ventilation and air conditioning specialty apprentice including specialty limited heating apprentice" means any person who, as his principal occupation, is engaged in learning and assisting in a specific aspect of installation, improvement, extension, alteration or repair of HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty apprentice shall perform HVAC work under the supervision of an HVAC journeyman, HVAC specialty journeyman, HVAC contractor or an HVAC specialty contractor.

(6) "Heating, ventilation and air conditioning specialty contractor including specialty limited heating contractor" means any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances.

(7) "Heating, ventilation and air conditioning specialty journeyman including specialty limited heating journeyman" means any person who, as his principal occupation, is engaged in a specific aspect of installation, improvement, extension, alteration or repairing of HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty journeyman is familiar with the provisions of this chapter and works in the employ and under direction of an HVAC contractor or an HVAC specialty contractor.

(8) "Heating, ventilation and air conditioning system" means any heating, ventilation or air conditioning system in a residential, private, public or semipublic building or structure including, but not limited to, any mechanical means of heating or air conditioning and to gas piping, venting, ductwork and controls.

(9) "Local government" means any incorporated city or any county in the state.

(10) "Specialty limited heating" as it applies to the definitions of "heating, ventilation and air conditioning specialty apprentice," "heating, ventilation and air conditioning specialty contractor" and "heating, ventilation and air conditioning specialty journeyman" means any person who installs, maintains, services and repairs LP gas-fired appliances, LP fuel gas piping and related exhaust venting. This definition of specialty limited heating shall exclude boilers, hydronic systems, ducted forced air systems, ventilating and air conditioning systems, systems with a BTU input rating over three hundred thousand (300,000), solid fuel and electric fueled systems. A "specialty limited heating journeyman" is required to meet the experience requirement and either the education or examination requirement set forth in this section to receive a certificate of competency. The education of a "specialty limited heating journeyman" shall include one hundred twenty (120) hours of instruction approved by the board of professional-technical education in LP gas specialty education. The experience requirement of a "specialty limited heating journeyman" shall be two (2) years' experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installation on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. The examination required in this section shall be developed by the board of professional-technical education and approved by the Idaho heating, ventilation and air conditioning board.

SECTION 36. That Section 56-609, Idaho Code, be, and the same is hereby amended to read as follows:

56-609. ~~WORKMEN'S~~ WORKER'S COMPENSATION BENEFITS. (a) Participants shall, for the purpose of the administration of the ~~workmen's~~ worker's compensation law, be deemed to be civil employees of the state.

SECTION 37. That Section 63-2443, Idaho Code, be, and the same is hereby amended to read as follows:

63-2443. VIOLATIONS AND PENALTIES. (a) Acts forbidden: It shall be unlawful for any person to:

- (1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;
- (2) ~~Willfully~~ Willfully fail to pay any tax due or any fee required by this chapter or any related penalties or interest;
- (3) Knowingly and with intent to evade or to aid in the evasion of the tax imposed by this chapter to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this chapter;
- (4) Conduct any activities requiring a license under this chapter without a license or after a license has been surrendered, canceled, or revoked;
- (5) Fail to keep and maintain the books and records required by this chapter;
- (6) Use dyed or untaxed fuel in a manner prohibited in this chapter.

(b) It shall be unlawful for any retail dealer in motor fuel who is not a licensed distributor or for any person in the state of Idaho other than a licensed distributor to purchase, receive or accept any motor fuel upon which tax imposed by this chapter has not been paid.

(c) It shall be unlawful for any person, including a licensed distributor, to sell or transfer any fuel upon which tax required by this chapter has not been paid to any person unless such sale or transfer is authorized by this chapter.

(d) Penalties and remedies: Any person violating any provision of this section is guilty of a misdemeanor, unless the act is by any other law of this state declared to be a felony, and upon conviction is punishable by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

(e) Penalties are cumulative: The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.

SECTION 38. That Section 63-3022S, Idaho Code, as enacted by Section 1, Chapter 85, Laws of 2014, be, and the same is hereby amended to read as follows:

63-3022ST. RELIEF FROM JOINT AND SEVERAL LIABILITY ON JOINT RETURN. (1) An individual who has filed a joint return and who has been granted relief from joint and several liability by the internal revenue service shall have such relief recognized, granted and honored by the state tax commission for state income tax purposes.

(2) The tax commission shall promulgate such rules as are necessary to carry out the provisions of this section.

SECTION 39. That Section 66-324, Idaho Code, be, and the same is hereby amended to read as follows:

66-324. AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS. The director of any facility is authorized to receive therein for observation, diagnosis, evaluation, care or treatment any individual:

(1) Committed to the department director pursuant to sections 16-1619, 20-520, 18-212, ~~18-214~~ or 66-329, Idaho Code;

(2) Transferred pursuant to section 66-1201, Idaho Code; or

(3) Detained or transferred pursuant to section 66-326, Idaho Code.

SECTION 40. That Section 67-450B, Idaho Code, be, and the same is hereby amended to read as follows:

67-450B. INDEPENDENT FINANCIAL AUDITS OF LOCAL GOVERNMENTAL ENTITIES -- FILING REQUIREMENTS. (1) The requirements set forth in this section are minimum audit requirements for all local governmental entities, and include, without limitation, all cities, counties, authorities and districts organized as separate legal and reporting entities under Idaho law, and include the councils, commissions and boards as appointed or elected and charged with fiscal management responsibilities of the local governmental entity.

Audits under these requirements are to be performed by independent auditors in accordance with generally accepted governmental auditing standards, as defined by the United States general ~~accounting~~ accountability office. The auditor shall be employed on written contract.

The entity's governing body shall be required to include in its annual budget all necessary expenses for carrying out the provisions of this section.

The entity shall file one (1) copy of each completed audit report with the legislative services office within nine (9) months after the end of the audit period.

(2) The minimum requirements for any audit performed under the provisions of this section are:

(a) The governing body of a local governmental entity whose annual expenditures (from all sources) exceed two hundred fifty thousand dollars (\$250,000) shall cause a full and complete audit of its financial statements to be made each fiscal year.

(b) The governing body of a local governmental entity whose annual expenditures (from all sources) exceed one hundred thousand dollars (\$100,000), but do not exceed two hundred fifty thousand dollars (\$250,000) in the current year, shall have an annual audit or may elect to have its financial statements audited on a biennial basis. The first year that expenditures exceed one hundred thousand dollars (\$100,000) is the first year of the biennial audit period. The local government entity may continue the biennial audit cycle in subsequent years as long as the entity's annual expenditures during the first year of the biennial audit period do not exceed two hundred fifty thousand dollars (\$250,000). In the event that annual expenditures exceed two hundred fifty thousand dollars (\$250,000) in the current year following a year in which a biennial audit was completed, the local government entity shall complete an annual audit. In the event that annual expenditures in the current year do not exceed one hundred thousand dollars (\$100,000) following a year in which an annual or biennial audit was completed, the local government entity has no minimum audit requirement.

(c) The governing body of a local governmental entity whose annual expenditures (from all sources) do not exceed one hundred thousand dollars (\$100,000) has no minimum audit requirements under this section.

(d) Federal audit requirements applicable because of expenditure of federal assistance supersede the minimum audit requirements provided in this section.

SECTION 41. That Section 67-808, Idaho Code, be, and the same is hereby amended to read as follows:

67-808. GOVERNOR AUTHORIZING HOUSING ACCOMMODATION CONSTRUCTION. The governor of Idaho is hereby authorized, with the approval of the board of examiners and for and on behalf of the state of Idaho, to contract with competent parties for the construction of housing accommodations on state-owned real property used in the operation of any state institution (for use by state officers and employees working at such institution) and to similarly contract for the acquisition of real property, with or without a contractual provision for the construction of similar housing accommodations thereon, near to, and for use in connection with the operation of, any such institution.

Contracts for such accommodations on such state-owned land may provide that said accommodations shall not become a part of the ~~reality~~ realty, except as hereinafter provided, that the state of Idaho shall lease said accommodations for an agreed period of time and at an agreed consideration and that said accommodations shall become a part of the realty when the total agreed consideration has been paid by the state of Idaho.

SECTION 42. That Section 67-808a, Idaho Code, be, and the same is hereby repealed.

SECTION 43. That Section 67-808b, Idaho Code, be, and the same is hereby repealed.

SECTION 44. That Section 67-908, Idaho Code, be, and the same is hereby amended to read as follows:

67-908. EXPENSES OF DISTRIBUTION -- AUDIT AND PAYMENT. The expenses incurred by him, in carrying into effect the provisions of sections 67-904, 67-906 and 67-907, Idaho Code, must be audited by the board of examiners and paid out of any moneys specially appropriated for that purpose.

SECTION 45. That Section 67-1401, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) To perform all legal services for the state and to represent the state and all departments, agencies, offices, officers, boards, commissions, institutions and other state entities, in all courts and before all administrative tribunals or bodies of any nature. Representation shall be provided to those entities exempted pursuant to the provisions of section 67-1406, Idaho Code. Whenever required to attend upon any court or administrative tribunal, the attorney general shall be allowed necessary and actual expenses, all claims for which shall be audited by the state board of examiners.

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

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

(4) To account for and pay over to the proper officer all moneys received which belong to the state.

(5) To supervise nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust and to enforce whenever necessary any noncompliance or departure from the general purpose of such trust and, in order to accomplish such purpose, said nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust are subject at all times to examination by the attorney general, on behalf of the state, to ascertain the condition of its affairs and to what extent, if at all, said trustee or trustees may have failed to comply with trusts said trustee or trustees have assumed or may have departed from the general purpose for which it was formed. In case of any such failure or departure, the attorney general shall institute, in the name of the state, any proceeding necessary to enforce compliance with the terms of the trust or any departure therefrom.

(6) To give an opinion in writing, without fee, to the legislature or either house thereof, or any senator or representative, and to the governor, secretary of state, treasurer, state controller, and the superintendent of public instruction, when requested, upon any question of law relating to their respective offices. The attorney general shall keep a record of all written opinions rendered by the office and such opinions shall be compiled annually and made available for public inspection. All costs incurred in the preparation of said opinions shall be borne by the office of the attorney general. A copy of the opinions shall be furnished to the supreme court and to the state librarian.

(7) When required by the public service, to repair to any county in the state and assist the prosecuting attorney thereof in the discharge of duties.

(8) To bid upon and purchase, when necessary, in the name of the state, and under the direction of the state controller, any property offered for

sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction in whole or in part of such judgments as the consideration for such purchases.

(9) Whenever the property of a judgment debtor in any judgment mentioned in subsection (8) of this section has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance, taking precedence of the judgment in favor of the state, under the direction of the state controller, to redeem such property from such prior judgment, lien, or encumbrance; and all sums of money necessary for such redemption must, upon the order of the board of examiners, be paid out of any money appropriated for such purposes.

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

(11) To exercise all the common law power and authority usually appertaining to the office and to discharge the other duties prescribed by law.

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

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

(14) To establish a medicaid fraud control unit pursuant to the provisions of section 56-226, Idaho Code, and to exercise concurrent investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of chapter 2, title 56, Idaho Code, and for criminal offenses that are not defined in said chapter 2, title 56, Idaho Code, but that involve or are directly related to the use of medicaid program funds or services provided through the medicaid program.

(15) To seek injunctive and any other appropriate relief as expeditiously as possible to preserve the rights and property of the residents of the state of Idaho, and to defend as necessary the state of Idaho, its officials, employees and agents in the event that any law or regulation violating the public policy set forth in the Idaho health freedom act, chapter 90, title 39, Idaho Code, is enacted by any government, subdivision or agency thereof.

(16) To establish an internet crimes against children unit pursuant to the provisions of section 67-1410, Idaho Code, and to exercise concurrent investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of sections 18-1507, 18-1509A, 18-1513 and 18-1515, Idaho Code, which may also encompass criminal offenses that are not defined in said sections but that involve or are directly related to child pornography and solicitation of minors for pornography, prostitution or sex-related offenses.

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

(178) To establish a sobriety and drug monitoring program to reduce the number of people on Idaho's highways who drive under the influence of alcohol or drugs, reduce the number of repeat offenders for certain offenses in which the abuse of alcohol or drugs was a contributing factor, and increase pretrial and posttrial options for prosecutors and judges in responding to repeat DUI offenders and offenders for certain crimes in which the abuse of

alcohol or drugs was a contributing factor in the commission of the crime, and to adopt such rules and establish such fees as are necessary for the operation of said program, as set forth by law.

SECTION 46. That Section 67-1405, Idaho Code, be, and the same is hereby amended to read as follows:

67-1405. DUTIES OF THE ATTORNEY GENERAL REGARDING CHILD SEXUAL ABUSE REPORTS. (1) The department of health and welfare, each city police department, each county sheriff and the Idaho state police shall submit to the office of the attorney general a report of each child sexual abuse incident reported to each agency of state or local government. The report shall contain such information as specified by the attorney general. It shall be the duty of the attorney general to the greatest extent possible to use and develop the information required in this section on forms currently in use by each governmental entity, thus avoiding unnecessary paperwork.

(2) It shall be the duty of each county prosecuting attorney to submit to the office of the attorney general a report of each child sexual abuse case handled by the prosecuting attorney. The report required pursuant to this section shall be designed by the attorney general to minimize the paperwork impact on each county prosecutor.

(3) The administrative office of the courts shall submit to the office of the attorney general a report showing the disposition of each child sexual abuse case handled by each of the district courts throughout the state. This reporting requirement may be satisfied by submission of a copy of a judgment made and entered in each case.

(4) The commission on of pardons and parole shall submit to the office of the attorney general a report showing the release or discharge of any individual convicted of a crime involving child sexual abuse. Such report shall be designed to minimize the paperwork impact upon the commission.

(5) The office of the attorney general in conjunction with the governor of the state of Idaho shall report, prepare and submit to the legislature a report showing all of the statistical data and information compiled as a result of the reporting requirement contained within this section. This report shall be prepared and submitted no later than January 20⁷ of each year.

SECTION 47. That Section 67-1704, Idaho Code, be, and the same is hereby amended to read as follows:

67-1704. DUTIES OF COMMISSIONERS. It shall be the duty of each of said commissioners to attend the meeting of the national conference of ~~commissioners on uniform state laws~~ the uniform law commission, or to arrange for the attendance of at least one of their number at such national conference, and both in and out of such national conference they shall do all in their power to promote uniformity in state laws, upon all subjects where uniformity may be deemed desirable and practicable. Said commission shall report to the legislature at its next session, and from time to time thereafter as said commission may deem proper, an account of its transactions, and its advice and recommendations for legislation. This report shall be printed for presentation to each legislature. It shall also be the duty of said commission to bring about as far as practicable the uniform judicial interpretation of all uniform laws, and generally, to devise and recommend such additional legislation, or other or further course of action, as shall tend to accomplish the purposes of this act.

SECTION 48. That Section 67-2325, Idaho Code, be, and the same is hereby amended to read as follows:

67-2325. POWER TO CONVEY UNDER OTHER LAWS NOT LIMITED. The provisions of this act shall not restrict or limit the powers of cities and villages to convey or exchange real property as provided by sections 50-1001 50-1401 et seq., Idaho Code, and related laws.

SECTION 49. That Section 67-2338, Idaho Code, be, and the same is hereby amended to read as follows:

67-2338. EXTRATERRITORIAL BENEFITS OF PUBLIC OFFICERS. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, ~~workmen's~~ worker's compensation insurance, and other benefits ~~which~~ that apply to the activity of officers, agents, or employees of any city or political subdivision, when performing their respective functions within the territorial limits of their respective cities or political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially.

SECTION 50. That Section 67-2601A, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601A. DIVISION OF BUILDING SAFETY. (1) The division of building safety will be headed by an administrator appointed by and serving at the will of the governor. The division administrator, deputy administrators and regional managers shall be nonclassified employees exempt from the provisions of chapter 53, title 67, Idaho Code.

(2) The administrator shall administer the following provisions and shall perform such additional duties as are imposed on him by law: chapter ~~41~~ 43, title 39, Idaho Code, relating to the building code board; chapter 40, title 39, Idaho Code, relating to manufactured homes; chapter 41, title 39, Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code, relating to manufactured home dealer and installer licensing; chapter 25, title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10, title 54, Idaho Code, relating to electrical contractors and journeymen; chapter 19, title 54, Idaho Code, relating to licensing of public works contractors; chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter 45, title 54, Idaho Code, relating to public works construction management licensing; chapter 50, title 54, Idaho Code, relating to heating, ventilation and air conditioning systems; chapter 80, title 39, Idaho Code, relating to school building safety; and chapter 86, title 39, Idaho Code, relating to elevator safety.

(3) The administrator shall cooperate with the industrial commission and aid and assist the commission in its administration of sections 72-720, 72-721 and 72-723, Idaho Code, and at the request of the commission shall make inspection of appliances, tools, equipment, machinery, practices or conditions, and shall make a written report to the commission. The administrator shall make recommendations to the commission to aid the commission in its administration of sections 72-720, 72-721 and 72-723, Idaho Code, provided however, that nothing herein shall be construed as transferring to the administrator any of the authority or powers now vested in the industrial commission.

(4) In administering the laws regulating professions, trades and occupations that are devolved for administration upon the division, and in addition to the authority granted to the administrator by the laws and rules of the agencies and entities within the division, the administrator may:

(a) Revise the operating structure of the division as needed to provide efficient and appropriate services to the various professions, trades, occupations and programs administered within the division;

(b) Conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade or occupation for which an examination is held; pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities; prescribe rules for a fair and impartial method of examination of candidates to exercise the respective professions, trades or occupations; issue registrations, licenses and certificates; and until fees are established in rule, the administrator shall charge a fee of seventy-five dollars (\$75.00) for each examination administered;

(c) Conduct hearings on proceedings to discipline, renew or reinstate licenses, certificates or authorities of persons exercising the respective professions, trades or occupations; appoint hearing officers, administer oaths, issue subpoenas, and compel the attendance of witnesses; revoke, suspend, refuse to renew, or take other disciplinary action against such licenses, certifications or authorities; and prescribe rules to recover costs and fees incurred in the investigation and prosecution of any certificate holder, licensee or registrant of the division, its boards, bureaus and programs, in accordance with the contested case provisions of chapter 52, title 67, Idaho Code, and the laws and rules of the boards, bureaus and programs the division administers;

(d) Assess civil penalties as authorized;

(e) Promulgate rules establishing: a coordinated system for the issuance, renewal, cancellation and reinstatement of licenses, certificates, registrations and permits; assessment of all related fees; the terms by which fees may be prorated, if any; and procedures for the replacement of lost or destroyed licenses, certificates or registrations; and

(f) Promulgate other rules as may be necessary for the orderly administration of the chapters specified in subsection (2) of this section and such rules as may otherwise be required by those chapters as well as rules for the standardization of operating procedures.

(5) Notwithstanding any law governing any specific board, bureau or program comprising the division of building safety, each board member shall hold office until a successor has been duly appointed and qualified.

(6) The administrator shall have the authority to employ individuals, make expenditures, enter into contracts, require reports, make investigations, travel, and take other actions deemed necessary.

SECTION 51. That Section 67-2603, Idaho Code, be, and the same is hereby amended to read as follows:

67-2603. BUREAU CHIEF -- EXPENSES. (1) The chief administrative officer of the bureau of occupational licenses shall be the bureau chief who shall be appointed by the governor and shall serve at the pleasure of the governor. The expenses of the bureau chief, and such secretarial, technical or other personnel as he may deem necessary for the conduct of the affairs of the bureau, shall be paid from the occupational licenses fund.

SECTION 52. That Section 67-2724, Idaho Code, be, and the same is hereby amended to read as follows:

67-2724. OFFICERS AND PERSONS AUTHORIZED TO MAKE INSPECTIONS AND EXAMINATIONS. The governor, state controller, or the department of finance, or any person authorized in writing by them or it, may, during business hours, in the presence of the treasurer or his deputy, inspect and examine the books of account in the office of the treasurer, and all contracts, writings, securities, and other papers belonging to the state, or pertaining to the business thereof, held by the treasurer, and may inspect and count the moneys

belonging to this state and the several funds thereof in the custody of the treasurer, and it is hereby made the duty of the state treasurer to furnish all reasonable facilities for the purpose.

And the governor, state treasurer, or the department of finance, or any person authorized in writing by them or it, may, likewise, during business hours, in the presence of the state controller or his deputy, inspect and examine the books of account in the office of the state controller, and all contracts, writings, securities, bonds, and other papers belonging to the state, or pertaining to the business thereof in the custody of the state controller, and it is hereby made the duty of the state state controller to furnish all reasonable facilities for the purpose.

SECTION 53. That Section 67-3002, Idaho Code, be, and the same is hereby amended to read as follows:

67-3002. POSITIVE IDENTIFICATION -- FINGERPRINTS REQUIRED. To ensure positive identification and system integrity, criminal history records shall be supported by fingerprints, which may be maintained manually, electronically or on optical disk. The records shall be linked to an automated fingerprint identification system. For the purpose of including prescribed information categories, the system may be linked with databases maintained by other state agencies. Whenever possible, the reporting of information by criminal justice agencies relating to the categories identified in section 67-3001(4), Idaho Code, shall be conducted electronically or by magnetic medium. Any technology used in this process will conform to the standards, guidelines and conventions established by the ~~information~~ Idaho technology resource management council authority.

SECTION 54. That Section 67-3531, Idaho Code, be, and the same is hereby amended to read as follows:

67-3531. ANNUAL STATEWIDE INDIRECT COST ALLOCATION PLAN. (1) The division of financial management shall develop an annual statewide indirect cost allocation plan in accordance with ~~circle A-87 of the federal office of management and budget~~ 2 CFR 225 et seq. The central service costs of the various central service agencies shall be allocated annually to the recipient state agencies, and such central service costs shall be included in an agency's indirect cost plans for the purpose of determining an indirect cost rate with the cognizant federal agency, and shall be included in an agency's federal grant application.

(2) In conjunction with the respective state service agency, the division of financial management shall prepare an estimate of costs for state budgeting purposes for services provided by the attorney general, the state treasurer and the state controller. The division of financial management shall notify all state agencies of these cost estimates for the next fiscal year on or before November 1. The division of financial management and the legislative services office shall allow state agencies to modify their budget requests in response to such estimates.

(3) The division of financial management shall assess each recipient agency up to one hundred percent (100%) of the amounts allocated in the statewide cost allocation plan. Amounts so assessed shall be separately accounted for and can be expended only after legislative appropriation.

SECTION 55. That Section 67-4308, Idaho Code, be, and the same is hereby amended to read as follows:

67-4308. NIAGRA NIAGARA SPRINGS -- APPROPRIATION OF WATERS IN TRUST FOR PEOPLE. The park and recreation board is hereby authorized and directed

to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

That portion of lot one (1), of section ten (10), and lot three (3), of section eleven (11), township nine (9) south, range fifteen (15) east of the Boise Meridian, which is locally known as the Niagra Niagara Springs and limited to that portion of Niagra Niagara Springs upstream from the present existing diversions to the headwaters of the springs.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the park and recreation board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park and recreation board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

SECTION 56. That Section 67-4501, Idaho Code, be, and the same is hereby amended to read as follows:

67-4501. STATE BIRD DESIGNATED. The Mountain Bluebird (Sialia arctica currucoides) is hereby designated and declared to be the state bird of the state of Idaho.

SECTION 57. That Section 67-4504, Idaho Code, be, and the same is hereby amended to read as follows:

67-4504. STATE TREE DESIGNATED. The White Pine (Pinus Monticola monticola) is hereby designated and declared to be the state tree of the state of Idaho.

SECTION 58. That Section 67-5714, Idaho Code, be, and the same is hereby amended to read as follows:

67-5714. DIVISION OF PURCHASING. There is hereby created within the department of administration the division of purchasing. The director of the department of administration shall appoint an administrator for the division of purchasing, subject to the approval of the governor. The administrator shall be exempt from the provisions of the state merit system. The administrator of the division may employ additional personnel as may be necessary, and may contract for professional services or assistance when necessary or desireable desirable.

SECTION 59. That Section 67-6603, Idaho Code, be, and the same is hereby amended to read as follows:

67-6603. APPOINTMENT OF POLITICAL TREASURER. (a) Each candidate and political committee shall appoint a political treasurer and certify the full name and complete address of the political treasurer to the Ssecretary of Sstate. A political treasurer so appointed shall be a registered elector of this state. An individual may be appointed and serve as political treasurer for a candidate and a political committee or two (2) or more candidates or political committees. A candidate may appoint himself his own political treasurer.

(b) A candidate or political committee may remove his or its political treasurer. In case of the death, resignation or removal of his or its political treasurer before compliance with all obligations of a political treasurer under this act, such candidate or political committee shall appoint

a successor and certify the name and address of the successor in the manner provided in the case of an original appointment.

(c) No contribution shall be received or expenditure made by or on behalf of a candidate or political committee:

(1) ~~u~~Until the candidate or political committee appoints a political treasurer and certifies the name and address of the political treasurer to the ~~S~~ecretary of ~~S~~tate, or, in the event of a vacancy in the office of political treasurer, has certified the name and address of the successor as provided ~~therin~~ therein; and

(2) ~~u~~Unless the contribution is received or expenditure made by or through the political treasurer for the candidate or political committee.

SECTION 60. That Section 67-6621, Idaho Code, be, and the same is hereby amended to read as follows:

67-6621. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this act shall also have the following obligations, the violation of which shall ~~constitute~~ constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act: (a) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this act for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the secretary of state at any reasonable time during such three (3) year period; provided, however, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(b) In addition, a person required to register as a lobbyist shall not:

(1) Engage in any activity as a lobbyist before registering as such;

(2) Knowingly deceive or attempt to deceive any legislator to any fact pertaining to any pending or proposed legislation;

(3) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(4) Knowingly represent an interest adverse to any of his employers without first obtaining such employers' consent thereto after full disclosure to such employers of such adverse interest;

(5) Exercise any economic reprisal, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;

(6) Accept any employment as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

SECTION 61. That Section 67-7010, Idaho Code, be, and the same is hereby amended to read as follows:

67-7010. UNNUMBERED VESSELS. ~~(1)~~ It shall be unlawful for an owner of a vessel to have such vessel on the waters of the state of Idaho, or for any person to operate or permit the operation of any vessel on the waters of the state of Idaho, unless it shall have a current certificate of number and display a vessel number and current validation stickers as provided by law.

SECTION 62. That Section 67-7016, Idaho Code, be, and the same is hereby amended to read as follows:

67-7016. GROSSLY NEGLIGENT OPERATION. Any person who operates any motorized vessel on the waters of the state of Idaho without due caution and circumspection, and in a manner as to endanger or be likely to endanger any person or property, shall be guilty of grossly negligent operation and upon conviction shall be punished as provided in section 67-7033, Idaho Code.

SECTION 63. That Section 72-519, Idaho Code, be, and the same is hereby amended to read as follows:

72-519. CREATION OF INDUSTRIAL ADMINISTRATION FUND -- PURPOSE. A fund is hereby created to be known as the industrial administration fund for the purpose of providing funds for administering the ~~workmen's~~ worker's compensation law.

SECTION 64. That Section 72-1461, Idaho Code, be, and the same is hereby amended to read as follows:

72-1461. DEATH BENEFITS -- SPOUSE AND THE SURVIVING CHILD OR CHILDREN OF FIREFIGHTER KILLED IN PERFORMANCE OF DUTY. (1) In the event a paid firefighter is killed or sustains injury from which death results, while in the performance of duty and leaves surviving a spouse or a spouse with the firefighter's surviving child or children, the spouse, during his or her lifetime, shall be paid from the public employee retirement account the same pension the deceased firefighter would have been entitled to had the deceased firefighter retired as of the date of death, but in no event less than a monthly sum equal to: (a) sixty-five percent (65%) of the average paid firefighter's salary or wage in this state, if the deceased firefighter was an Option I firefighter, less any portion of the benefit transferred to an alternate payee as provided in sections 59-1319 and 59-1320, Idaho Code; or, (b) sixty-five percent (65%) of the deceased firefighter's average monthly salary or wage, based on his average final compensation, if the deceased firefighter was an Option II firefighter, less any portion of the benefit transferred to an alternate payee as provided in sections 59-1319 and 59-1320, Idaho Code. If the surviving spouse should die, the full retirement pay shall be paid to the firefighter's surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased firefighter shall have died without leaving a surviving spouse and leaving surviving a child or children, said firefighter's surviving child or children shall be entitled to be paid from the public employee retirement account the same pension the deceased firefighter would have been entitled to had the deceased firefighter retired as of the date of death, less any portion of the benefit transferred to an alternate payee as provided in sections 59-1319 and 59-1320, Idaho Code, until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

(2) The monthly benefits provided for in this section shall vary annually according to the cost of living adjustment as set forth in section 72-1471, Idaho Code.

(3) Those benefits payable under the provisions of subsection (1) of this section, or under the provisions of section 72-1429G 72-1445, Idaho Code, which were ordered prior to July 1, 1978, shall continue under the provisions of this chapter in effect at the time such benefit payment was ordered.

(4) Eligibility for benefits of surviving spouses that was terminated on or after July 1, 1987, solely because of the spouse's remarriage is hereby reinstated effective July 1, 1992. Such spouses are entitled to have the

benefits, including any cost of living allowances approved by the board effective on or after July 1, 1987, commence prospectively effective July 1, 1992, or upon their application to the retirement system, whichever is later.

Approved April 3, 2015

CHAPTER 245
(S.B. No. 1040, As Amended)

AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING SECTION 19-2719, IDAHO CODE, TO CLARIFY LANGUAGE REGARDING FILING REQUIREMENTS OF CERTAIN APPEALS WHEN PUNISHMENT OF DEATH HAS BEEN IMPOSED; AND DECLARING AN EMERGENCY AND PROVIDING APPLICATION.

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

SECTION 1. That Section 19-2719, Idaho Code, be, and the same is hereby amended to read as follows:

19-2719. SPECIAL APPELLATE AND POST-CONVICTION PROCEDURE FOR CAPITAL CASES -- AUTOMATIC STAY. The following special procedures shall be interpreted to accomplish the purpose of eliminating unnecessary delay in carrying out a valid death sentence.

(1) When the punishment of death is imposed the time for filing an appeal shall begin to run when the death warrant is filed.

(2) The death warrant shall not be filed until forty-two (42) days after the judgment imposing the death sentence has been filed, or, in the event a post-conviction challenge to the conviction or sentence is filed, until the order deciding such post-conviction challenge is filed.

(3) Within forty-two (42) days of the filing of the judgment imposing the punishment of death, and before the death warrant is filed, the defendant must file any legal or factual challenge to the sentence or conviction that is known or reasonably should be known. The defendant must file any claims of ineffective assistance of appellate counsel within forty-two (42) days of the Idaho supreme court issuing the final remittitur in the unified appeal from which no further proceedings except issuance of a death warrant are ordered.

(4) Any remedy available by post-conviction procedure, habeas corpus or any other provision of state law must be pursued according to the procedures set forth in this section and within the time limitations of subsection (3) of this section. The special procedures for fingerprint or forensic DNA testing set forth in sections 19-4901(a)(6) and 19-4902(b) through (g), Idaho Code, are fully applicable in capital cases and are subject to the procedures set forth in this section, and must be pursued through a petition filed within the time limitations of subsection (3) of this section or by July 1, 2002, whichever is later.

(5) If the defendant fails to apply for relief as provided in this section and within the time limits specified, he shall be deemed to have waived such claims for relief as were known, or reasonably should have been known. The courts of Idaho shall have no power to consider any such claims for relief as have been so waived or grant any such relief.

(a) An allegation that a successive post-conviction petition may be heard because of the applicability of the exception herein for issues that were not known or could not reasonably have been known shall not be considered unless the applicant shows the existence of such issues by (i) a precise statement of the issue or issues asserted together

with (ii) material facts stated under oath or affirmation by credible persons with first hand knowledge that would support the issue or issues asserted. A pleading that fails to make a showing of excepted issues supported by material facts, or which is not credible, must be summarily dismissed.

(b) A successive post-conviction pleading asserting the exception shall be deemed facially insufficient to the extent it alleges matters that are cumulative or impeaching or would not, even if the allegations were true, cast doubt on the reliability of the conviction or sentence.

(c) A successive post-conviction pleading asserting the exception shall be deemed facially insufficient to the extent it seeks retroactive application of new rules of law.

(6) In the event the defendant desires to appeal from any post-conviction order entered pursuant to this section, his appeal must be part of any appeal taken from the conviction or sentence. All issues relating to conviction, sentence and post-conviction challenge shall be considered in the same appellate proceeding.

(7) If post-conviction challenge is made under this section, questions raised thereby shall be heard and decided by the district court within ninety (90) days of the filing of any motion or petition for relief timely filed as provided by this section. The court shall give first priority to capital cases. In the event the district court fails to act within the time specified, the supreme court of Idaho shall, on its own motion or the motion of any party, order the court to proceed forthwith, or if appropriate, reassign the case to another judge. When the supreme court intervenes as provided, it shall set a reasonable time limit for disposition of the issues before the district court.

(8) The time limit provided in subsection (7) of this section for disposition of post-conviction claims may be extended only upon a showing of extraordinary circumstances which would make it impossible to fairly consider defendant's claims in the time provided. Such showing must be made under oath and the district court's finding that extraordinary circumstances exist for extending the time shall be in writing and shall be immediately reported to the supreme court, which shall at once independently consider the sufficiency of the circumstances shown and determine whether an extension of time is warranted.

(9) When a judgment imposing the penalty of death is filed, the clerk and the reporter shall begin preparation of the transcripts of the trial, and other proceedings, and the clerk's transcript.

(10) When the procedures specified in this section and section 19-2827, Idaho Code, have been carried out and a remittitur issued, and an execution date set as provided by law, the defendant shall be deemed to have exhausted all state remedies.

(11) Any successive petition for post-conviction relief not within the exception of subsection (5) of this section shall be dismissed summarily. Notwithstanding any other statute or rule, the order of dismissal shall not be subject to any motion to alter, amend or reconsider. Such order shall not be subject to any requirement for the giving of notice of the court's intent to dismiss. The order of dismissal shall not be appealable.

(12) A stay of execution while the special appellate procedures specified herein are followed and during the pendency of automatic review of death sentences shall be automatically entered by the clerk of the supreme court at the time the district court transmits to the supreme court the report required by section 19-2827, Idaho Code. If the sentence is upheld, the clerk shall dissolve such stay when the remittitur is filed. Thereafter the district court shall set a new execution date.

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 shall apply to any cases where an appellant's brief in the unified appeal has not been filed with the Idaho Supreme Court.

Approved April 3, 2015

CHAPTER 246
(S.B. No. 1053, As Amended)

AN ACT

RELATING TO THE PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY; AMENDING SECTION 15-5-316, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RIGHTS AND POWERS OF GUARDIANS AD LITEM; AND AMENDING SECTION 15-5-435, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RIGHTS AND POWERS OF GUARDIANS AD LITEM.

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

SECTION 1. That Section 15-5-316, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-316. GUARDIAN AD LITEM -- RIGHTS AND POWERS. ~~(1)~~ The guardian ad litem has the following rights and powers to fulfill the duties set forth in this section 15-5-315, Idaho Code, which shall continue until the resignation of the guardian ad litem or until the court removes the guardian ad litem or no longer has jurisdiction, whichever occurs first.

(21) The guardian ad litem shall have the right and power to file pleadings, motions, memoranda and briefs on behalf of the ward, and to have all of the rights of the ward, whether conferred by statute, rule of court, or otherwise.

(32) All parties to any proceeding under this chapter shall promptly notify the guardian ad litem, and the guardian's attorney, if any, of all hearings, staff hearings or meetings, investigations, depositions, and significant changes of circumstances of the ward.

(43) Except to the extent prohibited or regulated by federal law, upon presentation of a copy of the order appointing the guardian ad litem, any person or agency including, without limitation, any hospital, school organization, department of health and welfare, doctor, nurse or other health care provider, psychologist, psychiatrist, police department, or mental health clinic, shall permit the guardian ad litem to inspect and copy pertinent records relating to the ward necessary for the proceeding for which the guardian ad litem has been appointed.

(54) The guardian ad litem may request, and the court may order whether in response to such request or otherwise, a criminal history and background check to be conducted at the proposed guardian's expense on any individual who resides in the ward's proposed residence. Any such check shall be conducted pursuant to section 56-1004A(2) and (3), Idaho Code.

SECTION 2. That Section 15-5-435, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-435. GUARDIAN AD LITEM -- RIGHTS AND POWERS. ~~(1)~~ The guardian ad litem has the following rights and powers to fulfill the duties set forth in this section 15-5-434, Idaho Code, which shall continue until the resignation of the guardian ad litem or until the court removes the guardian ad litem or no longer has jurisdiction, whichever occurs first.

(21) The guardian ad litem shall have the right and power to file pleadings, motions, memoranda and briefs on behalf of the protected person, and to

have all of the rights of the protected person, whether conferred by statute, rule of court, or otherwise.

(32) All parties to any proceeding under this chapter shall promptly notify the guardian ad litem, and the conservator's attorney, if any, of all hearings, staff hearings or meetings, investigations, depositions, and significant changes of circumstances of the protected person.

(43) Except to the extent prohibited or regulated by federal law, upon presentation of a copy of the order appointing the guardian ad litem, any person or agency including, without limitation, any hospital, school organization, department of health and welfare, doctor, nurse or other health care provider, psychologist, psychiatrist, police department, or mental health clinic, shall permit the guardian ad litem to inspect and copy pertinent records relating to the protected person necessary for the proceeding for which the guardian ad litem has been appointed.

Approved April 3, 2015

CHAPTER 247
(S.B. No. 1056, As Amended)

AN ACT

RELATING TO NONPROBATE TRANSFERS; AMENDING CHAPTER 6, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-6-403, IDAHO CODE, TO PROVIDE FOR A RIGHT OF SURVIVORSHIP FOR PERSONAL PROPERTY HELD AS COMMUNITY PROPERTY; AND AMENDING CHAPTER 6, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-6-404, IDAHO CODE, TO PROVIDE THAT THE RIGHT OF SURVIVORSHIP IS EXTINGUISHED IN CERTAIN INSTANCES.

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

SECTION 1. That Chapter 6, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-6-403, Idaho Code, and to read as follows:

15-6-403. COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP IN PERSONAL PROPERTY. Any estate in personal property held by a husband and wife as community property with right of survivorship shall, upon the death of one (1) spouse, transfer and belong solely to the surviving spouse as a nontestamentary disposition at death. The first deceased spouse does not have a right of disposition at death of any interest in community property with right of survivorship. An estate in community property with right of survivorship is created by a written grant, transfer or devise to a husband and wife when expressly declared in the written grant, transfer or devise to be an estate in community property with right of survivorship. An estate in community property with right of survivorship may also be created by written grant or transfer from a husband and wife, when holding title as community property or otherwise, to themselves or from either husband or wife to both husband and wife when expressly declared in the written grant, transfer or devise to be an estate in community property with right of survivorship. The grant, transfer or devise is effective upon delivery, while both husband and wife are alive, to the entity at which the personal property is held. A written grant, transfer or devise includes the making of the appropriate choice on a form from the entity at which the personal property is held.

SECTION 2. That Chapter 6, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-6-404, Idaho Code, and to read as follows:

15-6-404. TERMINATION OF COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP IN PERSONAL PROPERTY. (1) The right of survivorship is extinguished by a document executed by either spouse that sets forth:

- (a) A stated intent by the spouse to terminate the survivorship right;
- (b) A description of the instrument by which the right of survivorship was created, including the date the instrument was executed; and
- (c) A description of the personal property affected by the document.

The execution of the document shall not extinguish the community interest of either spouse.

(2) The right of survivorship is extinguished upon delivery, while both husband and wife are alive, of the document described in subsection (1) of this section to the entity at which the personal property is held.

(3) Divorce or annulment of the marriage of the husband and wife, unless otherwise ordered by the court in which the divorce is granted, severs the interests of the former spouses in property held by them at the time of the divorce or annulment as community property with the right of survivorship and transforms the interests of the former spouses into tenancies in common. A severance under this section does not affect any third party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the survivor of the former spouses unless a writing declaring the severance has been noted, registered, filed or recorded in records appropriate to the kind and location of the property that a person relied upon as evidence of ownership in the ordinary course of transactions involving that property.

(4) If both spouses are deceased and it cannot be reasonably ascertained which spouse was the first to die and which spouse survived, the right of survivorship shall be deemed terminated and the property treated as community property without the right of survivorship.

Approved April 3, 2015

CHAPTER 248
(S.B. No. 1072, As Amended)

AN ACT

RELATING TO ELECTIONS OF SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-503, IDAHO CODE, TO PROVIDE THAT CERTAIN CODE SECTIONS SHALL APPLY TO ALL ELECTIONS OF SCHOOL DISTRICT TRUSTEES, TO PROVIDE AN EXCEPTION AND TO PROVIDE RELATED PROVISIONS.

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

SECTION 1. That Section 33-503, Idaho Code, be, and the same is hereby amended to read as follows:

33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of school district trustees including those in charter districts shall be on the third Tuesday in May in odd-numbered years. Notice and conduct of the election, and the canvassing of the returns shall be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the board of trustees as the trustee elected from that zone.

(2) If any two (2) or more persons have an equal number of votes in any trustee zone and a greater number than any other nominee in that zone, the board of trustees shall determine the winner by a toss of a coin.

(3) The provisions of sections 67-6601 through 67-6616, Idaho Code, and sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections of school district trustees, except for elections of trustees in a school

district that has fewer than five hundred (500) students. Provided however, the county clerk shall stand in place of the secretary of state and the county prosecutor shall stand in place of the attorney general. Any report or filing required to be filed by or for a candidate by such Idaho Code sections shall be filed with the county clerk of the county wherein the district lies or, in the case of a joint district, with the county clerk of the home county as designated pursuant to section 33-304, Idaho Code.

Approved April 3, 2015

CHAPTER 249

(S.B. No. 1088, As Amended in the House)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-522A, IDAHO CODE, TO SPECIFY WHEN A REDUCTION IN FORCE MAY OCCUR, TO PROVIDE THE BOARD OF TRUSTEES WITH CERTAIN DECISION-MAKING AUTHORITY AND TO PROVIDE AN EXCEPTION, TO ALLOW EACH SCHOOL DISTRICT TO ADOPT A CERTAIN POLICY AND TO DEFINE REDUCTION IN FORCE; REPEALING SECTION 3, CHAPTER 353, LAWS OF 2013, RELATING TO THE REPEAL OF CERTAIN CODE SECTIONS; REPEALING SECTION 33-514, IDAHO CODE, AS ENACTED BY SECTION 4, CHAPTER 353, LAWS OF 2013, RELATING TO INSURANCE OF ANNUAL CONTRACTS, SUPPORT PROGRAMS, CATEGORIES OF CONTRACTS AND OPTIONAL PLACEMENT; REPEALING SECTION 33-515, IDAHO CODE, AS ENACTED BY SECTION 5, CHAPTER 353, LAWS OF 2013, RELATING TO ISSUANCE OF RENEWABLE CONTRACTS; AMENDING SECTION 2, CHAPTER 144, LAWS OF 2014, TO REMOVE AN EFFECTIVE DATE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 5, 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 33-522A, Idaho Code, and to read as follows:

33-522A. REDUCTION IN FORCE DEFINED. (1) A reduction in force may occur when there are:

- (a) Curriculum or program changes;
- (b) Negative changes in the financial conditions of the school district;
- (c) Decreases in student enrollment, including overall, by program, by grade or by school; or
- (d) Staffing or highly qualified teacher limitations of the district.

(2) For purposes of title 33, "reduction in force" means the elimination of a certificated staff position or positions or a portion or percentage of a position or positions, when there is one (1) or more of the following:

- (a) The elimination of an entire program or portions of a program;
- (b) The elimination of positions in certain grade levels only;
- (c) The elimination of a position by category; or
- (d) The elimination of a position in an overall review of the district.

(3) (a) The decision to institute a reduction in force and the selection of an employee or employees subject to such reduction shall be at the sole discretion of the board of trustees, except for the following limitation: The decision as to which employee or employees shall be subject to such reduction shall not be made solely on consideration of employee seniority or contract status.

(b) Each school district may adopt a policy establishing an equitable method of recalling individuals subject to a reduction in force if positions become available subsequent to the reduction in force.

SECTION 2. That Section 3, Chapter 353, Laws of 2013, be, and the same is hereby repealed.

SECTION 3. That Section 33-514, Idaho Code, as enacted by Section 4, Chapter 353, Laws of 2013, be, and the same is hereby repealed.

SECTION 4. That Section 33-515, Idaho Code, as enacted by Section 5, Chapter 353, Laws of 2013, be, and the same is hereby repealed.

SECTION 5. That Section 2, Chapter 144, Laws of 2014, be, and the same is hereby amended to read as follows:

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2 and 6 of this act shall be in full force and effect on and after passage and approval. ~~Sections 3, 4 and 5 of this act shall be in full force and effect on and after July 1, 2015.~~

SECTION 6. This act shall be in full force and effect on and after July 1, 2015.

Approved April 3, 2015

CHAPTER 250
(S.B. No. 1091)

AN ACT

RELATING TO CHALLENGES TO APPORTIONMENT PLANS; AMENDING CHAPTER 15, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1509, IDAHO CODE, TO PROVIDE THAT WITHIN THE TIME AND IN THE MANNER PRESCRIBED BY RULE OF THE SUPREME COURT, ANY REGISTERED VOTER, INCORPORATED CITY OR COUNTY IN THIS STATE MAY APPEAL TO THE SUPREME COURT A CONGRESSIONAL OR LEGISLATIVE REDISTRICTING PLAN ADOPTED BY THE REAPPORTIONMENT COMMISSION AND TO PROVIDE DUTIES OF THE COMMISSION; AND AMENDING CHAPTER 15, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1510, IDAHO CODE, TO PROVIDE THAT PRIOR TO OCTOBER 1 OF A YEAR ENDING IN ONE, IN WHICH A NEW FEDERAL CENSUS IS AVAILABLE, ANY REGISTERED VOTER, INCORPORATED CITY OR COUNTY IN THIS STATE MAY CHALLENGE AN EXISTING LEGISLATIVE APPORTIONMENT BASED UPON THE NEW FEDERAL CENSUS BY FILING A PETITION IN THE SUPREME COURT INVOKING ITS ORIGINAL JURISDICTION IN SUCH MANNER AS PRESCRIBED BY RULE OF THE SUPREME COURT.

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

SECTION 1. That Chapter 15, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1509, Idaho Code, and to read as follows:

72-1509. CHALLENGES -- SUPREME COURT RULES. (1) Within the time and in the manner prescribed by rule of the supreme court, any registered voter, incorporated city or county in this state may appeal to the supreme court a congressional or legislative redistricting plan adopted by the commission.

(2) The commission shall prepare, process and transmit to the supreme court such documents of the proceedings of the commission as may be provided by rule of the supreme court.

SECTION 2. That Chapter 15, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1510, Idaho Code, and to read as follows:

72-1510. CHALLENGES TO PLANS. Prior to October 1 of a year ending in one (1), in which a new federal census is available, any registered voter, incorporated city or county in this state may challenge an existing legislative apportionment based upon the new federal census by filing a petition in the supreme court invoking its original jurisdiction in such manner as prescribed by rule of the supreme court.

Approved April 3, 2015

CHAPTER 251
(S.B. No. 1109)

AN ACT

RELATING TO THE IDAHO UNIFORM BUSINESS ORGANIZATIONS CODE; REPEALING CHAPTER 4, TITLE 30, IDAHO CODE, RELATING TO THE IDAHO REGISTERED AGENTS ACT; REPEALING CHAPTER 13, TITLE 30, IDAHO CODE, RELATING TO PROFESSIONAL SERVICE CORPORATIONS; REPEALING CHAPTER 5, TITLE 53, IDAHO CODE, RELATING TO ASSUMED BUSINESS NAMES; REPEALING CHAPTER 7, TITLE 53, IDAHO CODE, RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT; AMENDING SECTION 41-3921, IDAHO CODE, TO REMOVE A PROVISION RELATING TO PROFESSIONAL SERVICE ORGANIZATIONS; AMENDING SECTION 54-1235, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-1510, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2113, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-3003, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 4, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 13, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 5, Title 53, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 7, Title 53, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 41-3921, Idaho Code, be, and the same is hereby amended to read as follows:

41-3921. STATUTORY CONSTRUCTION AND RELATIONSHIP TO OTHER LAWS. (1) Except as stated in this chapter, provisions of title 41, Idaho Code, applicable to disability insurers shall be applicable to the lawful transactions and business of an organization offering a managed care plan for which a certificate of authority is required pursuant to this chapter.

(2) With respect to all managed care organizations, the provision of factually accurate information regarding coverage, rates, locations and hours of service, names of affiliated institutions, and credentials of participating providers by the organization or its personnel to potential members shall not constitute a violation of any law relating to solicitation or advertising by health care professionals.

~~(3) All managed care organizations and professionals associated with them shall be exempt from the provisions of section 30-1315, Idaho Code, prohibiting persons from simultaneously being shareholders of more than one (1) professional service organization.~~

~~(4) Any managed care organization which contracts with a health care facility or enters into arrangements with one (1) or more groups of providers organized on a group practice or individual practice basis shall not by virtue of such contracts or arrangements be deemed to have entered into a "conspiracy in restraint of trade".~~

(54) Except as expressly and specifically stated in this chapter, the provisions of chapter 34, title 41, Idaho Code, are not amended, repealed or otherwise affected by this chapter.

SECTION 6. That Section 54-1235, Idaho Code, be, and the same is hereby amended to read as follows:

54-1235. PRACTICE BY A BUSINESS ENTITY. (1) The practice of or offer to practice professional engineering or professional land surveying, as defined in this chapter, by professional engineers or professional land surveyors, through a business entity, or by a business entity through professional engineers or professional land surveyors, as employees, or officers, is permitted subject to the provisions of this chapter, provided that all personnel of such business entity, who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by this chapter, or are persons lawfully practicing under the exemptions enumerated in this chapter, and further provided that said business entity, except utilities regulated by the Idaho public utilities commission, has been issued a certificate of authorization by the board as provided by this chapter. No business entity shall be relieved of responsibility for the conduct or acts of its employees or officers by reason of its compliance with the provisions of this chapter, nor shall any individual practicing professional engineering or professional land surveying as defined in this chapter, be relieved of responsibility for engineering or land surveying services performed by reason of his employment or relationship with such business entity. All final drawings, specifications, plats, reports, or other engineering or land surveying papers or documents involving the practice of professional engineering or professional land surveying as defined in this chapter, which shall have been prepared or approved for the use of or for delivery to any person or for public record within this state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them.

(2) A business entity organized pursuant to this section may provide or offer to provide allied professional services as defined in section 30-130321-901, Idaho Code, in connection with the providing of engineering or land surveying services, by persons licensed in allied professions acting as employees or officers, provided such persons are duly licensed or otherwise legally authorized to render such allied professional services within this state.

(3) A business entity desiring a certificate of authorization for engineering, for land surveying, or for both, shall file with the board a description of the engineering or land surveying service to be offered or practiced in the state, an application upon a form to be prescribed by the board

and the designation required by the following paragraph, accompanied by the application fee.

(4) Such business entity shall file with the board a designation of an individual or individuals duly licensed to practice professional engineering or professional land surveying in this state who shall be in responsible charge of the practice of professional engineering or land surveying, as applicable, by said business entity in this state. In the event there shall be a change in the individual or individuals in responsible charge, such changes shall be designated in writing and filed with the board within thirty (30) days after the effective date of such change.

If all requirements of this chapter are met, the board shall issue to such business entity a certificate of authorization for professional engineering, for land surveying, or for both; provided, however, the board may refuse to issue a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate.

A professional engineer or professional land surveyor who renders occasional, part-time or consulting engineering or land surveying services to or for a business entity may not be designated as the person in responsible charge for the professional activities of the business entity.

(5) The secretary of state shall not accept for filing from any person any assumed business name which includes within its name any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof, unless the board shall have issued a letter indicating that the person has a licensed professional in responsible charge of the professional activities of the sole proprietorship or business entity. The board may notify the secretary of state, in writing, that it waives any objection to the name if the person is clearly not governed by chapter 12, title 54, Idaho Code. The secretary of state shall not accept for filing the organizational documents of an Idaho business entity, or authorize the transaction of business by any foreign business entity which includes, among objects for which it is established or within its name, any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof, unless the board shall have issued for said applicant a certificate of authorization or a letter indicating the eligibility of said applicant to receive such certificate. The board may notify the secretary of state, in writing, that it waives any objection to the name or purpose of any business entity if it is clearly not governed by chapter 12, title 54, Idaho Code. The business entity applying shall include such certificate or letter from the board with any filings submitted to the secretary of state.

SECTION 7. That Section 54-1510, Idaho Code, be, and the same is hereby amended to read as follows:

54-1510. REVOCATION OF LICENSES -- GROUNDS. Every license issued under the provisions of this chapter shall be subject to suspension, revocation or other discipline upon any of the following grounds pursuant to the procedures set forth in chapter 52, title 67, Idaho Code. All hearings conducted pursuant to this section, whether before the board or a hearing officer, shall be held in Ada county unless otherwise designated by the board.

(1) Fraud or deception in procuring license.

(2) Practicing optometry under a false or assumed name or as a representative or agent of any person, firm or corporation other than another licensed optometrist, a physician licensed to practice medicine and surgery under chapter 18, title 54, Idaho Code, or a professional ~~service corporation~~ entity, which has been incorporated under the authority of part 9, chapter 13 21, title 30, Idaho Code, by persons licensed to practice optometry under chapter 15, title 54, Idaho Code, or licensed to practice medicine and surgery under chapter 18, title 54, Idaho Code.

(3) Having been convicted or having received a withheld judgment or suspended sentence in this or any other state of a felony, a crime involving moral turpitude, or any act related to the qualifications, functions or duties of an optometrist.

(4) Gross incompetency.

(5) Inability to practice optometry with reasonable skill and safety by reason of:

(a) Mental illness;

(b) Physical illness including, but not limited to, physical deterioration which adversely affects cognitive, motor or perceptive skills;

(c) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances which impair ability; or

(d) Having a communicable, contagious or infectious disease which endangers the health of patients.

(6) Failure to pay to the board or the bureau of occupational licenses the annual fee and to secure a renewal license, whereupon after twenty (20) days' notice by registered mail the license of such delinquent may be revoked; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding twenty-five dollars (\$25.00) as may be fixed by the board of optometry, shall excuse the default.

(7) Any practice or behavior of a character likely to deceive or defraud the public.

(8) Obtaining of any fee or compensation by fraud, deceit or misrepresentation.

(9) Employing, either directly or indirectly, any suspended or unlicensed optometrist to do optometric work.

(10) Advertising the practice of optometry in a false, misleading or deceptive manner.

(11) Employment or use of what are known as "cappers" or "steerers."

(12) Consistently accepting referrals that violate the laws of the state of Idaho.

(13) For willfully permitting or allowing or causing a person who is not a licensed optometrist or a licensed physician or surgeon to use the optometrist's prescription or optometric finding to fit contact lenses upon a person or member of the public.

(14) For violation of any of the provisions of this chapter or the rules or code of ethics made and promulgated by the state board of optometry, as authorized in section 54-1509, Idaho Code.

(15) For willfully attempting to violate, directly or indirectly, conspiring to violate, or assisting or participating in or abetting the violation of any of the provisions of this chapter or the rules or code of ethics made, prescribed or promulgated by the state board of optometry pursuant to the authority granted in this chapter.

(16) Having engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient.

(17) Having committed any act which constitutes a felony or has committed any act which constitutes a crime involving moral turpitude.

SECTION 8. That Section 54-2113, Idaho Code, be, and the same is hereby amended to read as follows:

54-2113. CORPORATE PRACTICE. (1) A veterinary medical practice may be conducted only as a sole proprietorship, as a partnership or as a professional service corporation entity as defined in part 9, chapter 13 21, title 30, Idaho Code. No business corporation, other than a professional service corporation entity, shall be organized for the practice of veterinary medicine or shall provide veterinary medical services.

(2) A not-for-profit corporation may own property in connection with a veterinary medical facility or animal shelter, provided that an actively licensed veterinarian makes all the decisions pertaining to diagnosis, care and treatment of the patients.

SECTION 9. That Section 54-3003, Idaho Code, be, and the same is hereby amended to read as follows:

54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- LICENSES -- FEES -- ENDORSEMENT -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS -- RESTRICTION ON USE OF NAME -- SEAL. (1) Application and practice. In order to safeguard human health and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice landscape architecture, shall be required to submit evidence of qualifications to practice and shall be issued a license under the provisions of this chapter.

(2) Qualifications. For licensure as a landscape architect, evidence must be submitted to the board that the applicant:

(a) Is eighteen (18) years of age or older;

(b) Has graduated from a college or school of landscape architecture approved by the board. In lieu of graduation from an approved college or school of landscape architecture, an applicant may present evidence of at least eight (8) years of actual, practical experience in landscape architecture of a grade and character satisfactory to the board, as established by rule, that the applicant is competent to practice landscape architecture; and

(c) Has successfully passed an examination approved by the board.

(3) Examinations. The board shall adopt rules covering the subjects and scope of the examinations. Every applicant for license as a landscape architect shall be required, in addition to all other requirements, to establish by written examination his competency to plan, design, specify and supervise the installation and construction of landscape architectural projects. Each written examination may be supplemented by such oral examinations as the board may determine.

(4) The board.

(a) There is hereby created in the department of self-governing agencies an Idaho state board of landscape architects. The board shall consist of three (3) landscape architects. Members of the board shall be appointed by the governor and must be residents of this state, have the qualifications of landscape architects required by this chapter, and after the initial board is organized be licensed hereunder. The terms of the members of the board shall be for four (4) years. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled by appointment in like manner for the unexpired term.

(b) The board shall have, in addition to the powers set forth elsewhere in this chapter, the following powers and duties:

(i) To authorize, by written agreement, the bureau of occupational licenses to act as agent in its interest, and to make such rules as shall be necessary in the performance of its duties;

(ii) To adopt rules of professional responsibility;

(iii) To adopt rules requiring the completion of continuing education by each licensee on an annual basis;

(iv) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding against a licensee under this chapter, to administer oaths, take depositions of witnesses within or outside of the state in the manner provided by law in civil cases, and to apply to any district court of this state for a subpoena to require the attendance of such witnesses and the pro-

duction of such books, records and papers as the board deems necessary in a disciplinary proceeding against a licensee. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid in the same manner as other board expenses. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or refusal of any witness to testify to any matter about which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by conducting proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(c) The board shall elect, at its first meeting of every calendar year, a chairman from its members. In carrying out the provisions of this chapter, all members of the board shall be compensated as provided by section 59-509(m), Idaho Code. Payment of travel and other expenses shall be made from the occupational licenses fund.

(5) Renewal and reinstatement -- Revenue.

(a) All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

(b) Amounts. The amount of fees shall be as determined by the board within the following stated limits:

(i) The application fee not to exceed one hundred dollars (\$100).

(ii) The fee for examination to be established by board rule not to exceed that charged by the council of landscape architectural registration board plus a fifty dollar (\$50.00) processing fee. The board may recover the actual costs associated with an applicant's review of a failed examination.

(iii) The fee for an original license and the annual license fee not to exceed two hundred dollars (\$200).

(c) Refund. Fees shall be nonrefundable.

(d) Deposit. All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding. In no instance will the occupational licenses fund be obligated to pay any claims that in aggregate with claims already paid exceed the income to the occupational licenses fund which has been derived by the application of this chapter.

(e) Appropriation. The money paid into the occupational licenses fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

(6) Endorsement provisions. The board may approve for licensure:

(a) An individual with a current council of landscape architecture registration board (CLARB) certification; or

(b) With limited examination an applicant who is legally registered or licensed as a landscape architect in any other state or country whose requirements for registration or licensure are at least substantially equivalent to the requirements of this state.

(7) Exemptions.

(a) None of the provisions of this chapter shall prevent employees of those lawfully practicing as landscape architects from acting under the instruction, control or supervision of their employers.

(b) None of the provisions of this chapter shall apply to the business conducted in this state by any land use planner, horticulturist, nurseryman, or landscape nurseryman, gardener, landscape gardener, landscape designer, or landscape contractor, as these terms are generally used, or any other person, including, but not limited to, their right to plan and supervise in connection therewith, except that no such person shall use the designation "landscape architect," "landscape architecture," or any description tending to convey the impression that they are a licensed landscape architect unless they are registered as provided in this chapter.

(c) This chapter shall not apply to architects, professional engineers, geologists, and land surveyors, licensed to practice their respective professions.

(8) This chapter applies to individuals only.

(a) All licenses shall be issued to individuals only but nothing contained in this chapter shall prevent a duly licensed landscape architect from rendering professional services for a corporation, firm, partnership or association.

(b) Partners. Each partner in a partnership of landscape architects shall be licensed to practice landscape architecture or to provide allied professional services as defined in section 30-130321-901, Idaho Code. Subject to this requirement, a partnership of landscape architects may use a partnership name if such name consists of:

(i) The names of two (2) or more landscape architects.

(ii) The names of one (1) or more landscape architects and one (1) or more professional engineers or architects.

(c) Any person applying to the official of any county or city for a business license to practice landscape architecture shall at the time of such application exhibit to such official satisfactory evidence that such applicant possesses a current Idaho license. The business license shall not be granted until such evidence is presented, any contrary provision of any special act or general act notwithstanding.

(9) Qualifications for practice -- Seal:

(a) No person shall use the designation "landscape architect" or "landscape architecture" or advertise any title or description tending to convey the impression that the person is a landscape architect, or practicing landscape architecture, unless such person is a licensed landscape architect. Every holder of a license shall display it in the principal office, place of business or place of employment.

(b) Every landscape architect shall have a seal approved by the board, which shall contain the name of the landscape architect and the words "Licensed Landscape Architect, State of Idaho," and such other words or figures as the board may deem necessary and prescribe.

(i) The seal may be a rubber stamp or an electronically applied seal. Whenever the seal is applied, the licensee's written signature and the date shall be adjacent to or across the seal. The seal, signature and date shall be placed on all final reports, drawings and title pages of specifications, design information and calculations. Whenever presented to a client or to the public, such documents that are not final and do not contain a seal, signature and date, shall be clearly marked as "preliminary," "draft," "not for construction" or similar words to distinguish the documents from a finished product.

(ii) The application of the licensee's seal, signature and the date shall constitute certification that the work thereon was prepared by such landscape architect or under the supervision of such

landscape architect. Each plan or drawing sheet shall be sealed and signed by the licensee or the licensee's agent responsible for each sheet. The principal landscape architect in charge shall sign and seal the title or first sheet. Copies of electronically produced documents listed in paragraph (b) (i) of this subsection that are distributed for informational use, such as for bidding purposes or working copies, may be issued with the licensee's seal and a notice that the original document is on file with the licensee's signature and date. The words "original signed by:" and "date signed:" shall be placed adjacent to or across the seal of the electronic original. The storage location of the original documents shall also be provided. Only the title page of reports, specifications and like documents need bear the seal and signature of the licensee and the date.

(iii) Nothing contained herein shall be construed to permit a landscape architect to practice as a licensed architect, a licensed professional engineer or a licensed land surveyor as these professions are defined by Idaho Code; provided however, nothing contained herein shall be construed to prevent a landscape architect from practicing landscape architecture.

SECTION 10. This act shall be in full force and effect on and after July 1, 2015, and upon passage of Senate Bill No. 1025, as enacted by the First Regular Session of the Sixty-third Idaho Legislature.

Approved April 3, 2015

CHAPTER 252
(S.B. No. 1120)

AN ACT

RELATING TO DRIVER'S TRAINING; AMENDING SECTION 49-307, IDAHO CODE, TO PROVIDE THAT PART OF A DRIVER'S TRAINING COURSE FEE BE DEPOSITED IN THE OCCUPATIONAL LICENSES FUND OR THE DRIVER TRAINING ACCOUNT DEPENDING UPON THE SELECTED DRIVER'S TRAINING PROGRAM, TO PROVIDE A METHOD FOR CALCULATING THE FEES THAT SHALL BE DEPOSITED IN THE OCCUPATIONAL LICENSES FUND AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-307, Idaho Code, be, and the same is hereby amended to read as follows:

49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SUPERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D driver's training course shall be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit, or a class D instruction permit as provided in subsection (4) of this section.

(2) Every enrollee of a class D driver's training course shall pay a nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in the driver training account, ~~five dollars (\$5.00) shall be deposited in the state highway account, and five dollars (\$5.00) shall be deposited in the county current expense fund, and five dollars (\$5.00) shall be:~~

(a) Deposited in the driver training account if the person is taking driver's training from a public school; or

(b) Paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund if the person is taking driver's training from a private driver's training program. The amount to be remitted to the bureau of occupational licenses shall be annually calculated and paid. To calculate such amount, the total number of public driver's training students as submitted to the state department of education shall be subtracted from the total number of permits sold as reported by the Idaho transportation department, and the resulting number shall be multiplied by five dollars (\$5.00).

(3) Each enrollee of a class D driver's training course shall provide the type of information required for a driver's license or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate at the time of application for a permit, the department may issue a class D driver's training instruction permit or a class D instruction permit upon receipt of identification acceptable to the department. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued.

(4) The class D driver's training instruction permit shall expire five (5) days after the permittee's eighteenth birthday for permittees fourteen and one-half (14 1/2) years of age through seventeen and one-half (17 1/2) years of age. The class D driver's training instruction permit shall expire one hundred eighty (180) days from the date of issue for persons seventeen and one-half (17 1/2) years of age or older. Persons aged seventeen (17) years or older may attend classes or participate in driver's training instruction while operating with a class D instruction permit or a class D driver's training instruction permit.

(5) The class D driver's training instruction permit shall be issued to the instructor of the course.

(6) Class D supervised instruction permit.

(a) Upon successful completion of the class D driver's training course, the driver's training instructor shall submit the student log to the county driver's license office and give the class D driver's training instruction permit to the parent or legal guardian of the permittee, and the parent or legal guardian shall assume responsibility for ensuring that the permittee complies with the requirements of operating a vehicle with a class D supervised instruction permit. The class D driver's training instruction permit shall then serve as a class D supervised instruction permit.

(b) In the event the permittee reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, the supervised instruction permit shall become a class D instruction permit.

(7) No permittee may apply for a class D driver's license sooner than fifteen (15) years of age and no sooner than six (6) months after completing a class D driver's training course, during which time the permittee shall satisfy all requirements for operation of a class D vehicle with a class D supervised instruction permit as follows:

(a) The permittee shall not operate a vehicle unless he is accompanied by a driver who holds a valid driver's license, is twenty-one (21) years of age or older, and who is actually occupying a seat beside the permittee driver. The supervising driver and the permittee shall be the only occupants of the front passenger section of the vehicle.

(b) Over a period of time not less than six (6) months, the permittee shall accumulate at least fifty (50) hours of supervised driving time, ten (10) hours of which shall be during hours of darkness.

(c) The permit shall be in the permittee's immediate possession at all times while operating a vehicle.

(d) In addition to the permittee driver and the supervising driver, all other occupants of the vehicle shall wear a seat belt or be restrained by child passenger restraints as required by law.

(e) The permittee is subject to the provisions of sections 18-1502 and 18-8004, Idaho Code, relating to violation of age restrictions on consumption of beer, wine, and alcohol and driving under the influence of alcohol, drugs or any other intoxicating substances, respectively.

(f) The permittee shall not have been convicted of any moving traffic violation, or have had driving privileges suspended by the department or the court for any offense, or found to be in violation of any of the restrictions on the class D supervised instruction permit, for a period of at least six (6) months from the date the driver's training instructor gave the permit to the parent or legal guardian, or from the date a canceled class D supervised instruction permit was reissued, or until the permittee reaches seventeen (17) years of age.

(g) If the permittee is under seventeen (17) years of age and is convicted of a violation of any traffic law, or section 18-1502, Idaho Code, or section 18-8004, Idaho Code, or section 23-949, Idaho Code, or is found to be in violation of any of the restrictions on the class D supervised instruction permit, the department shall cancel the class D supervised instruction permit, and the cancellation shall not be used to establish rates of motor vehicle insurance charged by a casualty insurer. If the permittee is under seventeen (17) years of age, the permittee may reapply for and be issued a new class D supervised instruction permit upon payment of the appropriate fee, and shall again be required to operate with the class D supervised instruction permit for at least six (6) months from the date of reissue without a conviction or suspension, accumulate the required hours of driving time and adhere to the requirements as specified in paragraphs (a) through (f) of this subsection ~~(7)~~.

(8) Upon completion of the requirements in subsection (7) of this section, the permittee shall take the knowledge test and skills test administered by a person certified by the Idaho transportation department to administer knowledge and skills tests.

(9) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license with driving privileges restricted to daylight hours for persons under sixteen (16) years of age, and with full privileges at sixteen (16) years of age or older. Provided however, the restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:

(a) The person under sixteen (16) years of age has a valid class D driver's license; and

(b) Is accompanied by a driver who holds a valid driver's license and is twenty-one (21) years of age or older and is actually occupying a seat beside the licensee who is under sixteen (16) years of age; and

(c) The two (2) licensed drivers are the only occupants of the front passenger section of the vehicle.

The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(10) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license. Any such licensee who is under the age of seventeen (17) years shall be required, during the first six (6) months from the date of issue of the class D driver's license, to limit the number of passengers in the vehicle who are under the age of seventeen (17) years to not more than one (1) such passenger. Provided however, the limit of one (1) passenger under the age of seventeen (17) years shall not apply to passengers who are related to the driver by blood, adoption or marriage.

Approved April 3, 2015

CHAPTER 253
(S.B. No. 1121)

AN ACT

RELATING TO THE IMMUNIZATION REGISTRY; AMENDING SECTION 39-4803, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION MAY BE SHARED WITH THE IDAHO HEALTH DATA EXCHANGE, TO REVISE LANGUAGE RELATING TO REMOVAL OF INFORMATION, TO PROVIDE THAT INFORMATION MAY ONLY BE DISCLOSED IN ACCORDANCE WITH CERTAIN LAWS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 39-4803, Idaho Code, be, and the same is hereby amended to read as follows:

39-4803. IMMUNIZATION REGISTRY. (1) The department of health and welfare shall provide for the establishment of a voluntary registry of the immunization status of Idaho children against childhood diseases. The registry shall be maintained and its data disclosed as set out herein to further the following purposes:

- (a) To make immunizations readily available to every Idaho citizen that desires to have their child immunized;
- (b) To increase the voluntary immunization rate in Idaho to the maximum extent possible without mandating such immunizations;
- (c) To recognize and respect the rights of parents and guardians to make health care decisions for their children; and
- (d) To provide for timely reminders to parents of children in the registry.

(2) The name of a child and information relating to the immunization status of that child shall be collected and included in the registry unless a parent, guardian or other person legally responsible for the care of the child chooses not to have the child included in the registry upon a specified written statement. Such statement may not be part of a general authorization or release. The registry shall contain the following information for each child:

- (a) The child's name, address and birth date;
- (b) The name and address of each parent of the child;
- (c) The month, day, year and type of each immunization that has been administered to the child;

(d) The name, address and phone number of each provider that has administered an immunization to the child;

(e) If requested by a parent or guardian, any statement made pursuant to subsection (4) of this section; and

(f) Other information as authorized or requested by a parent or guardian.

(3) The department of health and welfare shall only disclose information relating to an individual child in the registry to the following upon a specific request:

(a) Employees of the health district in which the child resides or seeks medical services;

(b) Health records staff of the school or school district in which the child is enrolled;

(c) The operator of a licensed daycare facility in which the child is enrolled;

(d) Persons who are legally responsible for the long-term care of the child, including operators of licensed ICF/ID's and residential or assisted living facilities, adoptive and foster parents and a guardian appointed pursuant to chapter 5, title 15, Idaho Code;

(e) Any health care provider rendering treatment to the child, and the provider's agents;

(f) Any person possessing a lawful release, properly executed by the child's parent or guardian;

(g) A parent of the child; ~~or~~

(h) Any hospital where the child is receiving care; or

(i) The Idaho health data exchange.

(4) A parent or guardian of the child shall have free and open access to all information in the registry that relates to their child or themselves. Upon the written request of a parent or guardian, the department of health and welfare shall:

(a) Cause all information relating to the child to be removed from the registry ~~and any databases or files of other entities or persons to which information in the database has been disclosed;~~

(b) Include in the registry the statement of a physician or parent pursuant to section 39-4802 (2) or 39-1118 (2), Idaho Code.

(5) All information contained in the registry or disclosed from it is confidential and may not be sold and may only be disclosed as specifically authorized in this section. A person or entity to whom information is disclosed from the registry may not thereafter disclose it to others except in accordance with state and federal laws applicable to the use of protected health information. Any person who discloses or authorizes disclosure of any information contained in the registry, except as authorized in this section, is guilty of a misdemeanor and is liable for civil damages in the amount of one hundred dollars (\$100) for each violation.

Approved April 3, 2015

CHAPTER 254
(S.B. No. 1148)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on Hispanic Affairs, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$97,500	\$21,700	\$4,800	\$124,000
Miscellaneous Revenue				
Fund	53,700	48,400		102,100
Federal Grant				
Fund	<u>20,900</u>	<u>21,000</u>	<u>0</u>	<u>41,900</u>
TOTAL	\$172,100	\$91,100	\$4,800	\$268,000

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, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 3, 2015

CHAPTER 255
(S.B. No. 1149)

AN ACT

APPROPRIATING MONEYS TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2016; 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 Idaho Public Television, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$916,200	\$1,073,800	\$324,000	\$2,314,000
Miscellaneous Revenue				
Fund	<u>3,343,500</u>	<u>2,429,800</u>	<u>612,000</u>	<u>6,385,300</u>
TOTAL	\$4,259,700	\$3,503,600	\$936,000	\$8,699,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, Idaho Public Television is authorized no more than sixty (60) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 3, 2015

CHAPTER 256
(S.B. No. 1150)

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2016; AND EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service, the following amounts to be expended from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$24,991,900	\$3,594,300	\$150,000	\$28,736,200
Equine Education				
Fund	<u>0</u>	<u>25,600</u>	<u>0</u>	<u>25,600</u>
TOTAL	\$24,991,900	\$3,619,900	\$150,000	\$28,761,800

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2016, the Agricultural Research and Cooperative Extension Service is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2015, through June 30, 2016. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 3, 2015

CHAPTER 257
(S.B. No. 1151)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2016; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS FOR THE POSTSECONDARY PROGRAM; AND PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2015.

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, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund	\$1,737,100	\$273,800	\$14,400		\$2,025,300
Federal Grant					
Fund	<u>279,500</u>	<u>60,200</u>	<u>0</u>		<u>339,700</u>
TOTAL	\$2,016,600	\$334,000	\$14,400		\$2,365,000
II. GENERAL PROGRAMS:					
FROM:					
General					
Fund				\$13,814,400	\$13,814,400
Hazardous Materials/Waste Enforcement					
Fund				67,800	67,800
Federal Grant					
Fund	<u>\$183,100</u>	<u>\$14,800</u>		<u>6,505,400</u>	<u>6,703,300</u>
TOTAL	\$183,100	\$14,800		\$20,387,600	\$20,585,500
III. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund	\$35,134,100	\$2,918,700	\$765,800	\$240,500	\$39,059,100
Unrestricted					
Fund	<u>0</u>	<u>480,000</u>	<u>0</u>	<u>0</u>	<u>480,000</u>
TOTAL	\$35,134,100	\$3,398,700	\$765,800	\$240,500	\$39,539,100

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
IV. DEDICATED PROGRAMS:					
FROM:					
General					
Fund				\$325,000	\$325,000
Displaced Homemaker					
Fund				170,000	170,000
Quality Program Standard Incentive Grant					
Fund				200,000	200,000
Agriculture and Natural Resource Education Program Start-Up					
Fund				<u>125,000</u>	<u>125,000</u>
TOTAL				\$820,000	\$820,000
V. RELATED SERVICES:					
FROM:					
General					
Fund	\$134,200	\$5,700		\$840,900	\$980,800
Miscellaneous Revenue					
Fund	227,100	31,500			258,600
Seminars and Publications					
Fund		140,000			140,000
Federal Grant					
Fund	<u>48,000</u>	<u>17,800</u>		<u>2,174,000</u>	<u>2,239,800</u>
TOTAL	\$409,300	\$195,000		\$3,014,900	\$3,619,200
GRAND TOTAL	\$37,743,100	\$3,942,500	\$780,200	\$24,463,000	\$66,928,800

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2016, the Division of Professional-Technical Education, Postsecondary Program, is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2015, through June 30, 2016. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Professional-Technical Education, any unexpended and unencumbered balances of moneys categorized as dedicated funds and federal funds as appropriated for fiscal year 2015, to be used for nonrecurring expenditures, for the period July 1, 2015, through June 30, 2016.

Approved April 3, 2015

CHAPTER 258
(S.B. No. 1157)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2016; 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 for Pardons and Parole, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$2,163,600	\$517,500	\$2,681,100
Miscellaneous Revenue			
Fund	<u>0</u>	<u>70,700</u>	<u>70,700</u>
TOTAL	\$2,163,600	\$588,200	\$2,751,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission for Pardons and Parole is authorized no more than thirty-three (33) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 3, 2015

CHAPTER 259
(S.B. No. 1158)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE DEPARTMENT FROM CERTAIN TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR CERTAIN BALANCES; AND TRANSFERRING MONEYS TO THE HARRIMAN STATE PARK TRUST FUND.

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, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$354,900	\$239,100			\$594,000
Indirect Cost Recovery					
Fund	226,000	197,200			423,200
Parks and Recreation					
Fund	1,236,800	1,008,100		\$290,000	2,534,900
Recreational Fuels					
Fund	589,700	85,200	\$98,200	2,221,800	2,994,900
Parks and Recreation Registration					
Fund	304,600	145,100		7,401,200	7,850,900
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	\$2,712,000	\$1,692,900	\$98,200	\$11,910,100	\$16,413,200
II. PARK OPERATIONS:					
FROM:					
General					
Fund	\$1,963,000	\$600,700			\$2,563,700
Indirect Cost Recovery					
Fund		2,400			2,400
Parks and Recreation					
Fund	4,026,500	1,395,800	\$271,300		5,693,600
Recreational Fuels					
Fund	133,800	244,600	610,000		988,400
Parks and Recreation Registration					
Fund	799,300	801,300	112,500	\$200,000	1,913,100
Miscellaneous Revenue					
Fund	49,400	76,500			125,900
Public Recreation Enterprise					
Fund	728,400	1,239,000	6,000		1,973,400
Parks and Recreation Expendable Trust					
Fund	481,100	405,600			886,700
Federal Grant					
Fund	<u>1,092,300</u>	<u>628,600</u>	<u>0</u>	<u>1,227,500</u>	<u>2,948,400</u>
TOTAL	\$9,273,800	\$5,394,500	\$999,800	\$1,427,500	\$17,095,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. CAPITAL DEVELOPMENT:					
FROM:					
General					
Fund			\$250,000		\$250,000
Parks and Recreation					
Fund			340,000		340,000
Recreational Fuels					
Fund			1,110,000		1,110,000
Public Recreation Enterprise					
Fund			375,000		375,000
Parks and Recreation Expendable Trust					
Fund			<u>24,000</u>		<u>24,000</u>
TOTAL			\$2,099,000		\$2,099,000
GRAND TOTAL	\$11,985,800	\$7,087,400	\$3,197,000	\$13,337,600	\$35,607,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred fifty and thirty-nine hundredths (150.39) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. Notwithstanding Section 67-3511(1) and (2), Idaho Code, trustee and benefit payments for grants in the Management Services Program may be transferred to capital outlay in the Capital Development Program or to capital outlay in the Park Operations Program to reflect grants awarded to the Department of Parks and Recreation for the period July 1, 2015, through June 30, 2016. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Parks and Recreation any unexpended and unencumbered balances appropriated or reappropriated to the Department of Parks and Recreation for the Capital Development Program for fiscal year 2015, to be used for nonrecurring expenditures in that program for the period July 1, 2015, through June 30, 2016.

SECTION 5. There is hereby appropriated and the State Controller shall transfer, on July 1, 2015, or as soon thereafter as is practicable, the remaining balance of \$3,393.77 from the Department's Economic Recovery Reserve Fund to the Harriman State Park Trust Fund for the period July 1, 2015, through June 30, 2016.

Approved April 3, 2015

CHAPTER 260
(S.B. No. 1160)

AN ACT

APPROPRIATING AND TRANSFERRING MONEYS TO THE WOLF CONTROL FUND FOR FISCAL
YEAR 2016.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$400,000 from the General Fund to the Wolf Control Fund Other Money Subaccount, on July 1, 2015, or as soon thereafter as practicable, for the period July 1, 2015, through June 30, 2016.

Approved April 3, 2015

CHAPTER 261
(S.B. No. 1161)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2016;
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 Department of Agriculture, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$670,600	\$426,500			\$1,097,100
Administration and Accounting Services					
Fund	994,700	119,800	\$98,600		1,213,100
Facilities Maintenance					
Fund	<u>137,200</u>	<u>184,000</u>	<u>0</u>		<u>321,200</u>
TOTAL	\$1,802,500	\$730,300	\$98,600		\$2,631,400
II. ANIMAL INDUSTRIES:					
FROM:					
General					
Fund	\$1,530,200	\$215,700	\$1,600		\$1,747,500
Agricultural Inspection					
Fund	38,000	9,700			47,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Livestock Disease Control					
Fund	537,500	265,300	73,000		875,800
Agricultural Fees - Dairy Inspection					
Fund	1,312,500	410,500	38,300		1,761,300
Agricultural Fees - Egg Inspection					
Fund	152,000	15,400			167,400
Agricultural Fees - Commercial Fisheries					
Fund	5,700	4,200			9,900
Agricultural Fees - Poultry Inspection					
Fund	72,200	17,500			89,700
Seminars and Publications					
Fund		98,300			98,300
Federal Grant					
Fund	<u>397,900</u>	<u>284,400</u>	<u>0</u>	<u>\$58,200</u>	<u>740,500</u>
TOTAL	\$4,046,000	\$1,321,000	\$112,900	\$58,200	\$5,538,100

III. AGRICULTURAL RESOURCES:**FROM:****General**

Fund	\$192,100	\$130,100			\$322,200
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Agricultural Fees - Pesticides

Fund	1,822,400	781,200	\$218,600		2,822,200
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Federal Grant

Fund	<u>391,800</u>	<u>133,400</u>	<u>0</u>		<u>525,200</u>
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TOTAL	\$2,406,300	\$1,044,700	\$218,600		\$3,669,600
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IV. PLANT INDUSTRIES:**FROM:****General**

Fund	\$1,135,300	\$681,200		\$1,288,000	\$3,104,500
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Agricultural Inspection

Fund	1,102,800	285,700	\$16,400	111,100	1,516,000
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Invasive Species

Fund	520,600	350,100	66,600	550,000	1,487,300
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Agricultural Fees - Commercial Feed and Fertilizer

Fund	1,070,600	291,000	15,500		1,377,100
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Agricultural Fees - Honey Advertising

Fund	400	16,300			16,700
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Quality Assurance Laboratory Services

Fund	323,400	70,200			393,600
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Federal Grant

Fund	<u>683,500</u>	<u>1,325,800</u>	<u>14,400</u>	<u>1,036,700</u>	<u>3,060,400</u>
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TOTAL	\$4,836,600	\$3,020,300	\$112,900	\$2,985,800	\$10,955,600
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. AGRICULTURAL INSPECTIONS:					
FROM:					
General					
Fund	\$654,700	\$138,600			\$793,300
Weights and Measures Inspection					
Fund	348,800	169,800	\$123,900		642,500
Agricultural Fees - Organic Food Products					
Fund	235,400	79,400	25,800		340,600
Agricultural Fees - Fresh Fruit and Vegetable Inspection					
Fund	6,413,200	1,823,500	157,200		8,393,900
Federal Grant					
Fund	<u>0</u>	<u>20,000</u>	<u>0</u>	<u>\$200,000</u>	<u>220,000</u>
TOTAL	\$7,652,100	\$2,231,300	\$306,900	\$200,000	\$10,390,300
VI. MARKET DEVELOPMENT:					
FROM:					
General					
Fund	\$397,100	\$363,400			\$760,500
Agricultural Inspection					
Fund	46,000	70,100	\$3,300		119,400
Seminars and Publications					
Fund		245,600			245,600
USDA Publications					
Fund		24,900			24,900
Rural Economic Development Integrated Freight Transportation					
Fund	9,300	20,000		\$140,000	169,300
Revolving Loans					
Fund	12,300	15,300			27,600
Federal Grant					
Fund	<u>175,800</u>	<u>278,100</u>	<u>0</u>	<u>767,500</u>	<u>1,221,400</u>
TOTAL	\$640,500	\$1,017,400	\$3,300	\$907,500	\$2,568,700
VII. ANIMAL DAMAGE CONTROL:					
FROM:					
General					
Fund				\$160,000	\$160,000
Animal Damage Control					
Fund				215,700	215,700
Agricultural Fees - Sheep and Goat Health					
Fund		<u>\$200</u>		<u>167,200</u>	<u>167,400</u>
TOTAL		\$200		\$542,900	\$543,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VIII. SHEEP AND GOAT HEALTH BOARD:					
FROM:					
General					
Fund	\$64,700				\$64,700
Agricultural Fees - Sheep and Goat Health					
Fund	<u>66,300</u>	<u>\$37,700</u>			<u>104,000</u>
TOTAL	\$131,000	\$37,700			\$168,700
GRAND TOTAL	\$21,515,000	\$9,402,900	\$853,200	\$4,694,400	\$36,465,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than one hundred ninety-six and five-hundredths (196.05) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 3, 2015

CHAPTER 262
(S.B. No. 1162)

AN ACT

APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the Soil and Water Conservation Commission, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,119,800	\$169,400	\$47,700	\$1,253,200	\$2,590,100
Administration and Accounting Services					
Fund		20,000			20,000
Resource Conservation and Rangeland Development					
Fund	155,200	146,100			301,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Clean Water Revolving Loan (SCC)					
Fund	<u>0</u>	<u>30,000</u>	<u>0</u>	<u>0</u>	<u>30,000</u>
TOTAL	\$1,275,000	\$365,500	\$47,700	\$1,253,200	\$2,941,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Soil and Water Conservation Commission is authorized no more than seventeen and seventy-five hundredths (17.75) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that \$100,000 of the amount appropriated in Section 1 of this act for trustee and benefit payments is to be distributed equally between the 50 soil and water conservation districts in addition to the amounts authorized under Section 22-2727, Idaho Code.

Approved April 3, 2015

CHAPTER 263
(S.B. No. 1163)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION BASIN FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION BASIN FUND AND REQUIRING AN ANNUAL REPORT; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND.

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

SECTION 1. There is hereby appropriated to the Department of Environmental Quality, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,558,600	\$1,456,400	\$124,800		\$3,139,800
Air Quality Permitting					
Fund	213,900	95,500	5,300		314,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Public Water System Supervision					
Fund	353,200	49,400	4,500		407,100
Water Pollution Control					
Fund	71,900	20,700	1,500		94,100
Department of Environmental Quality (Receipts)					
Fund	250,500	96,600	5,300		352,400
Bunker Hill Trust					
Fund		12,000			12,000
Department of Environmental Quality (Federal)					
Fund	<u>1,815,900</u>	<u>1,682,800</u>	<u>91,100</u>		<u>3,589,800</u>
TOTAL	\$4,264,000	\$3,413,400	\$232,500		\$7,909,900

II. AIR QUALITY:

FROM:

General

Fund	\$2,904,700	\$257,600	\$50,000		\$3,212,300
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Air Quality Permitting

Fund	1,160,000	82,700		\$40,000	1,282,700
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Department of Environmental Quality (Receipts)

Fund	285,600	243,000			528,600
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Department of Environmental Quality (Federal)

Fund	<u>1,480,300</u>	<u>674,200</u>	<u>25,000</u>	<u>41,400</u>	<u>2,220,900</u>
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TOTAL	\$5,830,600	\$1,257,500	\$75,000	\$81,400	\$7,244,500
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III. WATER QUALITY:

FROM:

General

Fund	\$5,511,500	\$1,026,800	\$40,600	\$678,500	\$7,257,400
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Public Water System Supervision

Fund	1,011,500	499,700			1,511,200
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Water Pollution Control

Fund	602,500	334,300		158,200	1,095,000
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Department of Environmental Quality (Receipts)

Fund	468,200	158,000		51,600	677,800
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Department of Environmental Quality (Federal)

Fund	<u>4,511,600</u>	<u>1,649,500</u>	<u>0</u>	<u>2,333,200</u>	<u>8,494,300</u>
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TOTAL	\$12,105,300	\$3,668,300	\$40,600	\$3,221,500	\$19,035,700
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IV. COEUR D'ALENE BASIN COMMISSION:

FROM:

General

Fund	\$106,600	\$10,200			\$116,800
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Environmental Remediation (Basin)					
Fund	62,200	15,500			77,700
Department of Environmental Quality (Federal)					
Fund	<u>14,600</u>	<u>253,400</u>		<u>\$50,000</u>	<u>318,000</u>
TOTAL	\$183,400	\$279,100		\$50,000	\$512,500
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General					
Fund	\$2,396,200	\$102,700		\$134,600	\$2,633,500
Environmental Remediation (Box)					
Fund	28,000	76,600		150,500	255,100
Environmental Remediation (Basin)					
Fund	88,300	541,800			630,100
Department of Environmental Quality (Receipts)					
Fund	736,200	1,447,100		51,800	2,235,100
Bunker Hill Trust					
Fund	44,400	920,000		300,000	1,264,400
Department of Environmental Quality (Federal)					
Fund	<u>3,045,600</u>	<u>14,748,400</u>		<u>3,015,500</u>	<u>20,809,500</u>
TOTAL	\$6,338,700	\$17,836,600		\$3,652,400	\$27,827,700
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General					
Fund	\$81,100	\$8,700			\$89,800
Department of Environmental Quality (Federal)					
Fund	<u>915,100</u>	<u>918,800</u>	<u>\$20,000</u>	<u>\$146,900</u>	<u>2,000,800</u>
TOTAL	\$996,200	\$927,500	\$20,000	\$146,900	\$2,090,600
GRAND TOTAL	\$29,718,200	\$27,382,400	\$368,100	\$7,152,200	\$64,620,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred sixty-eight (368) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby appropriated to the Department of Environmental Quality and the State Controller shall transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation Basin Fund, through monthly installments or as practicable for the period July 1, 2015, through June 30, 2016.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that moneys deposited into the Environmental Remediation Basin Fund are to be used for remediation of the Coeur d'Alene Basin in accordance with the superfund contract with the Environmental Protection Agency. The Department of Environmental Quality shall file an annual report with the Governor, the Legislature, and the Coeur d'Alene Basin Environmental Improvement Project Commission on the remediation progress and the expenditures involved.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that the appropriation of moneys from the Water Pollution Control Fund in this act specifically supersedes the provisions of Section 39-3630, Idaho Code.

Approved April 3, 2015

CHAPTER 264
(S.B. No. 1164)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2015, through June 30, 2016:

FOR:

Personnel Costs	\$458,600
Operating Expenditures	<u>75,800</u>
TOTAL	\$534,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than five (5) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 3, 2015

CHAPTER 265
(S.B. No. 1166)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE IDAHO OPPORTUNITY 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, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$2,318,400	\$1,025,300	\$25,000	\$2,200,000	\$5,568,700
Idaho Opportunity					
Fund				3,000,000	3,000,000
Tourism and Promotion					
Fund	761,900	5,108,200	9,000	4,761,000	10,640,100
Miscellaneous Revenue					
Fund		157,500			157,500
Seminars and Publications					
Fund		378,400			378,400
Federal Grant					
Fund	<u>490,700</u>	<u>248,600</u>	<u>5,100</u>	<u>15,620,800</u>	<u>16,365,200</u>
TOTAL	\$3,571,000	\$6,918,000	\$39,100	\$25,581,800	\$36,109,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than forty-six (46) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby appropriated to the Department of Commerce and the State Controller shall transfer \$1,750,000 from the General Fund to the Idaho Opportunity Fund, through installments or as practicable for the period July 1, 2015, through June 30, 2016.

Approved April 3, 2015

CHAPTER 266
(H.B. No. 295)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENT PROGRAM FOR FISCAL YEAR 2016.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Bond Payment Program, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
General			
Fund	\$2,075,000	\$2,255,000	\$4,330,000
Permanent Building			
Fund	2,994,200	4,305,800	7,300,000
Administration and Accounting Services			
Fund	<u>293,000</u>	<u>380,000</u>	<u>673,000</u>
TOTAL	\$5,362,200	\$6,940,800	\$12,303,000

Approved April 3, 2015

CHAPTER 267
(H.B. No. 262)

AN ACT

RELATING TO TRANSPORTATION NETWORK COMPANIES; AMENDING TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 37, TITLE 49, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE PURPOSE AND INTENT, TO DEFINE TERMS, TO PROVIDE THAT TRANSPORTATION NETWORK COMPANIES ARE NOT OTHER CARRIERS OR TAXICABS, TO REQUIRE TRANSPORTATION NETWORK COMPANY SERVICES TO MAINTAIN AN AGENT IN IDAHO, TO PROVIDE FOR COLLECTION OF FEES FOR SERVICES, TO PROVIDE FOR IDENTIFICATION OF TRANSPORTATION NETWORK COMPANY VEHICLES AND DRIVERS, TO REQUIRE TRANSPORTATION NETWORK COMPANIES AND DRIVERS TO COMPLY WITH STATE OF IDAHO INSURANCE REQUIREMENTS, TO PROVIDE A ZERO TOLERANCE POLICY AND PROVIDE FOR DISCIPLINARY PROCEDURES, TO PROVIDE FOR TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS, TO PROHIBIT SERVICE TO STREET HAILS, TO PROHIBIT CASH PAYMENT, TO PROHIBIT DISCRIMINATION AND PROVIDE FOR ACCESSIBILITY, TO PROVIDE FOR RECORDS MAINTENANCE AND TO PROVIDE FOR PREEMPTION OF LOCAL REGULATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 37, Title 49, Idaho Code, and to read as follows:

CHAPTER 37
TRANSPORTATION NETWORK COMPANY SERVICES ACT

49-3701. SHORT TITLE. This chapter shall be cited as the "Transportation Network Company Services Act."

49-3702. LEGISLATIVE PURPOSE AND INTENT. It is the intent of the Idaho legislature to regulate the use of transportation network company (TNC) services within the state of Idaho and to promote the safety, reliability and cost-effectiveness of transportation network company (TNC) services, as well as preserve and enhance access to these important transportation options for residents and visitors.

49-3703. DEFINITIONS. As used in this chapter, the following terms have the meanings as stated:

(1) "Transportation network company" or "TNC" shall mean an entity operating in Idaho that meets the requirements of this chapter and uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. A TNC is not deemed to own, control, operate or manage the vehicles used by TNC drivers, and is not a taxicab association or a for-hire vehicle owner.

(2) "Transportation network company (TNC) driver" shall mean an individual who operates a motor vehicle that is:

- (a) Owned, leased or otherwise authorized for use by the individual;
- (b) Not a taxicab or for-hire vehicle; and
- (c) Used to provide transportation network company services.

(3) "Transportation network company (TNC) services" shall mean transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application. TNC services shall begin when a TNC driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC driver transports the passenger in the TNC driver's vehicle, and end when the passenger exits the TNC driver's vehicle. TNC service is not a taxicab, for-hire vehicle or street hail service.

(4) The definitions set forth in this section apply only to this chapter and not to the law of insurance contained in title 41, Idaho Code.

49-3704. NOT OTHER CARRIERS. TNCs or TNC drivers are not common carriers as defined in section 61-113, Idaho Code; they are not motor carriers, nor do they provide taxicab or for-hire vehicle service. In addition, a TNC driver shall not be required to register the vehicle such driver uses for TNC services as a commercial or for-hire vehicle or to obtain a commercial driver's license.

49-3705. AGENT. The TNC must maintain an agent for service of process in the state of Idaho.

49-3706. FARE CHARGED FOR SERVICES. A TNC may charge a fare for the services provided to passengers; provided that, if a fare is charged, the TNC shall disclose to passengers the fare calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC driver's vehicle.

49-3707. IDENTIFICATION OF TNC VEHICLES AND DRIVERS. The TNC's software application or website shall display a picture of the TNC driver, and the license plate number of the motor vehicle utilized for providing the TNC service before the passenger enters the TNC driver's vehicle.

49-3708. TNC AND TNC DRIVER INSURANCE REQUIREMENTS. TNCs and TNC drivers shall comply with all applicable requirements for insurance imposed by Idaho statutes pertaining to automobile liability insurance in this title and title 41, Idaho Code.

49-3709. ZERO TOLERANCE FOR DRUG OR ALCOHOL USE. (1) The TNC shall implement a zero tolerance policy on the illegal use of drugs or the use of alcohol while a TNC driver is providing TNC services or is logged into the TNC's digital network but is not providing TNC services, and shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passen-

ger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(2) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, the TNC shall immediately suspend such TNC driver's access to the TNC's digital platform, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(3) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint is received by the TNC.

49-3710. TNC DRIVER REQUIREMENTS. (1) Prior to permitting an individual to act as a TNC driver on its digital platform, the TNC shall:

(a) Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(b) Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(i) Multistate/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(ii) National sex offender registry database.

(c) Obtain and review a driving history research report for such individual.

(2) The TNC shall not permit an individual to act as a TNC driver on its digital platform who:

(a) Has had more than three (3) moving violations in the prior three (3) year period, or one (1) major violation in the prior three (3) year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

(b) Has been convicted, within the past seven (7) years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror;

(c) Is a match in the national sex offender registry database;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of registration for the motor vehicle(s) used to provide TNC services;

(f) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC services; or

(g) Is not at least nineteen (19) years of age.

49-3711. NO STREET HAILS. A TNC driver shall exclusively accept rides booked through a TNC's digital network or software application service and shall not solicit or accept street hails.

49-3712. NO CASH TRIPS. The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments from passengers and notify TNC drivers of such policy. TNC drivers shall not solicit or accept cash payments from passengers. Any payment for TNC services shall be made only electronically using the TNC's digital network or software application.

49-3713. NO DISCRIMINATION -- ACCESSIBILITY. (1) The TNC shall adopt a policy of nondiscrimination with respect to passengers and potential passengers and notify TNC drivers of such policy;

(2) TNC drivers shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers;

(3) TNC drivers shall comply with all applicable laws relating to accommodation of service animals;

(4) A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities; and

(5) A TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

49-3714. RECORDS. A TNC shall maintain:

(1) Individual trip records for at least two (2) years from the date each trip was provided; and

(2) TNC driver records at least until the one (1) year anniversary of the date on which a TNC driver's activation on the TNC digital network has ended.

49-3715. CONTROLLING AUTHORITY. Notwithstanding any other provision of law, except as provided in section 49-3708, Idaho Code, TNCs and TNC drivers are governed exclusively by this chapter. No municipality or other local entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to providing TNC services, or subject a TNC to the municipality or other local entity's rate, entry, operational or other requirements.

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

Law without signature.

CHAPTER 268
(H.B. No. 53, As Amended)

AN ACT

RELATING TO THE CODE OF MILITARY JUSTICE; REPEALING CHAPTER 11, TITLE 46, IDAHO CODE, RELATING TO THE CODE OF MILITARY JUSTICE; AMENDING TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, TITLE 46, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO ENACT AND SPECIFY PARTICULAR PROVISIONS OF THE MODEL STATE CODE OF MILITARY JUSTICE, TO PROVIDE FOR ARREST, TO PROVIDE FOR REGULATORY AUTHORITY, TO PROVIDE FOR IMMUNITY AND TO PROVIDE FOR SEVERABILITY.

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

SECTION 1. That Chapter 11, Title 46, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 11, Title 46, Idaho Code, and to read as follows:

CHAPTER 11
IDAHO CODE OF MILITARY JUSTICE

46-1101. SHORT TITLE. This act may be cited and referred to as the "Idaho Code of Military Justice."

46-1102. MODEL STATE CODE OF MILITARY JUSTICE. The "Model State Code of Military Justice" is hereby enacted into law and entered into by this state with any other states legally joining therein in the form substantially as follows:

MODEL STATE CODE OF MILITARY JUSTICE

PART I

GENERAL PROVISIONS

ARTICLE 1. DEFINITIONS -- GENDER NEUTRALITY

(a) In this act, unless the context otherwise requires:

(1) The term "accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any other person who has an interest other than an official interest in the prosecution of the accused;

(2) The term "cadet," "candidate," or "midshipman" means a person who is enrolled in or attending a state military academy, a regional training institute, or any other formal education program for the purpose of becoming a commissioned officer in the state military forces;

(3) The term "classified information" means:

(A) Any information or material that has been determined by an official of the United States or any state pursuant to law, an executive order, or regulation to require protection against unauthorized disclosure for reasons of national or state security; and

(B) Any restricted data, as defined in section 11(y) of the atomic energy act of 1954, 42 U.S.C. section 2014(y);

(4) The term "code" means this act;

(5) The term "commanding officer" includes only commissioned officers of the state military forces and shall include officers in charge only when administering nonjudicial punishment under article 15 of this code. The term "commander" has the same meaning as "commanding officer" unless the context otherwise requires;

(6) The term "convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being or a successor in command to the convening authority;

(7) The term "day" means calendar day and is not synonymous with the term "unit training assembly." Any punishment authorized by this article which is measured in terms of days shall, when served in a status other than annual field training, be construed to mean succeeding duty days;

(8) The term "duty status other than state active duty" means any other type of duty not in federal service and not full-time duty in the active service of the state, under an order issued by authority of law and includes travel to and from such duty;

(9) The term "enlisted member" means a person in an enlisted grade;

(10) The term "judge advocate" means a commissioned officer of the organized state military forces who is a member in good standing of the bar of the highest court of a state and is:

(A) Certified or designated as a judge advocate in the judge advocate general's corps of the army, air force, navy, or the marine corps or designated as a law specialist as an officer of the coast guard, or a reserve component of one (1) of these; or

(B) Certified as a nonfederally recognized judge advocate, under regulations promulgated pursuant to this provision, by the senior judge advocate of the commander of the force in the state military forces of which the accused is a member, as competent to perform

such military justice duties required by this code. If there is no such judge advocate available, then such certification may be made by such senior judge advocate of the commander of another force in the state military forces, as the convening authority directs;

(11) The term "may" is used in a permissive sense. The phrase "no person may ..." means that no person is required, authorized or permitted to do the act prescribed;

(12) The term "military court" means a court-martial or a court of inquiry;

(13) The term "military judge" means an official of a general or special court-martial detailed in accordance with article 26 of this code;

(14) The term "military offenses" means those offenses prescribed under articles 77 (Principals), 78 (Accessory after the fact), 80 (Attempts), 81 (Conspiracy), 82 (Solicitation), 83 (Fraudulent enlistment, appointment, or separation), 84 (Unlawful enlistment, appointment, or separation), 85 (Desertion), 86 (Absence without leave), 87 (Missing movement), 88 (Contempt toward officials), 89 (Disrespect towards superior commissioned officer), 90 (Assaulting or willfully disobeying superior commissioned officer), 91 (Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer), 92 (Failure to obey order or regulation), 93 (Cruelty and maltreatment), 94 (Mutiny or sedition), 95 (Resistance, flight, breach of arrest, and escape), 96 (Releasing prisoner without proper authority), 97 (Unlawful detention), 98 (Noncompliance with procedural rules), 99 (Misbehavior before the enemy), 100 (Subordinate compelling surrender), 101 (Improper use of countersign), 102 (Forcing a safeguard), 103 (Captured or abandoned property), 104 (Aiding the enemy), 105 (Misconduct as prisoner), 107 (False official statements), 108 (Military property -- Loss, damage, destruction, or wrongful disposition), 109 (Property other than military property -- Waste, spoilage, or destruction), 110 (Improper hazarding of vessel), 112 (Drunk on duty), 112a. (Wrongful use, possession, etc., of controlled substances), 113 (Misbehavior of sentinel), 114 (Dueling), 115 (Malingering), 116 (Riot or breach of peace), 117 (Provoking speeches or gestures), 132 (Frauds against the government), 133 (Conduct unbecoming an officer and a gentleman), and 134 (General article) of this code;

(15) The term "national security" means the national defense and foreign relations of the United States;

(16) The term "officer" means a commissioned or warrant officer;

(17) The term "officer in charge" means a member of the naval militia, the navy, the marine corps, or the coast guard designated as such by appropriate authority;

(18) The term "record," when used in connection with the proceedings of a court-martial, means:

(A) An official written transcript, written summary or other writing relating to the proceedings; or

(B) An official audiotape, videotape, digital image or file, or similar material from which sound, or sound and visual images, depicting the proceedings may be reproduced;

(19) "Shall" is used in an imperative sense;

(20) "State" means one of the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the U.S. Virgin Islands;

(21) "State active duty" means full-time duty in the state military forces under an order of the governor or otherwise issued by authority of law, and paid by state funds, and includes travel to and from such duty;

(22) "Senior force judge advocate" means the senior judge advocate of the commander of the same force of the state military forces as the accused and who is that commander's chief legal advisor;

(23) "State military forces" means the national guard of the state of Idaho, as defined in title 32, United States Code, the organized naval militia of the state, and any other military force organized under the constitution and laws of the state of Idaho, not to include the unorganized militia, when not in a status subjecting them to exclusive jurisdiction under 10 U.S.C. chapter 47. The unorganized militia, state defense force, state national guard, home guard or any other name of any state force that does not meet this definition shall not be part of the "state military forces" under this code;

(24) The term "superior commissioned officer" means a commissioned officer superior in rank or command;

(25) "Senior force commander" means the commander of the same force of the state military forces as the accused.

(b) The use of the masculine gender throughout this code shall also include the feminine gender.

ARTICLE 2. PERSONS SUBJECT TO THIS CODE -- JURISDICTION

(a) This code applies to all members of the state military forces when serving in a title 32 status or state active duty status as defined in article 1(a) (23) of this code. This code does not apply to members serving in a title 10 status or members of the unorganized militia as defined in section 46-102, Idaho Code.

(b) Subject matter jurisdiction is established if a nexus exists between an offense, either military or nonmilitary, and the state military force, regardless of duty status. Courts-martial have primary jurisdiction of military offenses as defined in article 1(a) (14) of this code. A proper civilian court has primary jurisdiction of a nonmilitary offense when an act or omission violates both this code and local criminal law, foreign or domestic. In such a case, a court-martial may be initiated only after the civilian authority has declined to prosecute or dismissed the charge, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be determined by the underlying offense.

ARTICLE 3. JURISDICTION TO TRY CERTAIN PERSONNEL

(a) Each person discharged from the state military forces who is later charged with having fraudulently obtained a discharge is, subject to article 43 of this code, subject to trial by court-martial on that charge and is, after apprehension, subject to this code while in custody under the direction of the state military forces for that trial. Upon conviction of that charge that person is subject to trial by court-martial for all offenses under this code committed before the fraudulent discharge.

(b) No person who has deserted from the state military forces may be relieved from amenability to the jurisdiction of this code by virtue of a separation from any later period of service.

ARTICLE 4. RESERVED

ARTICLE 5. TERRITORIAL APPLICABILITY OF THE CODE

(a) This code has applicability at all times and in all places subject to the personal jurisdiction as provided in article 2 of this code, or, if not in a duty status, that there is a nexus between the act or omission constituting the offense and the efficient functioning of the state military forces; however, this grant of military jurisdiction shall neither preclude nor limit civilian jurisdiction over an offense, which is limited only by the prohibition of double jeopardy.

(b) Courts-martial and courts of inquiry may be convened and held in units of the state military forces while those units are serving outside the state with the same jurisdiction and powers as to persons subject to this code as if the proceedings were held inside the state, and offenses committed outside the state may be tried and punished either inside or outside the state.

ARTICLE 6. JUDGE ADVOCATES

(a) The senior force judge advocates in each of the state's military forces or that judge advocate's delegates shall make frequent inspections in the field in supervision of the administration of military justice in that force.

(b) Convening authorities shall at all times communicate directly with their judge advocates in matters relating to the administration of military justice. The judge advocate of any command is entitled to communicate directly with the judge advocate of a superior or subordinate command, or with the state judge advocate.

(c) No person who has acted as member, military judge, trial counsel, defense counsel, or investigating officer, or who has been a witness, in any case may later act as a judge advocate to any reviewing authority upon the same case.

ARTICLE 6a. RESERVED

PART II. APPREHENSION AND RESTRAINT

ARTICLE 7. APPREHENSION

(a) Apprehension is the taking of a person into custody.

(b) Any person authorized by this code or by 10 U.S.C. chapter 47, or by regulations issued under either, to apprehend persons subject to this code, any marshal of a court-martial appointed pursuant to the provisions of this code, and any peace officer or civil officer having authority to apprehend offenders under the laws of the United States or of a state, including, but not limited to, section 46-1103, Idaho Code, may do so upon probable cause that an offense has been committed and that the person apprehended committed it.

(c) Commissioned officers, warrant officers, petty officers, and non-commissioned officers have authority to quell quarrels, frays, and disorders among persons subject to this code and to apprehend persons subject to this code who take part therein.

(d) If an offender is apprehended outside the state, the offender's return to the area must be in accordance with normal extradition procedures or by reciprocal agreement.

(e) No person authorized by this article to apprehend persons subject to this code or the place where such offender is confined, restrained, held, or otherwise housed may require payment of any fee or charge for so receiving, apprehending, confining, restraining, holding, or otherwise housing a person except as otherwise provided by law.

ARTICLE 8. RESERVED

ARTICLE 9. IMPOSITION OF RESTRAINT

(a) Arrest is the restraint of a person by an order, not imposed as a punishment for an offense, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(b) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this code. A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted members of the commanding officer's command or subject to the commanding officer's authority into arrest or confinement.

(c) A commissioned officer, a warrant officer, or a civilian subject to this code or to trial thereunder may be ordered into arrest or confinement only by a commanding officer to whose authority the person is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons into arrest or confinement may not be delegated.

(d) No person may be ordered into arrest or confinement except for probable cause.

(e) This article does not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

ARTICLE 10. RESTRAINT OF PERSONS CHARGED WITH OFFENSES

Any person subject to this code charged with an offense under this code may be ordered into arrest or confinement, as circumstances may require. When any person subject to this code is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform the person of the specific wrong of which the person is accused and diligent steps shall be taken to try the person or to dismiss the charges and release the person.

ARTICLE 11. PLACE OF CONFINEMENT -- REPORTS AND RECEIVING OF PRISONERS

(a) If a person subject to this code is confined before, during, or after trial, confinement shall be in a civilian or military confinement facility.

(b) No person authorized to receive prisoners pursuant to subsection (a) of this article may refuse to receive or keep any prisoner committed to the person's charge by a commissioned officer of the state military forces, when the committing officer furnishes a statement, signed by such officer, of the offense charged against the prisoner, unless otherwise authorized by law.

(c) Every person authorized to receive prisoners pursuant to subsection (a) of this article to whose charge a prisoner is committed shall, within twenty-four (24) hours after that commitment or as soon as the person is relieved from guard, report to the commanding officer of the prisoner the name of the prisoner, the offense charged against the prisoner, and the name of the person who ordered or authorized the commitment.

ARTICLE 12. CONFINEMENT WITH ENEMY PRISONERS PROHIBITED

No member of the state military forces may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces.

ARTICLE 13. PUNISHMENT PROHIBITED BEFORE TRIAL

No person, while being held for trial or awaiting a verdict, may be subjected to punishment or penalty other than arrest or confinement upon the charges pending against the person, nor shall the arrest or confinement imposed upon such person be any more rigorous than the circumstances required to ensure the person's presence.

ARTICLE 14. DELIVERY OF OFFENDERS TO CIVIL AUTHORITIES

(a) A person subject to this code accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial or confinement.

(b) When delivery under this article is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for the offense shall, upon the request of competent military authority, be returned to the place of original custody for the completion of the person's sentence.

PART III. NONJUDICIAL PUNISHMENT

ARTICLE 15. COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT

(a) Under such regulations as prescribed, any commanding officer (and for purposes of this article, officers-in-charge) may impose disciplinary punishments for minor offenses without the intervention of a court-martial pursuant to this article. The governor, the adjutant general, or an officer of a general or flag rank in command may delegate the powers under this article to a principal assistant who is a member of the state military forces.

(b) Any commanding officer may impose upon enlisted members of the officer's command:

- (1) An admonition;
- (2) A reprimand;
- (3) The withholding of privileges for not more than six (6) months;
- (4) The forfeiture of pay of not more than seven (7) days' pay;
- (5) A fine of not more than seven (7) days' pay;
- (6) A reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;
- (7) Extra duties, including fatigue or other duties, for not more than fourteen (14) days, which need not be consecutive; and
- (8) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen (14) days, which need not be consecutive.

(c) Any commanding officer of the grade of major or lieutenant commander, or above may impose upon enlisted members of the officer's command:

- (1) Any punishment authorized in subsection (b) (1), (2) and (3) of this article;
- (2) The forfeiture of not more than one-half (1/2) of one (1) month's pay per month for two (2) months;
- (3) A fine of not more than one (1) month's pay;
- (4) A reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two (2) pay grades;
- (5) Extra duties, including fatigue or other duties, for not more than forty-five (45) days which need not be consecutive; and
- (6) Restriction to certain specified limits, with or without suspension from duty, for not more than sixty (60) days which need not be consecutive.

(d) The governor, the adjutant general, an officer exercising general court-martial convening authority, or an officer of a general or flag rank in command may impose:

(1) Upon officers of the officer's command:

(A) Any punishment authorized in subsection (c) (1), (2), (3) and (6) of this article; and

(B) Arrest in quarters for not more than thirty (30) days, which need not be consecutive.

(2) Upon enlisted members of the officer's command:

(A) Any punishment authorized in subsection (c) of this article.

(e) Whenever any of those punishments are combined to run consecutively, the total length of the combined punishment cannot exceed the authorized duration of the longest punishment in the combination, and there must be an apportionment of punishments so that no single punishment in the combination exceeds its authorized length under this article.

(f) Except in the case of a member attached to or embarked in a vessel, punishment under this article may not be imposed on any member under this article if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment.

(g) The officer who imposes the punishment, or the successor in command, may, at any time, suspend, set aside, mitigate, or remit any part or amount of the punishment and restore all rights, privileges, and property affected. The officer also may:

(1) Mitigate reduction in grade to forfeiture of pay;

(2) Mitigate arrest in quarters to restriction; or

(3) Mitigate extra duties to restriction.

The mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this article by the officer who imposed the punishment mitigated.

(h) A person punished under this article who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority within fifteen (15) days after the punishment is either announced or sent to the accused, as the commander may determine. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (g) of this article by the officer who imposed the punishment. Before acting on an appeal from a punishment, the authority that is to act on the appeal may refer the case to a judge advocate for consideration and advice.

(i) The imposition and enforcement of disciplinary punishment under this article for any act or omission is not a bar to trial by court-martial or a civilian court of competent jurisdiction for a serious crime or offense growing out of the same act or omission and not properly punishable under this article; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial and, when so shown, it shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(j) Whenever a punishment of forfeiture of pay is imposed under this article, the forfeiture may apply to pay accruing before, on, or after the date that punishment is imposed.

(k) Regulations may prescribe the form of records to be kept of proceedings under this article and may prescribe that certain categories of those proceedings shall be in writing.

PART IV. COURT-MARTIAL JURISDICTION

ARTICLE 16. COURTS-MARTIAL CLASSIFIED

The three (3) kinds of courts-martial in the state military forces are:

- (1) General courts-martial, consisting of:
 - (A) A military judge and not less than five (5) members; or
 - (B) Only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing a court composed only of a military judge and the military judge approves;
- (2) Special courts-martial, consisting of:
 - (A) A military judge and not less than three (3) members; or
 - (B) Only a military judge, if one (1) has been detailed to the court, and the accused under the same conditions as those prescribed in subsection (1) (B) of this article so requests; and
- (3) Summary courts-martial, consisting of one (1) commissioned officer.

ARTICLE 17. JURISDICTION OF COURTS-MARTIAL IN GENERAL

Each component of the state military forces has court-martial jurisdiction over all members of the particular component who are subject to this code. Additionally, the army and air national guard state military forces have court-martial jurisdiction over all members subject to this code.

ARTICLE 18. JURISDICTION OF GENERAL COURTS-MARTIAL

Subject to article 17 of this code, general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code, and may, under such limitations as the governor may prescribe, adjudge any punishment not forbidden by this code.

ARTICLE 19. JURISDICTION OF SPECIAL COURTS-MARTIAL

Subject to article 17 of this code, special courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code, and may, under such limitations as the governor may prescribe, adjudge any punishment not forbidden by this code except dishonorable discharge, dismissal, confinement for more than one (1) year, forfeiture of pay exceeding two-thirds (2/3) pay per month, or forfeiture of pay for more than one (1) year.

ARTICLE 20. JURISDICTION OF SUMMARY COURTS-MARTIAL

(a) Subject to article 17 of this code, summary courts-martial have jurisdiction to try persons subject to this code, except officers, cadets, candidates, and midshipmen, for any offense made punishable by this code under such limitations as the governor may prescribe.

(b) No person in the rank of E7 or above may be brought to trial before a summary court-martial if that person objects thereto. If objection to trial by summary court-martial is made by an accused in the rank of E7 or above, trial by special or general court-martial may be ordered, as may be appropriate. Members in the rank of E6 and below do not have the right to reject trial before a summary court-martial. Summary courts-martial may, under such limitations as the governor may prescribe, adjudge any punishment not forbidden by this code except dismissal, dishonorable or bad-conduct discharge, confinement for more than one (1) month, restriction to specified limits for

more than two (2) months, or forfeiture of more than two-thirds (2/3) of one (1) month's pay.

ARTICLE 21. RESERVED

PART V. APPOINTMENT AND COMPOSITION OF COURTS-MARTIAL

ARTICLE 22. WHO MAY CONVENE GENERAL COURTS-MARTIAL

(a) General courts-martial may be convened by:

- (1) The governor;
- (2) The adjutant general;
- (3) The commanding officer of a force of the state military forces;
- (4) The commanding officer of a division or a separate brigade; or
- (5) The commanding officer of a separate wing.

(b) If any such commanding officer is an accuser, the court shall be convened by superior competent authority and may in any case be convened by such superior authority if considered desirable by such authority.

ARTICLE 23. WHO MAY CONVENE SPECIAL COURTS-MARTIAL

(a) Special courts-martial may be convened by:

- (1) Any person who may convene a general court-martial;
- (2) The commanding officer of a garrison, fort, post, camp, station, air national guard base, or naval base or station;
- (3) The commanding officer of a brigade, regiment, detached battalion, or corresponding unit of the army;
- (4) The commanding officer of a wing, group, separate squadron, or corresponding unit of the air force; or
- (5) The commanding officer or officer in charge of any other command when empowered by the adjutant general.

(b) If any such officer is an accuser, the court shall be convened by superior competent authority and may in any case be convened by such superior authority if considered desirable by such authority.

ARTICLE 24. WHO MAY CONVENE SUMMARY COURTS-MARTIAL

(a) Summary courts-martial may be convened by:

- (1) Any person who may convene a general or special court-martial;
- (2) The commanding officer of a detached company or other detachment, or corresponding unit of the army;
- (3) The commanding officer of a detached squadron or other detachment, or corresponding unit of the air force; or
- (4) The commanding officer or officer in charge of any other command when empowered by the adjutant general.

(b) When only one (1) commissioned officer is present with a command or detachment, that officer shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases. Summary courts-martial may, however, be convened in any case by superior competent authority if considered desirable by such authority.

ARTICLE 25. WHO MAY SERVE ON COURTS-MARTIAL

(a) Any commissioned officer of the state military forces is eligible to serve on all courts-martial for the trial of any person subject to this code.

(b) Any warrant officer of the state military forces is eligible to serve on general and special courts-martial for the trial of any person subject to this code, other than a commissioned officer.

(c) Any enlisted member of the state military forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member subject to this code, but that member shall serve as a member of a court only if, before the conclusion of a session called by the military judge under article 39(a) of this code prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally has requested orally on the record or in writing that enlisted members serve on it. After such a request, the accused may not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third (1/3) of the total membership of the court, unless eligible enlisted members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be assembled and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained. In this article, "unit" means any regularly organized body of the state military forces not larger than a company, a squadron, a division of the naval militia, or a body corresponding to one (1) of them.

(d) When it can be avoided, no person subject to this code may be tried by a court-martial any member of which is junior to the accused in rank or grade.

(e) When convening a court-martial, the convening authority shall detail as members thereof such members of the state military forces as, in the convening authority's opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of the state military forces is eligible to serve as a member of a general or special court-martial when that member is the accuser, a witness, or has acted as investigating officer or as counsel in the same case.

(f) Before a court-martial is assembled for the trial of a case, the convening authority may excuse a member of the court from participating in the case. The convening authority may delegate the authority under this subsection to a judge advocate or to any other principal assistant.

ARTICLE 25a. RESERVED

ARTICLE 26. MILITARY JUDGE OF A GENERAL OR SPECIAL COURT-MARTIAL

(a) A military judge shall be detailed to each general and special court-martial. The military judge shall preside over each open session of the court-martial to which the military judge has been detailed.

(b) A military judge shall be:

(1) An active or retired commissioned officer of an organized state military force;

(2) A member in good standing of the bar of the highest court of a state or a member of the bar of a federal court for at least five (5) years; and

(3) Certified as qualified for duty as a military judge by the senior force judge advocate which is the same force as the accused.

(c) In the instance when a military judge is not a member of the bar of the highest court of the state, the military judge shall be deemed admitted pro hac vice, subject to filing a certificate with the senior force judge advocate which is the same force as the accused setting forth such qualifications provided in subsection (b) of this article.

(d) The military judge of a general or special court-martial shall be designated by the senior force judge advocate which is the same force as the accused, or a designee, for detail by the convening authority. Neither the convening authority nor any staff member of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or ef-

ficiency of the military judge so detailed, which relates to performance of duty as a military judge.

(e) No person is eligible to act as military judge in a case if that person is the accuser or a witness, or has acted as investigating officer or a counsel in the same case.

(f) The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor vote with the members of the court.

ARTICLE 27. DETAIL OF TRIAL COUNSEL AND DEFENSE COUNSEL

(a) General provision:

(1) For each general and special court-martial, the authority convening the court shall detail trial counsel, defense counsel, and such assistants as are appropriate.

(2) No person who has acted as investigating officer, military judge, witness or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant or associate defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense nor may any person who has acted for the defense act later in the same case for the prosecution.

(b) Except as provided in subsection (c) of this article, trial counsel or defense counsel detailed for a general or special court-martial must be:

(1) A judge advocate as defined in article 1(a)(10) of this code; and

(2) In the case of trial counsel, a member in good standing of the bar of the highest court of the state where the court-martial is held.

(c) In the instance when a defense counsel is not a member of the bar of the highest court of the state, the defense counsel shall be deemed admitted pro hac vice, subject to filing a certificate with the military judge setting forth the qualifications that counsel is:

(1) A commissioned officer of the armed forces of the United States or a component thereof; and

(2) A member in good standing of the bar of the highest court of a state; and

(3) Certified as a judge advocate in the judge advocate general's corps of the army, air force, navy, or the marine corps; or

(4) A judge advocate as defined in article 1(a)(10) of this code.

ARTICLE 28. DETAIL OR EMPLOYMENT OF REPORTERS AND INTERPRETERS

Under such regulations as may be prescribed, the convening authority of a general or special court-martial or court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court and may detail or employ interpreters who shall interpret for the court.

ARTICLE 29. ABSENT AND ADDITIONAL MEMBERS

(a) No member of a general or special court-martial may be absent or excused after the court has been assembled for the trial of the accused unless excused as a result of a challenge, excused by the military judge for physical disability or other good cause, or excused by order of the convening authority for good cause.

(b) Whenever a general court-martial, other than a general court-martial composed of a military judge only, is reduced below five (5) members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than the applicable minimum number of five (5) members. The trial may proceed with the new members present after

the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides.

(c) Whenever a special court-martial, other than a special court-martial composed of a military judge only, is reduced below three (3) members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than three (3) members. The trial shall proceed with the new members present as if no evidence had been introduced previously at the trial, unless a verbatim record of the evidence previously introduced before the members of the court or a stipulation thereof is read to the court in the presence of the military judge, the accused, and counsel for both sides.

(d) If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of article 16(1)(B) or (2)(B) of this code, after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides.

PART VI. PRE-TRIAL PROCEDURE

ARTICLE 30. CHARGES AND SPECIFICATIONS

(a) Charges and specifications shall be signed by a person subject to this code under oath before a commissioned officer authorized by article 136(a) of this code to administer oaths and shall state:

- (1) That the signer has personal knowledge of, or has investigated, the matters set forth therein; and
- (2) That they are true in fact to the best of the signer's knowledge and belief.

(b) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges as soon as practicable.

ARTICLE 31. COMPULSORY SELF-INCRIMINATION PROHIBITED

(a) No person subject to this code may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

(b) No person subject to this code may interrogate or request any statement from an accused or a person suspected of an offense without first informing that person of the nature of the accusation and advising that person that the person does not have to make any statement regarding the offense of which the person is accused or suspected and that any statement made by the person may be used as evidence against the person in a trial by court-martial.

(c) No person subject to this code may compel any person to make a statement or produce evidence before any military court if the statement or evidence is not material to the issue and may tend to degrade the person.

(d) No statement obtained from any person in violation of this article or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against the person in a trial by court-martial.

ARTICLE 32. INVESTIGATION

(a) No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition that should be made of the case in the interest of justice and discipline.

(b) The accused shall be advised of the charges against the accused and of the right to be represented at that investigation by counsel. The accused has the right to be represented at that investigation as provided in article 38 of this code and in regulations prescribed under that article. At that investigation, full opportunity shall be given to the accused to cross-examine witnesses against the accused, if they are available, and to present anything the accused may desire in the accused's own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(c) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b) of this article, no further investigation of that charge is necessary under this article unless it is demanded by the accused after the accused is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in the accused's own behalf.

(d) If evidence adduced in an investigation under this article indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused:

- (1) Is present at the investigation;
 - (2) Is informed of the nature of each uncharged offense investigated;
- and
- (3) Is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b) of this article.

(e) The requirements of this article are binding on all persons administering this code, but failure to follow them does not constitute jurisdictional error.

ARTICLE 33. FORWARDING OF CHARGES

When a person is held for trial by general court-martial, the commanding officer shall within eight (8) days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the person exercising general court-martial jurisdiction. If that is not practicable, the commanding officer shall report in writing to that person the reasons for delay.

ARTICLE 34. ADVICE OF JUDGE ADVOCATE AND REFERENCE FOR TRIAL

(a) Before directing the trial of any charge by general court-martial, the convening authority shall refer it to a judge advocate for consideration and advice. The convening authority may not refer a specification under a charge to a general court-martial for trial unless the convening authority has been advised in writing by a judge advocate that:

- (1) The specification alleges an offense under this code;

(2) The specification is warranted by the evidence indicated in the report of investigation under article 32 of this code, if there is such a report; and

(3) A court-martial would have jurisdiction over the accused and the offense.

(b) The advice of the judge advocate under subsection (a) of this article with respect to a specification under a charge shall include a written and signed statement by the judge advocate:

(1) Expressing conclusions with respect to each matter set forth in subsection (a) of this article; and

(2) Recommending action that the convening authority take regarding the specification. If the specification is referred for trial, the recommendation of the judge advocate shall accompany the specification.

(c) If the charges or specifications are not correct formally or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence, may be made.

ARTICLE 35. SERVICE OF CHARGES

The trial counsel shall serve or caused to be served upon the accused a copy of the charges. No person may, against the person's objection, be brought to trial before a general court-martial case within a period of five (5) days after the service of charges upon the accused, or in a special court-martial within a period of three (3) days after the service of charges upon the accused.

PART VII. TRIAL PROCEDURE

ARTICLE 36. GOVERNOR OR THE ADJUTANT GENERAL MAY PRESCRIBE RULES

Pretrial, trial, and post-trial procedures, including modes of proof, for courts-martial cases arising under this code, and for courts of inquiry, may be prescribed by the governor or the adjutant general by regulations, or as otherwise provided by law, which shall apply the principles of law and the rules of evidence generally recognized in military criminal cases in the courts of the armed forces but which may not be contrary to or inconsistent with this code.

ARTICLE 37. UNLAWFULLY INFLUENCING ACTION OF COURT

(a) No authority convening a general, special, or summary court-martial, nor any other commanding officer, or officer serving on the staff thereof, may censure, reprimand, or admonish the court or any member, the military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court or with respect to any other exercise of its or their functions in the conduct of the proceedings. No person subject to this code may attempt to coerce or, by any unauthorized means, influence the action of a court-martial or court of inquiry or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to their judicial acts. The foregoing provisions of this subsection shall not apply with respect to: (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial; or (2) to statements and instructions given in open court by the military judge, summary court-martial officer, or counsel.

(b) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the state military forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the state military forces, or in determining whether a member of the state military forces should be retained on active status, no person subject to this code may, in preparing any such report: (1) consider or evaluate the performance of duty of any such member as a member of a court-martial or witness therein; or (2) give a less favorable rating or evaluation of any counsel of the accused because of zealous representation before a court-martial.

ARTICLE 38. DUTIES OF TRIAL COUNSEL AND DEFENSE COUNSEL

(a) The trial counsel of a general or special court-martial shall be a member in good standing of the state bar and shall prosecute in the name of the state and shall, under the direction of the court, prepare the record of the proceedings.

(b) Defense counsel:

(1) The accused has the right to be represented in defense before a general or special court-martial or at an investigation under article 32 of this code as provided in this subsection.

(2) The accused may be represented by civilian counsel at the provision and expense of the accused.

(3) The accused may be represented:

(A) By military counsel detailed under article 27 of this code; or

(B) By military counsel of the accused's own selection if that counsel is reasonably available as determined under paragraph (7) of this subsection.

(4) If the accused is represented by civilian counsel, military counsel detailed or selected under paragraph (3) of this subsection shall act as associate counsel unless excused at the request of the accused.

(5) Except as provided under paragraph (6) of this subsection, if the accused is represented by military counsel of his own selection under paragraph (3) (B) of this subsection, any military counsel detailed under paragraph (3) (A) of this subsection shall be excused.

(6) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under article 27 of this code to detail counsel, in that person's sole discretion:

(A) May detail additional military counsel as assistant defense counsel; and

(B) If the accused is represented by military counsel of the accused's own selection under paragraph (3) (B) of this subsection, may approve a request from the accused that military counsel detailed under paragraph (3) (A) of this subsection act as associate defense counsel.

(7) The senior force judge advocate of the same force of which the accused is a member shall determine whether the military counsel selected by an accused is reasonably available.

(c) In any court-martial proceeding resulting in a conviction, the defense counsel:

(1) May forward for attachment to the record of proceedings a brief of such matters as counsel determines should be considered in behalf of the accused on review, including any objection to the contents of the record which counsel considers appropriate;

(2) May assist the accused in the submission of any matter under article 60 of this code; and

(3) May take other action authorized by this code.

ARTICLE 39. SESSIONS

(a) At any time after the service of charges which have been referred for trial to a court-martial composed of a military judge and members, the military judge may, subject to article 35 of this code, call the court into session without the presence of the members for the purpose of:

- (1) Hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;
- (2) Hearing and ruling upon any matter which may be ruled upon by the military judge under this code, whether or not the matter is appropriate for later consideration or decision by the members of the court;
- (3) Holding the arraignment and receiving the pleas of the accused; and
- (4) Performing any other procedural function which does not require the presence of the members of the court under this code. These proceedings shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record. These proceedings may be conducted notwithstanding the number of court members and without regard to article 29.

(b) When the members of a court-martial deliberate or vote, only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and the military judge.

ARTICLE 40. CONTINUANCES

The military judge of a court-martial or a summary court-martial may, for reasonable cause grant a continuance to any party for such time and as often as may appear to be just.

ARTICLE 41. CHALLENGES

(a) Challenges generally.

(1) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge or the court shall determine the relevancy and validity of challenges for cause and may not receive a challenge to more than one (1) person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by article 16 of this code, all parties shall, notwithstanding article 29 of this code, either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court. However, peremptory challenges shall not be exercised at that time.

(b) Preemptory challenges.

(1) Each accused and the trial counsel are entitled initially to one (1) preemptory challenge of members of the court. The military judge may not be challenged except for cause.

(2) If exercise of a preemptory challenge reduces the court below the minimum number of members required by article 16 of this code, the parties shall, notwithstanding article 29 of this code, either exercise or waive any remaining preemptory challenge, not previously waived, against the remaining members of the court before additional members are detailed to the court.

(3) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented

and decided, each accused and the trial counsel are entitled to one (1) peremptory challenge against members not previously subject to peremptory challenge.

ARTICLE 42. OATHS OR AFFIRMATIONS

(a) Before performing their respective duties, military judges, general and special courts-martial members, trial counsel, defense counsel, reporters, and interpreters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully. The form of the oath or affirmation, the time and place of the taking thereof, the manner of recording the same, and whether the oath or affirmation shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulation or as provided by law. These regulations may provide that an oath or affirmation to perform faithfully the duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified or designated to be qualified or competent for the duty, and if such an oath or affirmation is taken, it need not again be taken at the time the judge advocate or other person is detailed to that duty.

(b) Each witness before a court-martial shall be examined under oath or affirmation.

ARTICLE 43. STATUTE OF LIMITATIONS

(a) Except as otherwise provided in this article, a person charged with any offense is not liable to be tried by court-martial or punished under article 15 of this code if the offense was committed more than three (3) years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction over the command or before the imposition of punishment under article 15 of this code.

(b) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this article.

(c) Periods in which the accused was absent from territory in which the state has the authority to apprehend him, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this article.

(d) When the United States is at war, the running of any statute of limitations applicable to any offense under this code:

(1) Involving fraud or attempted fraud against the United States, any state, or any agency of either in any manner, whether by conspiracy or not;

(2) Committed in connection with the acquisition, care, handling, custody, control, or disposition of any real or personal property of the United States or any state; or

(3) Committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war, or with any disposition of termination inventory by any war contractor or government agency;

is suspended until two (2) years after the termination of hostilities as proclaimed by the president or by a joint resolution of congress.

(e) Exception.

(1) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:

- (A) Has expired; or will be met.
 - (B) Will expire within one hundred eighty (180) days after the date of dismissal of the charges and specifications, trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in paragraph (2) of this subsection are met.
- (2) The conditions referred to in paragraph (1) of this subsection are that the new charges and specifications must:
- (A) Be received by an officer exercising summary court-martial jurisdiction over the command within one hundred eighty (180) days after the dismissal of the charges or specifications; and
 - (B) Allege the same acts or omissions that were alleged in the dismissed charges or specifications (or allege acts or omissions that were included in the dismissed charges or specifications).

ARTICLE 44. FORMER JEOPARDY

- (a) No person may, without his consent, be tried a second time for the same offense.
- (b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification is a trial in the sense of this article until the finding of guilty has become final after review of the case has been fully completed.
- (c) A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this article.

ARTICLE 45. PLEAS OF THE ACCUSED

- (a) If an accused after arraignment makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though the accused had pleaded not guilty.
- (b) With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

ARTICLE 46. OPPORTUNITY TO OBTAIN WITNESSES AND OTHER EVIDENCE

The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence as prescribed by regulations and provided by law. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall apply the principles of law and the rules of courts-martial generally recognized in military criminal cases in the courts of the armed forces of the United States, but which may not be contrary to or inconsistent with this code. Process shall run to any part of the United States, or the territories, commonwealths, and possessions, and may be executed by civil officers as prescribed by the laws of the place where the witness or evidence is located or of the United States.

ARTICLE 47. REFUSAL TO APPEAR OR TESTIFY

(a) Any person not subject to this code who:

(1) Has been duly subpoenaed to appear as a witness or to produce books and records before a court-martial or court of inquiry, or before any military or civil officer designated to take a deposition to be read in evidence before such a court;

(2) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending a criminal court of the state; and

(3) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce;

may be punished by the military court in the same manner as a criminal court of the state.

(b) The fees and mileage of witnesses shall be advanced or paid out of the appropriations for the compensation of witnesses.

ARTICLE 48. CONTEMPTS

A military judge or summary court-martial officer may punish for contempt any person who uses any menacing word, sign, or gesture in its presence or who disturbs its proceedings by any riot or disorder.

(a) A person subject to this code may be punished for contempt by confinement not to exceed thirty (30) days or a fine of one hundred dollars (\$100), or both.

(b) A person not subject to this code may be punished for contempt by a military court in the same manner as a criminal court of the state.

ARTICLE 49. DEPOSITIONS

(a) At any time after charges have been signed as provided in article 30 of this code, any party may take oral or written depositions unless the military judge or summary court-martial officer hearing the case or, if the case is not being heard, an authority competent to convene a court-martial for the trial of those charges forbids it for good cause.

(b) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(c) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the state or by the laws of the place where the deposition is taken to administer oaths.

(d) A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read in evidence or, in the case of audiotape, videotape, digital image or file, or similar material, may be played in evidence before any military court, if it appears:

(1) That the witness resides or is beyond the state in which the court is ordered to sit, or beyond one hundred (100) miles from the place of trial or hearing;

(2) That the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, non-amenability to process, or other reasonable cause is unable or refuses to appear and testify in person at the place of trial or hearing; or

(3) That the present whereabouts of the witness is unknown.

ARTICLE 50. ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY

(a) In any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.

(b) Such testimony may be read in evidence only by the defense in cases extending to the dismissal of a commissioned officer.

(c) Such testimony may also be read in evidence before a court of inquiry.

ARTICLE 50a. DEFENSE OF LACK OF MENTAL RESPONSIBILITY

(a) It is an affirmative defense in a trial by court-martial that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

(b) The accused has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

(c) Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge shall instruct the members of the court as to the defense of lack of mental responsibility under this article and charge them to find the accused:

- (1) Guilty;
- (2) Not guilty; or
- (3) Not guilty only by reason of lack of mental responsibility.

(d) Subsection (c) of this article does not apply to a court-martial composed of a military judge only. In the case of a court-martial composed of a military judge only or a summary court-martial officer, whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge or summary court-martial officer shall find the accused:

- (1) Guilty;
- (2) Not guilty; or
- (3) Not guilty only by reason of lack of mental responsibility.

(e) Notwithstanding the provisions of article 52 of this code, the accused shall be found not guilty only by reason of lack of mental responsibility if:

- (1) A majority of the members of the court-martial present at the time the vote is taken determines that the defense of lack of mental responsibility has been established; or
- (2) In the case of a court-martial composed of a military judge only or a summary court-martial officer, the military judge or summary court-martial officer determines that the defense of lack of mental responsibility has been established.

ARTICLE 51. VOTING AND RULINGS

(a) Voting by members of a general or special court-martial on the findings and on the sentence shall be by secret written ballot. The junior member of the court shall count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

(b) The military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused is final and constitutes the ruling of the court. However, the military judge may change the ruling at any time during the trial. Unless the ruling is final, if any member objects thereto, the court shall be cleared and closed and the question decided by a voice vote as provided in article 52 of this code, beginning with the junior in rank.

(c) Before a vote is taken on the findings, the military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge them:

(1) That the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(2) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted;

(3) That, if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(4) That the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the state.

(d) Subsections (a), (b), and (c) of this article do not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court-martial shall make a general finding and shall in addition, on request, find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

ARTICLE 52. NUMBER OF VOTES REQUIRED

(a) No person may be convicted of an offense except as provided in article 45(b) of this code or by the concurrence of two-thirds (2/3) of the members present at the time the vote is taken.

(b) All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote, but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence. A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused.

ARTICLE 53. COURT TO ANNOUNCE ACTION

A court-martial shall announce its findings and sentence to the parties as soon as determined.

ARTICLE 54. RECORD OF TRIAL

(a) Each general and special court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel

or by that of a member, if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. In a court-martial consisting of only a military judge, the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection.

(b) (1) A complete verbatim record of the proceedings and testimony shall be prepared in each general and special court-martial case resulting in a conviction; and

(2) In all other court-martial cases, the record shall contain such matters as may be prescribed by regulations.

(c) Each summary court-martial shall keep a separate record of the proceedings in each case, and the record shall be authenticated in the manner as may be prescribed by regulations.

(d) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated.

PART VIII. SENTENCES

ARTICLE 55. CRUEL AND UNUSUAL PUNISHMENTS PROHIBITED

Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment may not be adjudged by a court-martial or inflicted upon any person subject to this code. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

ARTICLE 56. MAXIMUM LIMITS

(a) The punishment which a court-martial may direct for an offense may not exceed such limits as prescribed by this code, but in no instance may a sentence exceed more than ten (10) years for a military offense, nor shall a sentence of death be adjudged. A conviction by general court-martial of any military offense for which an accused may receive a sentence of confinement for more than one (1) year is a felony offense. Except for convictions by a summary court-martial, all other military offenses are misdemeanors. Any conviction by a summary court-martial is not a criminal conviction.

(b) The limits of punishment for violations of the punitive articles prescribed herein shall be lesser of the sentences prescribed by the manual for courts-martial of the United States in effect on January 1, 2004, and the state manual for courts-martial, but in no instance shall any punishment exceed that authorized by this code.

ARTICLE 56a. RESERVED

ARTICLE 57. EFFECTIVE DATE OF SENTENCES

(a) Whenever a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture may apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. No forfeiture may extend to any pay or allowances accrued before that date.

(b) Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

(c) All other sentences of courts-martial are effective on the date ordered executed.

ARTICLE 57a. DEFERMENT OF SENTENCES

(a) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under that person's jurisdiction, the person exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may in that person's sole discretion defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the person who granted it or, if the accused is no longer under that person's jurisdiction, by the person exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

(b) (1) In any case in which a court-martial sentences an accused referred to in paragraph (2) of this subsection to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of the accused, until after the accused has been permanently released to the state military forces by a state, the United States, or a foreign country referred to in that paragraph.

(2) Paragraph (1) of this subsection applies to a person subject to this code who:

(A) While in the custody of a state, the United States, or a foreign country is temporarily returned by that state, the United States, or a foreign country to the state military forces for trial by court-martial; and

(B) After the court-martial, is returned to that state, the United States, or a foreign country under the authority of a mutual agreement or treaty, as the case may be.

(3) In this subsection, the term "state" includes the District of Columbia and any commonwealth, territory, or possession of the United States.

(c) In any case in which a court-martial sentences an accused to confinement and the sentence to confinement has been ordered executed, but in which review of the case under article 67(a) of this code is pending, the adjutant general may defer further service of the sentence to confinement while that review is pending.

ARTICLE 58. EXECUTION OF CONFINEMENT

(a) A sentence of confinement adjudged by a court-martial, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place authorized by this code. Persons so confined are subject to the same discipline and treatment as persons regularly confined or committed to that place of confinement.

(b) The omission of "hard labor" as a sentence authorized under this code does not deprive the state confinement facility from employing it, if it otherwise is within the authority of that facility to do so.

(c) No place of confinement may require payment of any fee or charge for so receiving or confining a person except as otherwise provided by law.

ARTICLE 58a. SENTENCES -- REDUCTION IN ENLISTED GRADE UPON APPROVAL

(a) A court-martial sentence of an enlisted member in a pay grade above E-1, as approved by the convening authority, that includes:

- (1) A dishonorable or bad-conduct discharge; or
- (2) Confinement;

reduces that member to pay grade E-1, effective on the date of that approval.

(b) If the sentence of a member who is reduced in pay grade under subsection (a) of this article is set aside or disapproved, or, as finally ap-

proved, does not include any punishment named in subsection (a) (1) or (2) of this article, the rights and privileges of which the person was deprived because of that reduction shall be restored, including pay and allowances.

ARTICLE 58b. SENTENCES -- FORFEITURE OF
PAY AND ALLOWANCES DURING CONFINEMENT

(a) Generally.

(1) A court-martial sentence described in paragraph (2) of this subsection shall result in the forfeiture of pay, or of pay and allowances, due that member during any period of confinement or parole. The forfeiture pursuant to this article shall take effect on the date determined under article 57(a) of this code and may be deferred as provided by that article. The pay and allowances forfeited, in the case of a general court-martial, shall be all pay and allowances due that member during such period and, in the case of a special court-martial, shall be two-thirds (2/3) of all pay due that member during such period.

(2) A sentence covered by this article is any sentence that includes:

(A) Confinement for more than six (6) months; or

(B) Confinement for six (6) months or less and a dishonorable or bad-conduct discharge or dismissal.

(b) In a case involving an accused who has dependents, the convening authority or other person acting under article 60 of this code may waive any or all of the forfeitures of pay and allowances required by subsection (a) of this article for a period not to exceed six (6) months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

(c) If the sentence of a member who forfeits pay and allowances under subsection (a) of this article is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a) (2) of this article, the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.

PART IX. POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

ARTICLE 59. ERROR OF LAW -- LESSER INCLUDED OFFENSE

(a) A finding or sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(b) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

ARTICLE 60. ACTION BY THE CONVENING AUTHORITY

(a) The findings and sentence of a court-martial shall be reported promptly to the convening authority after the announcement of the sentence.

(b) Matters in extenuation.

(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence. Any such submission shall be in writing. Except in a summary court-martial case, such a submission shall be made within ten (10) days after the accused has been given an authenticated record of trial and, if applicable, the recommendation of a judge advocate under subsection (d) of this article. In a summary court-martial case, such a

submission shall be made within seven (7) days after the sentence is announced.

(2) If the accused shows that additional time is required for the accused to submit such matters, the convening authority or other person taking action under this article, for good cause, may extend the applicable period under paragraph (1) of this subsection for not more than an additional twenty (20) days.

(3) In a summary court-martial case, the accused shall be promptly provided a copy of the record of trial for use in preparing a submission authorized by paragraph (1) of this subsection.

(4) The accused may waive the right to make a submission to the convening authority under paragraph (1) of this subsection. Such a waiver must be made in writing and may not be revoked. For the purposes of subsection (c)(2) of this article, the time within which the accused may make a submission under this subsection shall be deemed to have expired upon the submission of such a waiver to the convening authority.

(c) Discretion of convening authority.

(1) The authority under this article to modify the findings and sentence of a court-martial is a matter of command prerogative involving the sole discretion of the convening authority. If it is impractical for the convening authority to act, the convening authority shall forward the case to a person exercising general court-martial jurisdiction who may take action under this article.

(2) Action on the sentence of a court-martial shall be taken by the convening authority or by another person authorized to act under this article. Such action may be taken only after consideration of any matters submitted by the accused under subsection (b) of this article or after the time for submitting such matters expires, whichever is earlier. The convening authority or other person taking such action, in that person's sole discretion, may approve, disapprove, commute, or suspend the sentence in whole or in part.

(3) Action on the findings of a court-martial by the convening authority or other person acting on the sentence is not required. However, such person, in the person's sole discretion, may:

(A) Dismiss any charge or specification by setting aside a finding of guilty thereto; or

(B) Change a finding of guilty to a charge or specification to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge or specification.

(d) Before acting under this article on any general or special court-martial case in which there is a finding of guilt, the convening authority or other person taking action under this article shall obtain and consider the written recommendation of a judge advocate. The convening authority or other person taking action under this article shall refer the record of trial to the judge advocate, and the judge advocate shall use such record in the preparation of the recommendation. The recommendation of the judge advocate shall include such matters as may be prescribed by regulation and shall be served on the accused, who may submit any matter in response under subsection (b) of this article. Failure to object in the response to the recommendation or to any matter attached to the recommendation waives the right to object thereto.

(e) Proceedings in revision.

(1) The convening authority or other person taking action under this article, in the person's sole discretion, may order a proceeding in revision or a rehearing.

(2) A proceeding in revision may be ordered if there is an apparent error or omission in the record or if the record shows improper or inconsistent action by a court-martial with respect to the findings or sentence that can be rectified without material prejudice to the substan-

tial rights of the accused. In no case, however, may a proceeding in revision:

(A) Reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty;

(B) Reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this code; or

(C) Increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

(3) A rehearing may be ordered by the convening authority or other person taking action under this article if that person disapproves the findings and sentence and states the reasons for disapproval of the findings. If such person disapproves the findings and sentence and does not order a rehearing, that person shall dismiss the charges. A rehearing as to the findings may not be ordered where there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered if the convening authority or other person taking action under this subsection disapproves the sentence.

ARTICLE 61. WITHDRAWAL OF APPEAL

(a) In each case subject to appellate review under this code, the accused may file with the convening authority a statement expressly withdrawing the right of the accused to such appeal. Such a withdrawal shall be signed by both the accused and his defense counsel and must be filed in accordance with appellate procedures as provided by law.

(b) The accused may withdraw an appeal at any time in accordance with appellate procedures as provided by law.

ARTICLE 62. APPEAL BY THE STATE

(a) Generally.

(1) In a trial by court-martial in which a punitive discharge may be adjudged, the state may appeal the following, other than a finding of not guilty with respect to the charge or specification by the members of the court-martial, or by a judge in a bench trial so long as it is not made in reconsideration:

(A) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification.

(B) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding.

(C) An order or ruling which directs the disclosure of classified information.

(D) An order or ruling which imposes sanctions for nondisclosure of classified information.

(E) A refusal of the military judge to issue a protective order sought by the state to prevent the disclosure of classified information.

(F) A refusal by the military judge to enforce an order described in subparagraph (E) of this paragraph that has previously been issued by appropriate authority.

(2) An appeal of an order or ruling may not be taken unless the trial counsel provides the military judge with written notice of appeal from the order or ruling within seventy-two (72) hours of the order or ruling. Such notice shall include a certification by the trial counsel that the appeal is not taken for the purpose of delay and, if the order or ruling appealed is one which excludes evidence, that the evidence excluded is substantial proof of a fact material in the proceeding.

(3) An appeal under this article shall be diligently prosecuted as provided by law.

(b) An appeal under this article shall be forwarded to the court prescribed in article 67a of this code. In ruling on an appeal under this article, that court may act only with respect to matters of law.

(c) Any period of delay resulting from an appeal under this article shall be excluded in deciding any issue regarding denial of a speedy trial unless an appropriate authority determines that the appeal was filed solely for the purpose of delay with the knowledge that it was totally frivolous and without merit.

ARTICLE 63. REHEARINGS

Each rehearing under this code shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon a rehearing, the accused may not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence may be approved, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory. If the sentence approved after the first court-martial was in accordance with a pretrial agreement and the accused at the rehearing changes a plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with the pretrial agreement, the approved sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first court-martial.

ARTICLE 64. REVIEW BY THE SENIOR FORCE JUDGE ADVOCATE

(a) Each general and special court-martial case in which there has been a finding of guilty shall be reviewed by the senior force judge advocate, or a designee. The senior force judge advocate, or designee, may not review a case under this subsection if that person has acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense. The senior force judge advocate's review shall be in writing and shall contain the following:

(1) Conclusions as to whether:

(A) The court had jurisdiction over the accused and the offense;

(B) The charge and specification stated an offense; and

(C) The sentence was within the limits prescribed as a matter of law.

(2) A response to each allegation of error made in writing by the accused.

(3) If the case is sent for action under subsection (b) of this article, a recommendation as to the appropriate action to be taken and an opinion as to whether corrective action is required as a matter of law.

(b) The record of trial and related documents in each case reviewed under subsection (a) of this article shall be sent for action to the adjutant general if:

(1) The judge advocate who reviewed the case recommends corrective action;

(2) The sentence approved under article 60(c) of this code extends to dismissal, a bad-conduct or dishonorable discharge, or confinement for more than six (6) months; or

(3) Such action is otherwise required by regulations of the adjutant general.

(c) The adjutant general's discretion.

- (1) The adjutant general may:
 - (A) Disapprove or approve the findings or sentence, in whole or in part;
 - (B) Remit, commute, or suspend the sentence in whole or in part;
 - (C) Except where the evidence was insufficient at the trial to support the findings, order a rehearing on the findings, on the sentence, or on both; or
 - (D) Dismiss the charges.
- (2) If a rehearing is ordered but the convening authority finds a rehearing impracticable, the convening authority shall dismiss the charges.
- (3) If the opinion of the senior force judge advocate, or designee, in the senior force judge advocate's review under subsection (a) of this article is that corrective action is required as a matter of law and if the adjutant general does not take action that is at least as favorable to the accused as that recommended by the judge advocate, the record of trial and action thereon shall be sent to the governor for review and action as deemed appropriate.
- (d) The senior force judge advocate, or a designee, may review any case in which there has been a finding of not guilty of all charges and specifications. The senior force judge advocate, or designee, may not review a case under this subsection if that person has acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense. The senior force judge advocate's review shall be limited to questions of subject matter jurisdiction.
- (e) The record of trial and related documents in each case reviewed under subsection (d) of this article shall be sent for action to the adjutant general.

- (1) The adjutant general may:
 - (A) When subject matter jurisdiction is found to be lacking, void the court-martial ab initio, with or without prejudice to the government, as the adjutant general deems appropriate; or
 - (B) Return the record of trial and related documents to the senior force judge advocate for appeal by the government as provided by law.

ARTICLE 65.

DISPOSITION OF RECORDS AFTER REVIEW BY THE CONVENING AUTHORITY

Except as otherwise required by this code, all records of trial and related documents shall be transmitted and disposed of as prescribed by regulation and provided by law.

ARTICLE 66. RESERVED

ARTICLE 67. RESERVED

ARTICLE 67a. REVIEW BY STATE APPELLATE AUTHORITY

Decisions of a court-martial are from a court with jurisdiction to issue felony convictions and appeals therefrom will be made to the district court of the judicial district wherein the court-martial was conducted within forty-two (42) days from the date of receipt of the record of trial as set out in article 64. For courts-martial held outside of the state of Idaho, venue for appeal purposes shall be in the district court of the fourth judicial district, Ada county, Idaho. The appellate procedures to be followed shall be those provided by law and rule for the appeal of criminal cases thereto.

ARTICLE 68. RESERVED

ARTICLE 69. RESERVED

ARTICLE 70. APPELLATE COUNSEL

(a) The senior force judge advocate shall detail a judge advocate as appellate government counsel to represent the state in the review or appeal of cases specified in article 67a of this code and before any federal court when requested to do so by the state attorney general. Appellate government counsel must be a member in good standing of the bar of the highest court of the state to which the appeal is taken.

(b) Upon an appeal by the state, an accused has the right to be represented by detailed military counsel before any reviewing authority and before any appellate court.

(c) Upon the appeal by an accused, the accused has the right to be represented by military counsel before any reviewing authority.

(d) Upon the request of an accused entitled to be so represented, the senior force judge advocate shall appoint a judge advocate to represent the accused in the review or appeal of cases specified in subsections (b) and (c) of this article.

(e) An accused may be represented by civilian appellate counsel at no expense to the state.

ARTICLE 71. EXECUTION OF SENTENCE -- SUSPENSION OF SENTENCE

(a) If the sentence of the court-martial extends to dismissal or a dishonorable or bad-conduct discharge and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn under article 61 of this code, that part of the sentence extending to dismissal or a dishonorable or bad-conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings. A judgment as to the legality of the proceedings is final in such cases when review is completed by an appellate court prescribed in article 67a. of this code and is deemed final by the law of state where the judgment was had.

(b) If the sentence of the court-martial extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is waived, or an appeal is withdrawn under article 61 of this code, that part of the sentence extending to dismissal or a dishonorable or bad-conduct discharge may not be executed until review of the case by the senior force judge advocate and any action on that review under article 64 of this code is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under article 60 of this code when so approved under that article.

ARTICLE 72. VACATION OF SUSPENSION

(a) Before the vacation of the suspension of a special court-martial sentence, which as approved includes a bad-conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on an alleged violation of probation. The probationer shall be represented at the hearing by military counsel if the probationer so desires.

(b) The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the officer exercising general court-martial jurisdiction over the probationer. If the officer vacates the suspension, any unexecuted part of the sentence, except a dismissal, shall be executed, subject to applicable restrictions in this code.

(c) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

ARTICLE 73. PETITION FOR A NEW TRIAL

At any time within two (2) years after approval by the convening authority of a court-martial sentence, the accused may petition the adjutant general for a new trial on the grounds of newly discovered evidence or fraud on the court-martial.

ARTICLE 74. REMISSION AND SUSPENSION

(a) Any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures other than a sentence approved by the governor.

(b) The governor may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

ARTICLE 75. RESTORATION

(a) Under such regulations as may be prescribed, all rights, privileges, and property affected by an executed part of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon the new trial or rehearing.

(b) If a previously executed sentence of dishonorable or bad-conduct discharge is not imposed on a new trial, the governor may substitute therefore a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of the accused's enlistment.

(c) If a previously executed sentence of dismissal is not imposed on a new trial, the governor may substitute therefore a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the governor alone to such commissioned grade and with such rank as in the opinion of the governor that former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to the existence of a vacancy and shall affect the promotion status of other officers only insofar as the governor may direct. All time between the dismissal and the reappointment shall be considered as actual service for all purposes, including the right to pay and allowances.

ARTICLE 76. FINALITY OF PROCEEDINGS, FINDINGS, AND SENTENCES

The appellate review of records of trial provided by this code, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this code, and all dismissals and discharges carried into execution under sentences by courts-martial following approval, review, or affirmation as required by this code are final and conclusive. Orders publishing the proceedings of courts-martial and all action taken pursuant to those proceedings are binding upon all departments, courts, agencies, and officers of the United States and the several states, subject only to action upon a petition for a new trial as provided in article 73 of this code and to action under article 74 of this code.

ARTICLE 76a. LEAVE REQUIRED TO BE TAKEN PENDING REVIEW OF CERTAIN COURT-MARTIAL CONVICTIONS

Under regulations prescribed, an accused who has been sentenced by a court-martial may be required to take leave pending completion of action under this article if the sentence, as approved under article 60 of this code, includes an unsuspended dismissal or an unsuspended dishonorable or bad-conduct discharge. The accused may be required to begin such leave on the date on which the sentence is approved under article 60 of this code or at any time after such date, and such leave may be continued until the date on which action under this article is completed or may be terminated at any earlier time.

ARTICLE 76b. RESERVED

PART X. PUNITIVE ARTICLES

ARTICLE 77. PRINCIPALS

Any person subject to this code who:

- (1) Commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission; or
- (2) Causes an act to be done which if directly performed by him would be punishable by this code;

is a principal.

ARTICLE 78. ACCESSORY AFTER THE FACT

Any person subject to this code who, knowing that an offense punishable by this code has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a court-martial may direct.

ARTICLE 79. CONVICTION OF LESSER INCLUDED OFFENSE

An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

ARTICLE 80. ATTEMPTS

(a) An act done with specific intent to commit an offense under this code amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this code who attempts to commit any offense punishable by this code shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

(c) Any person subject to this code may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

ARTICLE 81. CONSPIRACY

Any person subject to this code who conspires with any other person to commit an offense under this code shall, if one (1) or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

ARTICLE 82. SOLICITATION

(a) Any person subject to this code who solicits or advises another or others to desert in violation of article 85 of this code or mutiny in violation of article 94 of this code shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense; but, if the offense solicited or advised is not committed or attempted, the person shall be punished as a court-martial may direct.

(b) Any person subject to this code who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of article 99 of this code or sedition in violation of article 94 of this code shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense; but, if the offense solicited or advised is not committed, the person shall be punished as a court-martial may direct.

ARTICLE 83. FRAUDULENT ENLISTMENT -- APPOINTMENT -- SEPARATION

Any person who:

(1) Procures his own enlistment or appointment in the state military forces by knowingly false representation or deliberate concealment as to his qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

(2) Procures his own separation from the state military forces by knowingly false representation or deliberate concealment as to his eligibility for that separation;

shall be punished as a court-martial may direct.

ARTICLE 84. UNLAWFUL ENLISTMENT -- APPOINTMENT -- SEPARATION

Any person subject to this code who effects an enlistment or appointment in or a separation from the state military forces of any person who is known to him to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

ARTICLE 85. DESERTION

(a) Any member of the state military forces who:

(1) Without authority goes or remains absent from his unit, organization, or place of duty with intent to remain away there from permanently;

(2) Quits his unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) Without being regularly separated from one of the state military forces enlists or accepts an appointment in the same or another one of the state military forces, or in one of the armed forces of the United States, without fully disclosing the fact that he has not been regularly separated, or enters any foreign armed service except when authorized by the United States;

is guilty of desertion.

(b) Any commissioned officer of the state military forces who, after tender of his resignation and before notice of its acceptance, quits his post or proper duties without leave and with intent to remain away there from permanently is guilty of desertion.

(c) Any person found guilty of desertion or attempt to desert shall be punished, if the offense is committed in time of war, by confinement of not more than ten (10) years or such other punishment as a court-martial may direct, but if the desertion or attempt to desert occurs at any other time, by such punishment as a court-martial may direct.

ARTICLE 86. ABSENCE WITHOUT LEAVE

Any person subject to this code who, without authority:

- (1) Fails to go to his appointed place of duty at the time prescribed;
- (2) Goes from that place; or
- (3) Absents himself or remains absent from his unit, organization, or place of duty at which he is required to be at the time prescribed;

shall be punished as a court-martial may direct.

ARTICLE 87. MISSING MOVEMENT

Any person subject to this code who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move shall be punished as a court-martial may direct.

ARTICLE 88. CONTEMPT TOWARD OFFICIALS

Any commissioned officer who uses contemptuous words against the president, the vice president, congress, the secretary of defense, the secretary of a military department, the secretary of homeland security, or the governor or legislature of the state shall be punished as a court-martial may direct.

ARTICLE 89. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER

Any person subject to this code who behaves with disrespect toward his superior commissioned officer shall be punished as a court-martial may direct.

ARTICLE 90. ASSAULTING OR WILLFULLY DIS- OBEYING SUPERIOR COMMISSIONED OFFICER

Any person subject to this code who:

- (1) Strikes his superior commissioned officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or
- (2) Willfully disobeys a lawful command of his superior commissioned officer;

shall be punished, if the offense is committed in time of war, by confinement of not more than ten (10) years or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment as a court-martial may direct.

ARTICLE 91. INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER, NONCOMMISSIONED OFFICER OR PETTY OFFICER

Any warrant officer or enlisted member who:

- (1) Strikes or assaults a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office;
- (2) Willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; or
- (3) Treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office;

shall be punished as a court-martial may direct.

ARTICLE 92. FAILURE TO OBEY ORDER OR REGULATION

Any person subject to this code who:

- (1) Violates or fails to obey any lawful general order or regulation;
 - (2) Having knowledge of any other lawful order issued by a member of the state military forces, which it is his duty to obey, fails to obey the order; or
 - (3) Is derelict in the performance of his duties;
- shall be punished as a court-martial may direct.

ARTICLE 93. CRUELTY AND MALTREATMENT

Any person subject to this code who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

ARTICLE 94. MUTINY OR SEDITION

(a) Any person subject to this code who:

- (1) With intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;
- (2) With intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority is guilty of sedition;
- (3) Fails to do his utmost to prevent and suppress a mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior commissioned officer or commanding officer of a mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished as a court-martial may direct.

ARTICLE 95. RESISTANCE -- FLIGHT -- BREACH OF ARREST -- ESCAPE

Any person subject to this code who:

- (1) Resists apprehension;
 - (2) Flees from apprehension;
 - (3) Breaks arrest; or
 - (4) Escapes from custody or confinement;
- shall be punished as a court-martial may direct.

ARTICLE 96. RELEASING PRISONER WITHOUT PROPER AUTHORITY

Any person subject to this code who, without proper authority, releases any prisoner committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

ARTICLE 97. UNLAWFUL DETENTION

Any person subject to this code who, except as provided by law or regulation, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

ARTICLE 98. NONCOMPLIANCE WITH PROCEDURAL RULES

Any person subject to this code who:

(1) Is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this code; or

(2) Knowingly and intentionally fails to enforce or comply with any provision of this code regulating the proceedings before, during, or after trial of an accused;

shall be punished as a court-martial may direct.

ARTICLE 99. MISBEHAVIOR BEFORE THE ENEMY

Any person subject to this code who before or in the presence of the enemy:

(1) Runs away;

(2) Shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is his duty to defend;

(3) Through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property;

(4) Casts away his arms or ammunition;

(5) Is guilty of cowardly conduct;

(6) Quits his place of duty to plunder or pillage;

(7) Causes false alarms in any command, unit, or place under control of the armed forces of the United States or the state military forces;

(8) Willfully fails to do his utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is his duty so to encounter, engage, capture, or destroy; or

(9) Does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or its allies, to the state, or to any other state, when engaged in battle;

shall be punished as a court-martial may direct.

ARTICLE 100. SUBORDINATE COMPELLING SURRENDER

Any person subject to this code who compels or attempts to compel the commander of any of the state military forces of the state, or of any other state, place, vessel, aircraft, or other military property, or of any body of members of the armed forces, to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority, shall be punished as a court-martial may direct.

ARTICLE 101. IMPROPER USE OF COUNTERSIGN

Any person subject to this code who in time of war discloses the parole or countersign to any person not entitled to receive it or who gives to another, who is entitled to receive and use the parole or countersign, a different parole or countersign from that which, to his knowledge, he was authorized and required to give, shall be punished as a court-martial may direct.

ARTICLE 102. FORCING A SAFEGUARD

Any person subject to this code who forces a safeguard shall be punished as a court-martial may direct.

ARTICLE 103. CAPTURED OR ABANDONED PROPERTY

(a) All persons subject to this code shall secure all public property taken for the service of the United States or the state and shall give notice

and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.

(b) Any person subject to this code who:

(1) Fails to carry out the duties prescribed in subsection (a) of this article;

(2) Buys, sells, trades, or in any way deals in or disposes of taken, captured, or abandoned property, whereby he receives or expects any profit, benefit, or advantage to himself or another directly or indirectly connected with himself; or

(3) Engages in looting or pillaging;

shall be punished as a court-martial may direct.

ARTICLE 104. AIDING THE ENEMY

Any person subject to this code who:

(1) Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or

(2) Without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly;

shall be punished as a court-martial may direct.

ARTICLE 105. MISCONDUCT AS PRISONER

Any person subject to this code who, while in the hands of the enemy in time of war:

(1) For the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or

(2) While in a position of authority over such persons maltreats them without justifiable cause;

shall be punished as a court-martial may direct.

ARTICLE 106. RESERVED

ARTICLE 106a. RESERVED

ARTICLE 107. FALSE OFFICIAL STATEMENTS

Any person subject to this code who, with intent to deceive, signs any false record, return, regulation, order, or other official document made in the line of duty, knowing it to be false, or makes any other false official statement made in the line of duty, knowing it to be false, shall be punished as a court-martial may direct.

ARTICLE 108. MILITARY PROPERTY -- LOSS, DAMAGE, DESTRUCTION OR WRONGFUL DISPOSITION

Any person subject to this code who, without proper authority:

(1) Sells or otherwise disposes of;

(2) Willfully or through neglect damages, destroys, or loses; or

(3) Willfully or through neglect suffers to be lost, damaged, destroyed, sold, or wrongfully disposed of;

any military property of the United States or of any state shall be punished as a court-martial may direct.

ARTICLE 109. PROPERTY OTHER THAN MILITARY
PROPERTY -- WASTE, SPOILAGE OR DESTRUCTION

Any person subject to this code who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States or of any state shall be punished as a court-martial may direct.

ARTICLE 110. IMPROPER HAZARDING OF VESSEL

(a) Any person subject to this code who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces of the United States or any state military forces shall suffer such punishment as a court-martial may direct.

(b) Any person subject to this code who negligently hazards or suffers to be hazarded any vessel of the armed forces of the United States or any state military forces shall be punished as a court-martial may direct.

ARTICLE 111. RESERVED

ARTICLE 112. DRUNK ON DUTY

Any person subject to this code other than a sentinel or lookout who is found drunk on duty shall be punished as a court-martial may direct.

ARTICLE 112a. WRONGFUL USE, POSSESSION, ETC., OF CONTROLLED SUBSTANCES

(a) Any person subject to this code who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces of the United States or of any state military forces a substance described in subsection (b) of this article shall be punished as a court-martial may direct.

(b) The substances referred to in subsection (a) of this article are the following:

(1) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

(2) Any substance not specified in paragraph (1) of this subsection that is listed on a schedule of controlled substances prescribed by the president for the purposes of the uniform code of military justice of the armed forces of the United States, 10 U.S.C. section 801 et seq.

(3) Any other substance not specified in paragraph (1) of this subsection or contained on a list prescribed by the president under paragraph (2) of this subsection that is listed in schedules I through V of article 202 of the controlled substances act, 21 U.S.C. section 812.

ARTICLE 113. MISBEHAVIOR OF SENTINEL

Any sentinel or lookout who is found drunk or sleeping upon his post or leaves it before being regularly relieved shall be punished, if the offense is committed in time of war, by confinement of not more than ten (10) years or other punishment as a court-martial may direct, but if the offense is committed at any other time, by such punishment as a court-martial may direct.

ARTICLE 114. DUELING

Any person subject to this code who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall be punished as a court-martial may direct.

ARTICLE 115. MALINGERING

Any person subject to this code who for the purpose of avoiding work, duty, or service:

(1) Feigns illness, physical disablement, mental lapse, or derangement; or

(2) Intentionally inflicts self-injury;
shall be punished as a court-martial may direct.

ARTICLE 116. RIOT OR BREACH OF PEACE

Any person subject to this code who causes or participates in any riot or breach of the peace shall be punished as a court-martial may direct.

ARTICLE 117. PROVOKING SPEECHES OR GESTURES

Any person subject to this code who uses provoking or reproachful words or gestures towards any other person subject to this code shall be punished as a court-martial may direct.

ARTICLE 118. RESERVED

ARTICLE 119. RESERVED

ARTICLE 120. RESERVED

ARTICLE 121. RESERVED

ARTICLE 122. RESERVED

ARTICLE 123. RESERVED

ARTICLE 123a. RESERVED

ARTICLE 124. RESERVED

ARTICLE 125. RESERVED

ARTICLE 126. RESERVED

ARTICLE 127. RESERVED

ARTICLE 128. RESERVED

ARTICLE 129. RESERVED

ARTICLE 130. RESERVED

ARTICLE 131. RESERVED

ARTICLE 132. FRAUDS AGAINST THE GOVERNMENT

Any person subject to this code who:

- (1) Knowing it to be false or fraudulent:
 - (A) Makes any claim against the United States, the state, or any officer thereof; or
 - (B) Presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States, the state, or any officer thereof;
 - (2) For the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state, or any officer thereof:
 - (A) Makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;
 - (B) Makes any oath, affirmation or certification to any fact or to any writing or other paper knowing the oath, affirmation or certification to be false; or
 - (C) Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited;
 - (3) Having charge, possession, custody, or control of any money or other property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or
 - (4) Being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or the state;
- shall, upon conviction, be punished as a court-martial may direct.

ARTICLE 133. CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN

Any commissioned officer, cadet, candidate, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

ARTICLE 134. GENERAL ARTICLE

Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit upon the state military forces shall be taken cognizance of by a court-martial and punished at the discretion of a military court. Offenses which may be punished under this section include, but are not limited to, those offenses set out in the manual for courts-martial as punishable under this article of the uniform code of military justice. However, where a crime constitutes an offense that violates both this code and the criminal laws of the state where the offense occurs or criminal laws of the United States, jurisdiction of the military court must be determined in accordance with article 2 (b) of this code.

PART XI. MISCELLANEOUS PROVISIONS

ARTICLE 135. COURTS OF INQUIRY

(a) Courts of inquiry to investigate any matter of concern to the state military forces may be convened by any person authorized to convene a gen-

eral court-martial, whether or not the persons involved have requested such an inquiry.

(b) A court of inquiry consists of three (3) or more commissioned officers. For each court of inquiry, the convening authority shall also appoint counsel for the court.

(c) Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(d) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(e) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath to faithfully perform their duties.

(f) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(g) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

ARTICLE 136. AUTHORITY TO ADMINISTER OATHS AND TO ACT AS NOTARY

(a) The following persons may administer oaths for the purposes of military administration, including military justice:

- (1) All judge advocates.
- (2) All summary courts-martial.
- (3) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.
- (4) All commanding officers of the naval militia.
- (5) All other persons designated by regulations of the armed forces of the United States or by statute.

(b) The following persons may administer oaths necessary in the performance of their duties:

- (1) The president, military judge, and trial counsel for all general and special courts-martial.
- (2) The president and the counsel for the court of any court of inquiry.
- (3) All officers designated to take a deposition.
- (4) All persons detailed to conduct an investigation.
- (5) All recruiting officers.
- (6) All other persons designated by regulations of the armed forces of the United States or by statute.

(c) The signature without seal of any such person, together with the title of his office, is prima facie evidence of the person's authority.

ARTICLE 137. ARTICLES TO BE EXPLAINED

(a) The articles of this code specified in subsection (c) of this article shall be carefully explained to each enlisted member at the time of, or within thirty (30) days after, the member's initial entrance into a duty status with the state military forces.

(b) Such articles shall be explained again:

- (1) After the member has completed basic or recruit training; and
- (2) At the time when the member reenlists.

(c) This subsection applies with respect to articles 2, 3, 7 through 15, 25, 27, 31, 37, 38, 55, 77 through 134, and 137 through 139 of this code.

(d) The text of the code and of the regulations prescribed under such code shall be made available to a member of the state military forces, upon request by the member, for the member's personal examination.

ARTICLE 138. COMPLAINTS OF WRONGS

Any member of the state military forces who believes himself wronged by a commanding officer, and who, upon due application to that commanding officer, is refused redress may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of, and shall, as soon as possible, send to the adjutant general a true statement of that complaint, with the proceedings had thereon.

ARTICLE 139. REDRESS OF INJURIES TO PROPERTY

(a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that the person's property has been wrongfully taken by members of the state military forces, that officer may, under such regulations prescribed, convene a board to investigate the complaint. The board shall consist of from one (1) to three (3) commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by that officer shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive on any disbursing officer for payment to the injured parties of the damages so assessed and approved.

(b) If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

ARTICLE 140. DELEGATION BY THE GOVERNOR

The governor may delegate any authority vested in the governor under this code and provide for the sub-delegation of any such authority, except the power given the governor by article 22 of this code.

ARTICLE 141. PAYMENT OF FEES, COSTS AND EXPENSES

The fees and authorized travel expenses of all witnesses, experts, victims, court reporters, and interpreters, fees for the service of process, the costs of collection, apprehension, detention and confinement, and all other necessary expenses of prosecution and the administration of military justice, to include courts-martial and nonjudicial punishment, not otherwise payable by any other source, shall be paid out of the military division support fund as established in section 46-806, Idaho Code.

ARTICLE 142. PAYMENT OF FINES AND DISPOSITION THEREOF

(a) Fines imposed by a military court or through imposition of nonjudicial punishment may be paid to the state and delivered to the court or imposing officer or to a person executing their process. Fines may be collected in the following manner:

(1) By cash or money order;

(2) By retention of any pay or allowances due or to become due the person fined from any state or the United States;

(3) By garnishment or levy, together with costs, on the wages, goods, and chattels of a person delinquent in paying a fine, as provided by law.

(b) Any sum so received or retained shall be deposited in the military division support fund as established in section 46-806, Idaho Code, or to whomever the court so directs.

ARTICLE 143. UNIFORMITY OF INTERPRETATION

This code shall be so construed as to effectuate its general purpose to make it uniform, so far as practical, with the uniform code of military justice, 10 U.S.C. chapter 47.

ARTICLE 144. IMMUNITY FOR ACTION OF MILITARY COURTS

All persons acting under the provisions of this code, whether as a member of the military or as a civilian, shall be immune from any personal liability for any of the acts or omissions which they did or failed to do as part of their duties under this code.

ARTICLE 145. SEVERABILITY

The provisions of this code are hereby declared to be severable and if any provision of this code 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 code.

ARTICLE 146. SHORT TITLE

This act may be cited as the "Uniform State Code of Military Justice" (USCMJ).

ARTICLE 147. TIME OF TAKING EFFECT

This act takes effect July 1, 2015.

ARTICLE 148. TIME OF TAKING EFFECT

Upon enactment and the effective date, this law supersedes all existing statutes, ordinances, directives, rules, regulations, orders and other laws in the state covered by the subject matter of this law, and all such statutes, ordinances, directives, rules, regulations, orders and other laws are hereby repealed.

46-1103. ARREST. Arrest of members of the Idaho military not in federal service by members of the Idaho military while acting in their military capacity is prohibited, except in the following circumstances:

(1) If any member fails or refuses to report to his appointed place of duty, his commanding officer in the rank of major or above is authorized to arrest or cause to be arrested such member and have him brought before the commanding officer at his unit or organization headquarters, whether such

headquarters be located within or without the borders of the state. After such an arrest, the commanding officer is authorized to transport, or cause to be transported, such member to his appointed place of duty, whether within or without the borders of the state. Furthermore, if a commander, in the rank of major or above, finds that probable cause exists to believe that a minor offense has been committed by a member of his command, he may cause the member to be arrested and brought before him for the purpose of processing nonjudicial punishment under article 15 of the model state code of military justice as provided in section 46-1102, Idaho Code. If military personnel are not available for the purpose of making the arrest or if the officer ordering the arrest deems it advisable, he may issue a warrant to any sheriff or peace officer authorized to serve warrants of arrest, and such sheriff or peace officer shall serve such warrants of arrest immediately, whenever practicable, and make return thereof to the commanding officer issuing the warrant. Upon receipt of the notification of arrest, the commanding officer shall direct that the arrestee be retrieved and brought before him within a reasonable time. Warrants issued under this subsection shall be the equivalent of a misdemeanor warrant issued by a court of the state of Idaho.

(2) If any member of the Idaho military has had charges preferred against him under this chapter, and the convening authority to whom the charges have been forwarded has found that probable cause exists that the offense was committed by the accused and that the incarceration of the accused pending court-martial is required because of special circumstances found to exist which warrant such incarceration, then the convening authority is authorized to arrest such member or cause him to be arrested and have him confined pending trial. If military personnel are not available for the purpose of making the arrest, or if the convening authority deems it advisable, he may issue a warrant to any sheriff or peace officer authorized to serve such warrant in the same manner as other warrants of arrest, and said sheriff or peace officer shall effect the arrest and hold the accused in the county jail of the county in which the arrest is effected. Upon receipt of the notification of arrest, in accordance with the provisions of section 46-1102, Idaho Code, the commanding officer may direct that the arrestee be retrieved and brought before him within a reasonable time. Warrants issued under this subsection shall be the equivalent of a felony warrant issued by a court of the state of Idaho.

46-1104. REGULATORY AUTHORITY. The adjutant general shall have authority to promulgate such regulations as he deems necessary and proper to carry out the intent of this code.

46-1105. IMMUNITY. All persons acting under the provisions of this chapter, whether as a member of the military or as a civilian, shall be immune from any personal liability for any of their acts or omissions which they did or failed to do as part of their duties under this chapter.

46-1106. 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.

Approved April 6, 2015

CHAPTER 269

(H.B. No. 109, As Amended in the Senate)

AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3022H, IDAHO CODE, TO REVISE THE DEFINITION OF THE TERM "REAL PROPERTY" FOR CAPITAL GAINS PURPOSES AND TO PROVIDE THAT PROPERTY THAT HAS BEEN DEPRECIATED IS NOT ELIGIBLE TO BE TREATED AS REAL PROPERTY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3022H, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022H. DEDUCTION OF CAPITAL GAINS. (1) If an individual taxpayer reports capital gain net income in determining taxable income, eighty percent (80%) in taxable year 2001 and sixty percent (60%) in taxable years thereafter of the capital gain net income from the sale or exchange of qualified property shall be a deduction in determining Idaho taxable income.

(2) The deduction provided in this section is limited to the amount of the capital gain net income from all property included in taxable income. Gains treated as ordinary income by the Internal Revenue Code do not qualify for the deduction allowed in this section. The deduction otherwise allowable under this section shall be reduced by the amount of any federal capital gains deduction relating to such property, but not below zero.

(3) Property held by an estate, trust, S corporation, partnership, limited liability company or an individual is "qualified property" under this section if the property had an Idaho situs at the time of sale and is:

(a) Real property held at least twelve (12) months;

(b) Tangible personal property used in Idaho for at least twelve (12) months by a revenue-producing enterprise;

(c) Cattle or horses held for breeding, draft, dairy or sporting purposes for at least twenty-four (24) months if more than one-half (1/2) of the taxpayer's gross income (as defined in section 61(a) of the Internal Revenue Code) for the taxable year is from farming or ranching operations in Idaho;

(d) Breeding livestock other than cattle or horses held at least twelve (12) months if more than one-half (1/2) of the taxpayer's gross income (as defined in section 61(a) of the Internal Revenue Code) for the taxable year is from farming or ranching operations in Idaho;

(e) Timber grown in Idaho and held at least twenty-four (24) months;

(f) In determining the period for which property subject to this section has been held by a taxpayer, the provisions of section 1223 of the Internal Revenue Code shall apply, except that the holding period shall not include the holding period of property given up in an exchange, when such property would not have constituted qualified property under this section without regard to meeting the holding period nor shall the holding period include any time period in which the property subject to this section was held by a corporation other than an S corporation.

(4) As used in this section "revenue-producing enterprise" means:

(a) The production, assembly, fabrication, manufacture, or processing of any agricultural, mineral or manufactured product;

(b) The storage, warehousing, distribution, or sale at wholesale of any products of agriculture, mining or manufacturing;

(c) The feeding of livestock at a feedlot;

(d) The operation of laboratories or other facilities for scientific, agricultural, animal husbandry, or industrial research, development, or testing.

(5) As used in this section the term "real property" means land and ~~other tangible property permanently upon or affixed to the land~~ includes the following:

(a) A "qualified conservation easement," as defined in section 2031(c) (8) (B) of the Internal Revenue Code, conveyed to a "Qualified Organization" as defined in section 170(h) of the Internal Revenue Code;

(b) Grazing permits or leases issued by the U.S. forest service, the bureau of land management or the Idaho department of lands, if such permit is transferred simultaneously with the transfer of the "base property"; and

(c) Any other property defined in section 1250(c) of the Internal Revenue Code as "section 1250 property" conveyed in perpetuity, the transfer of which would be required to be in writing by section 9-503, Idaho Code.

(6) Property that has been depreciated pursuant to section 1245 of the Internal Revenue Code is not eligible to be treated as real property for purposes of this deduction.

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 all taxable years beginning on or after January 1, 2010.

Approved April 6, 2015

CHAPTER 270

(H.B. No. 154, As Amended in the Senate)

AN ACT

RELATING TO ABORTION; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 18-617 THROUGH 18-621, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS FOR CHEMICAL ABORTION, TO PROVIDE REQUIREMENTS FOR ADMINISTERING CERTAIN DRUGS IN ABORTIONS, TO PROVIDE A CIVIL CAUSE OF ACTION, TO PROVIDE CONDITIONS FOR ANONYMITY OF THE FEMALE, TO PROVIDE FOR CONSTRUCTION AND TO PROVIDE SEVERABILITY.

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

SECTION 1. SHORT TITLE. This act shall be known and may be cited as the "Physician Physical Presence and Women Protection Act."

SECTION 2. That Chapter 6, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 18-617 through 18-621, Idaho Code, and to read as follows:

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

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

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

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

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

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

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

(c) Has the ability to provide surgical intervention in cases of incomplete abortion or severe bleeding, or, if the physician does not have admitting privileges at a local hospital, has made and documented in the patient's medical record plans to provide such emergency care through other qualified physicians who have agreed in writing to provide such care;

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

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

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

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

18-618. CIVIL CAUSES OF ACTION. (1) Any female upon whom an abortion has been attempted or performed, or the father of the unborn child who was the subject of the abortion if the father was married to the woman who received the abortion at the time the abortion was attempted or performed, or a maternal grandparent of the unborn child in the event the mother is deceased, may maintain an action for actual damages against the person who in knowing or reckless violation of section 18-617, Idaho Code, attempted or performed the abortion. The court may, in its discretion, award punitive damages pursuant to section 6-1604, Idaho Code, and enjoin further violations of sections 18-617 through 18-621, Idaho Code.

(2) A cause of action for injunctive relief against any person who has knowingly or recklessly violated sections 18-617 through 18-621, Idaho Code, may be maintained by a county prosecuting attorney with appropriate jurisdiction or by the attorney general. The injunction shall prevent the abortion provider from performing further abortions in violation of sections 18-617 through 18-621, Idaho Code, in this state.

18-619. ANONYMITY OF FEMALE. In every court proceeding or action brought under this chapter, the court shall rule whether the anonymity of any female 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 order shall be accompanied by specific written findings explaining why the anonymity of the female 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 female upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under this section shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.

18-620. CONSTRUCTION. (1) Nothing in sections 18-617 through 18-621, Idaho Code, shall be construed as creating or recognizing a right to abortion.

(2) It is not the intention of sections 18-617 through 18-621, Idaho Code, to make lawful an abortion that is currently unlawful.

18-621. 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.

Approved April 6, 2015

CHAPTER 271

(H.B. No. 167, As Amended in the Senate)

AN ACT

RELATING TO LABOR; AMENDING SECTION 67-2345, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO LABOR NEGOTIATIONS CONDUCTED IN EXECUTIVE SESSION AND TO PROVIDE THAT CONSIDERATION OF CERTAIN LABOR CONTRACT OFFERS MAY BE HELD IN EXECUTIVE SESSION; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2345A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO NEGOTIATIONS IN OPEN SESSION, TO PROVIDE THAT AN EXECUTIVE SESSION MAY BE HELD FOR CERTAIN SPECIFIC PURPOSES, TO PROVIDE THAT CERTAIN DOCUMENTS EXCHANGED BETWEEN PARTIES SHALL BE SUBJECT TO PUBLIC WRITINGS DISCLOSURE LAWS, TO PROVIDE FOR NOTICE AND TO PROVIDE THAT PUBLIC TESTIMONY SHALL BE POSTED AS AN AGENDA ITEM; REPEALING SECTION 33-1273A, IDAHO CODE, RELATING TO NEGOTIATIONS IN OPEN SESSION; AND PROVIDING A SUNSET DATE.

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

SECTION 1. 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 custody review board of the Idaho department of juvenile corrections, as provided by law; ~~or~~

(i) 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; or

(j) To consider labor contract matters authorized under section 67-2345A(1) (a) and (b), Idaho Code.

~~(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.~~

~~(43) No executive session may be held for the purpose of taking any final action or making any final decision.~~

SECTION 2. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2345A, Idaho Code, and to read as follows:

67-2345A. NEGOTIATIONS IN OPEN SESSION. (1) All negotiations between a governing body and a labor organization shall be in open session and shall be available for the public to attend. This requirement also applies to negotiations between the governing body's designated representatives and representatives of the labor organization. This requirement shall also apply to meetings with any labor negotiation arbitrators, mediators or similar labor dispute meeting facilitators. Provided, however, a governing body or its designated representatives may hold an executive session for the specific purpose of:

(a) Considering a labor contract offer or to formulate a counteroffer;
or

(b) Receiving information about a specific employee, when the information has a direct bearing on the issues being negotiated and a reasonable person would conclude that the release of that information would violate that employee's right to privacy.

(2) All documentation exchanged between the parties during negotiations, including all offers, counteroffers and meeting minutes shall be subject to public writings disclosure laws.

(3) Any other provision of law notwithstanding, including any other provisions to the contrary in sections 33-402 and 67-2343, Idaho Code, the governing body shall post notice of all negotiation sessions at the earliest possible time practicable. This shall be done by the governing body by immediately posting notice of the negotiation session on the front page of its official website. If time permits, the governing body shall also post notice within twenty-four (24) hours at its regular meeting physical posting locations.

(4) Public testimony, if any, shall be posted as an agenda item.

SECTION 3. That Section 33-1273A, Idaho Code, be, and the same is hereby repealed.

SECTION 4. The provisions of this act shall be null, void and of no force and effect on and after July 1, 2020.

Approved April 6, 2015

CHAPTER 272

(H.B. No. 202, As Amended in the Senate)

AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1420, IDAHO CODE, TO PROVIDE REQUIREMENTS RELATING TO ASSESSING THE VALUE OF CERTAIN PERSONAL PROPERTY, TO PROVIDE REQUIREMENTS FOR THE SALE OF CERTAIN PERSONAL PROPERTY, TO PROVIDE THAT CERTAIN INDIVIDUALS ARE NOT ELIGIBLE TO ACQUIRE CERTAIN PERSONAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 31-1420, Idaho Code, be, and the same is hereby amended to read as follows:

31-1420. PROCEDURE FOR SALE, CONVEYANCE AND DISPOSITION OF PROPERTY. Real or personal property of a fire protection district may be sold, conveyed, and disposed of by its board of commissioners whenever the board finds and by resolution declares that the district no longer has use therefor, subject to the following procedure:

(1) If in the opinion of the board, any such personal property does not exceed ten thousand dollars (\$10,000) in value, the same may be sold without independent appraisal valuations, notice, or competitive bids.

(2) If in the opinion of the board any such personal property exceeds ten thousand dollars (\$10,000) in value, then the board shall select two (2) individuals independent of the board who have the knowledge and expertise to determine the value of the personal property to assess the value of the property. The property may then be sold at public or private sale to the highest bidder for cash at not less than its minimum valuation, after due notice. If the property cannot be sold for the minimum valuation after reasonable efforts have been made, the board may then sell the property for adequate and valuable consideration as determined by the board. Any individual selected

by the board to assess the value of personal property shall not be eligible to acquire that property.

(3) ~~All such real property, and any such personal property that the board determines to exceed ten thousand dollars (\$10,000) in value, shall be appraised by a certified appraiser who shall be selected by the board. It may then be sold at public or private sale to the highest bidder for cash at not less than its appraised value, after due notice. If the property cannot be sold for the appraised value after reasonable efforts have been made, the board may then sell the property for adequate and valuable consideration as determined by the board.~~

(34) Due notice of sale shall be accomplished if the notice shall describes the property to be sold (legal description, if real property), states the appraised value thereof (by separate items, if so appraised), and specify specifies the time, place, and conditions of sale.

(45) Said The notice shall be published in a newspaper having general circulation in the district at least twice, the first publication thereof to be not less than fifteen (15) days preceding the day of sale.

(56) If such property is sold on terms, the board may contract for the sale of the same for a period of years not exceeding ten (10) years, with an annual rate of interest on all deferred payments not to exceed twelve percent (12%) per annum. The title to all property sold on contract shall be retained in the name of the district until full payment has been made by the purchaser. Any property sold by the board under the provisions of this section, either for cash or on contract, shall be assessed by the county assessor in the same manner and upon the same basis of valuation as though the purchaser held a record title to the property so sold. The board shall have authority to cancel any contract of sale, pursuant to law, if the purchaser shall fail to comply with any of the terms of such contract, and retain all payments paid thereon. The board may by agreement with the purchaser modify or extend any of the terms of any contracts of sale, but the total period of years shall not exceed ten (10) years.

(67) Upon final payment pursuant to the sale of such real property, the president and secretary, pursuant to resolution of the board, shall duly execute and deliver an appropriate deed to the purchaser, and upon the accomplishment of the sale of such personal property, the president and secretary, pursuant to resolution of the board, shall duly execute and deliver an appropriate bill of sale to the purchaser.

(78) In addition to any other powers granted by law, the board of fire commissioners may, at their discretion, grant to or exchange with the federal government, the state of Idaho, any political subdivision, or taxing district of the state of Idaho, with or without compensation, any real or personal property or any interest in such property owned by the fire district or acquired by tax deed, after adoption of a resolution that the grant or exchange of property is in the public interest. Such resolution may be made at any regularly or specially scheduled meeting of the board. Notice of such grant or exchange shall be made in the same manner as set forth in subsections (34) and (45) of this section. The fire protection district's execution and delivery of the deed conveying an interest in the property shall operate to discharge and cancel all levies, liens and taxes made or created for the benefit of the fire protection district and to cancel all titles or claims of title including claims of redemption to such real property asserted or existing at the time of such conveyance.

Approved April 6, 2015

CHAPTER 273
(H.B. No. 256)

AN ACT

RELATING TO PUBLIC WORKS; AMENDING SECTION 54-1218, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPLICABILITY OF SPECIFIED LAW.

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

SECTION 1. That Section 54-1218, Idaho Code, be, and the same is hereby amended to read as follows:

54-1218. PUBLIC WORKS. (1) It shall be unlawful for this state, or for any county, city, school district, irrigation district, drainage district, highway district, or other subdivision of the state having power to levy taxes or assessments against property situated therein, to engage in the construction of any public works when the public health or safety is involved unless the plans and specifications and estimates have been prepared by, and the construction reviewed by, a professional engineer.

(2) The provisions of this section shall not apply to public construction, reconstruction, maintenance and repair work that is governed by chapter 12, title 42, Idaho Code; or public work that is insignificant, that is projects of less than ten thousand dollars (\$10,000) in total cost, performed by employees of the public agency and performed in accordance with standards for such work that have been certified by a professional engineer and duly adopted by the public agency's governing body including, but not limited to, the Idaho standards for public works construction and any supplements thereto, and only if a professional engineer determines that such public construction, reconstruction, maintenance and repair work does not represent a material risk to public health or safety.

Approved April 6, 2015

CHAPTER 274
(H.B. No. 269)

AN ACT

RELATING TO THE TAX ON OIL AND GAS; AMENDING SECTION 47-330, IDAHO CODE, TO REVISE HOW THE TAX ON THE PRODUCTION OF OIL AND GAS IS ADMINISTERED AND COLLECTED AND TO DEFINE "GROSS INCOME."

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

SECTION 1. That Section 47-330, Idaho Code, be, and the same is hereby amended to read as follows:

47-330. OIL AND GAS CONSERVATION FUND CREATED -- TAX. (1) For the purposes of paying the expenses of administration of this act and for the privilege of extracting oil and gas in this state, there is hereby levied and imposed on all oil and gas produced, saved and sold or transported from the premises in Idaho where produced a tax of two and one-half percent (2.5%) of the market value gross income received by the producer of the oil or gas produced at the site of production. ~~If the oil and gas is transported from the premises prior to sale, then the tax will be determined based on the published henry hub spot price for gas or wti cushing spot price for crude oil at the close of business the day the oil or gas leaves the premises. Transportation from the premises prior to the sale does not include movement of oil or~~

~~gas from the wellhead to another site in Idaho by the same person for dehydration or other processing required for sale.~~ "Gross income" shall mean the amount realized by the producer for sale of the oil or gas, whether the sale occurs at the wellhead or after transportation of the product, without deduction for transportation, manufacturing, and processing costs borne by the producer. Where the parties to the sale are related parties and the sales price is lower than the price for which that oil or gas could otherwise have been sold to a ready, willing, and able buyer and where the taxpayer was legally able to sell the oil or gas to such a buyer, gross income shall be determined by reference to comparable arms-length sales of like kind, quality, and quantity in the same field or area. For purposes of this subsection, "related parties" shall be as defined in section 267 of the Internal Revenue Code, as defined, in section 63-3004, Idaho Code. This tax is in addition to all other taxes provided by law. It shall be the duty of the state tax commission to enforce collection of this tax and to make such rules as may be necessary, pursuant to the provisions of chapter 52, title 67, Idaho Code. All money so collected shall be remitted to the state treasurer for deposit in the oil and gas conservation fund, which fund is hereby created in the office of the state treasurer of the state of Idaho.

(2) The persons owning an interest, working interest, royalty interest, payments out of production, or any other interest in the oil and gas, or in the proceeds thereof, shall be liable for such tax in proportion to their ownership at the time of production. The tax so assessed and fixed shall be payable quarterly, and the sum so due shall be remitted to the state tax commission, on or before the twentieth of the next month following the preceding quarter in which the tax accrued, by the producer on behalf of himself and all other interested persons. The person remitting the tax, as herein provided, is hereby empowered and required to deduct from any amounts due the persons owning an interest in the oil and gas, or in the proceeds thereof, at the time of production a proportionate amount of such tax before making payment to such persons.

(3) The tax imposed by this section shall apply to all lands in the state of Idaho, anything in this act to the contrary notwithstanding; provided however, there shall be exempted from the tax hereinabove levied and assessed the following, to wit:

(a) The interest of the United States of America and the interest of the state of Idaho and the political subdivisions thereof in any oil or gas or in the proceeds thereof.

(b) The interest of any Indian or Indian tribe in any oil or gas or the proceeds thereof, produced from lands subject to the supervision of the United States.

(c) Oil and gas used in producing operations or for repressuring or recycling purposes.

(4) To the extent that such sections are not in conflict with the provisions of this act, the deficiency in tax and notice of deficiency as well as the collection and enforcement procedures provided by the Idaho income tax act, sections 63-3038, 63-3039, 63-3040, 63-3042 through 63-3065A, 63-3068, 63-3071 and 63-3075 through 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this act and the assessment and collection of any amounts due. Said sections shall for this purpose be considered a part of this act and wherever liens or any other proceedings are defined as income tax liens or proceedings they shall, when applied in enforcement or collection pursuant to this act, be described as an oil and gas tax lien or proceeding.

The state tax commission may be made a party defendant in an action at law or in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the state of Idaho shall be responsible for any final judgment secured against the state tax commission, and said judgment or any other amount er-

roneously or illegally collected shall be paid or satisfied out of the state refund account created by section 63-3067, Idaho Code.

(5) All moneys collected under this chapter shall be distributed by the state tax commission as follows:

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

(b) For the balance of the proceeds, forty percent (40%) shall be distributed by the end of the month following each quarterly due date by the state tax commission into any oil and gas revenue share account as follows:

(i) Twenty-eight percent (28%) is hereby appropriated and shall be paid to the current expense fund of the county from which the oil or gas was produced;

(ii) Twenty-eight percent (28%) is hereby appropriated and shall be paid to the cities within the county from which the oil or gas was produced. Such funds shall be distributed to each city based upon the proportion that the city's population bears to the total population of all of the cities within the county;

(iii) Twenty-eight percent (28%) is hereby appropriated and shall be paid to the public school income fund; and

(iv) Sixteen percent (16%) shall be transferred to the local economic development account that is hereby created in the agency asset fund to provide assistance in those counties experiencing a severe economic hardship due to the cutback or closure of business and industry associated with oil or gas production.

(c) The remainder of the moneys deposited into the oil and gas conservation fund, sixty percent (60%) of the proceeds after refunds, may be expended pursuant to legislative appropriation and shall be used for defraying the expenses of the oil and gas conservation commission in carrying out the provisions of this act. At the beginning of each fiscal year, those moneys in the oil and gas conservation fund, after applicable refunds and distribution as noted in paragraphs (a) and (b) of this subsection, that exceed two hundred percent (200%) of the current year's appropriations for the oil and gas conservation commission shall be transferred to the general fund. The oil and gas conservation commission shall audit all bills for salaries and expenses incurred in the enforcement of this act that may be payable from the oil and gas conservation fund that shall be audited, allowed and paid as to the claims against the state.

Approved April 6, 2015

CHAPTER 275
(H.B. No. 277)

AN ACT

RELATING TO TITLE INSURANCE; AMENDING SECTION 41-2704, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS CONCERNING THE BUSINESS OF TITLE INSURANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-2705, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS CONCERNING THE BUSINESS OF TITLE INSURANCE OPERATING UNDER THE CONTROL AND SUPERVISION OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AND AMENDING CHAPTER 27, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2714, IDAHO CODE, TO PRO-

VIDE THAT A TITLE INSURER MAY ISSUE CLOSING OR SETTLEMENT PROTECTION TO CERTAIN PERSONS, TO PROVIDE A LIMITATION ON CLOSING OR SETTLEMENT PROTECTION, TO PROVIDE A RATE AND TO ESTABLISH PROVISIONS FOR HOW THE SECTION SHALL BE CONSTRUED.

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

SECTION 1. That Section 41-2704, Idaho Code, be, and the same is hereby amended to read as follows:

41-2704. APPLICATION OF ACT -- BUSINESS OF TITLE INSURANCE. The provisions of chapter 27, title 41, Idaho Code, shall apply to all title insurance companies, title insurance rating organizations, title insurance agents, applicants for title insurance, policyholders and to all persons and business entities engaged in the business of title insurance. The business of title insurance shall include:

(1) ~~the~~ making, or proposing to make, as an insurer, guarantor or surety, or proposing any contract or policy of title insurance, which shall include all certificates, policies, binders, preliminary reports or other underwriting contracts and indorsements;

(2) ~~the~~ transacting or proposing to transact any phase of title insurance including solicitations, negotiations preliminary to and execution of a contract of title insurance, and matters subsequent to the issuance of such contract;

(3) ~~the~~ performance of any act included herein by a title insurer or a title insurance agent including, but not limited to, handling of escrows, settlements or closing incident to any contract or policy of title insurance; ~~or~~

(4) The issuance of closing or settlement protection by a title insurer pursuant to section 41-2714, Idaho Code; or

(5) the doing, or proposing to do, any business in substance equivalent to any of the foregoing in the manner designated to evade the provisions of this chapter.

SECTION 2. 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, closing or settlement protection, 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 and closing or settlement protection, the proportion of the rates for the premiums for title insurance and closing or settlement protection which is retained by a title insurance agent and the portion which is retained by a title insurer, 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; pro-

vided, not later than the effective date hereof each title insurer shall file its premium rates and basic policy classification in relation thereto, and the said rate 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, closing or settlement protection, 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 3. That Chapter 27, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-2714, Idaho Code, and to read as follows:

41-2714. CLOSING OR SETTLEMENT PROTECTION. (1) A title insurer may issue closing or settlement protection to a buyer, borrower or lender that is a party to a transaction in which a title insurance policy will be issued. The closing or settlement protection shall be on a form filed with the department in accordance with section 41-2705, Idaho Code.

(2) The closing or settlement protection shall be limited to indemnifying the buyer, borrower or lender insured against a loss due to either or both of the following actions of a licensed and authorized title insurance agent and is deemed for the purpose of this section to be within the business of title insurance as set forth in section 41-2704, Idaho Code:

(a) Theft or misappropriation of closing or settlement funds in connection with a transaction in which a title insurance policy or title insurance policies will be issued by or on behalf of the title insurer issuing the closing or settlement protection.

(b) Failure to comply with the written closing instructions when agreed to by the title agent or title insurer, but only to the extent that the failure to follow the instructions relates to the status of the title to that interest in land or the validity, enforceability and priority of the lien of the mortgage on that interest in land.

(3) A rate must be charged and the rate charged by a title insurer for each transaction that includes closing protection coverage shall not be subject to any agreement requiring a division of rates or premiums collected on behalf of the title insurer. The issuance of a closing or settlement protection to a buyer, borrower or lender that is a party to a transaction in which a title insurance policy will be issued shall be considered to be one (1) transaction for which a single rate is charged and shall not result in a separate charge to each party. The rate shall:

(a) Be filed with the department in accordance with sections 41-2706 and 41-2707, Idaho Code;

(b) Be the only rate charged for closing protection; and

(c) Not exceed twenty-five dollars (\$25.00).

(4) A title insurer may not provide any other protection that purports to indemnify against improper acts or omissions of a person with regard to closing or settlement services.

(5) Except as otherwise provided for in closing or settlement protection, a buyer, borrower, lender, or title insurer retains all their respective rights and remedies in connection with losses suffered due to theft or misappropriation of closing or settlement funds or the failure to comply with written closing instructions. Nothing in this section shall be construed to require a buyer, borrower or lender to obtain closing or settlement protection. A failure to obtain closing or settlement protection shall not be construed as an error, omission or other breach of duty of a buyer, borrower or lender.

Approved April 6, 2015

CHAPTER 276
(H.B. No. 304)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR 2016; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING LEGISLATIVE INTENT RELATING TO SYSTEM-WIDE EXPENDITURES; AND PROVIDING LEGISLATIVE INTENT FOR REPORTING RELATED TO THE COMPLETE COLLEGE IDAHO INITIATIVE.

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

SECTION 1. There is hereby appropriated to the State Board of Education for Community Colleges, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. COLLEGE OF SOUTHERN IDAHO:				
FROM:				
General				
Fund	\$10,141,100	\$1,769,700	\$607,400	\$12,518,200
Community College				
Fund	<u>155,100</u>	<u>26,900</u>	<u>18,000</u>	<u>200,000</u>
TOTAL	\$10,296,200	\$1,796,600	\$625,400	\$12,718,200
II. COLLEGE OF WESTERN IDAHO:				
FROM:				
General				
Fund	\$6,843,200	\$3,957,500	\$6,300	\$10,807,000
Community College				
Fund	<u>0</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL	\$6,843,200	\$4,157,500	\$6,300	\$11,007,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. NORTH IDAHO COLLEGE:				
FROM:				
General				
Fund	\$9,707,100	\$922,700	\$6,000	\$10,635,800
Community College				
Fund	<u>122,200</u>	<u>52,800</u>	<u>25,000</u>	<u>200,000</u>
TOTAL	\$9,829,300	\$975,500	\$31,000	\$10,835,800
GRAND TOTAL	\$26,968,700	\$6,929,600	\$662,700	\$34,561,000

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2016, the State Board of Education for Community Colleges is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2015, through June 30, 2016. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that of the amount appropriated from the General Fund in Section 1 of this act, an amount not to exceed \$70,000 may be expended by the Office of the State Board of Education for system-wide needs including, but not limited to, projects to promote accountability and information transfer throughout the higher education system.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that for the \$1,227,400 appropriated from the General Fund in Section 1 of this act for the Complete College Idaho initiative, the State Board of Education shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee and the House Education Committee on the implementation and effectiveness of the individual institution's efforts. The board may use the measures of effectiveness as submitted by the institutions in their fiscal year 2016 budget requests or develop other measures as necessary. Reporting to the Legislature should occur no later than February 1, 2016.

Approved April 6, 2015

CHAPTER 277
(H.B. No. 305)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING THE UNEXPENDED AND UNENCUMBERED FEDERAL GRANT FUND BALANCE INTO FISCAL YEAR 2016; AND REAPPROPRIATING THE UNEXPENDED AND UNENCUMBERED BALANCE IN THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND INTO FISCAL YEAR 2016.

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

SECTION 1. There is hereby appropriated to the Office of the State Board of Education, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$1,798,200	\$502,100	\$3,400		\$2,303,700
Indirect Cost Recovery					
Fund	33,000	83,300			116,300
Miscellaneous Revenue					
Fund	132,000	60,000		\$50,000	242,000
Federal Grant					
Fund	<u>143,000</u>	<u>1,446,100</u>	<u>0</u>	<u>1,138,400</u>	<u>2,727,500</u>
TOTAL	\$2,106,200	\$2,091,500	\$3,400	\$1,188,400	\$5,389,500
II. CHARTER SCHOOL COMMISSION:					
FROM:					
General					
Fund	\$108,900	\$28,900			\$137,800
Public Charter School Authorizers					
Fund	<u>234,000</u>	<u>96,200</u>			<u>330,200</u>
TOTAL	\$342,900	\$125,100			\$468,000
GRAND TOTAL	\$2,449,100	\$2,216,600	\$3,400	\$1,188,400	\$5,857,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than twenty-five and seventy-five hundredths (25.75) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR FEDERAL GRANT FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balance of moneys in the Federal Grant Fund as appropriated or reappropriated for fiscal year 2015, to be used for nonrecurring expenditures, for the period July 1, 2015, through June 30, 2016.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balance of moneys in the Public Charter School Authorizers Fund as appropriated or reappropriated

for fiscal year 2015, to be used for nonrecurring expenditures, for the period July 1, 2015, through June 30, 2016.

Approved April 6, 2015

CHAPTER 278

(S.B. No. 1069, As Amended, As Amended, As Amended in the House)

AN ACT

RELATING TO RENEWAL OF JUDGMENTS; AMENDING SECTION 11-101, IDAHO CODE, TO PROVIDE FOR EXECUTION ON JUDGMENTS FOR SUPPORT OF A CHILD, THE PARTY IN WHOSE FAVOR JUDGMENT IS GIVEN MAY, AT ANY TIME WITHIN TEN YEARS AFTER THE ENTRY, HAVE A WRIT OF EXECUTION ISSUED FOR ITS ENFORCEMENT WITH CONDITIONS; AMENDING SECTION 11-105, IDAHO CODE, TO INCREASE THE PERIOD OF TIME THAT A CERTAIN JUDGMENT MAY BE ENFORCED; AMENDING SECTION 5-215, IDAHO CODE, TO INCREASE THE NUMBER OF YEARS WHEN ACTION ON A JUDGMENT OR FOR MESNE PROFITS OF REAL PROPERTY MUST BE COMMENCED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 10-1110, IDAHO CODE, TO INCREASE THE TIME A CERTAIN LIEN RESULTING FROM RECORDING OF A JUDGMENT CONTINUES OR LIEN ARISING FROM THE DELINQUENCY OF A PAYMENT DUE UNDER A JUDGMENT CONTINUES; AMENDING SECTION 45-510, IDAHO CODE, TO INCREASE THE TIME PRIOR TO WHEN A LIEN OF FINAL JUDGMENT SHALL CEASE AND TO REMOVE ARCHAIC LANGUAGE CONCERNING WHEN A LIEN OF A FINAL JUDGMENT SHALL EXPIRE; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICATION.

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

SECTION 1. That Section 11-101, Idaho Code, be, and the same is hereby amended to read as follows:

11-101. TIME WITHIN WHICH EXECUTION MAY ISSUE -- STAY PENDING DISPOSITION OF MOTIONS. Except as provided in section 5-245, Idaho Code, for execution on judgments for support of a child, the party in whose favor judgment is given may, at any time within ~~five ten~~ (510) years after the entry thereof, have a writ of execution issued for its enforcement, subject to the right of the court to stay execution as provided by the rules adopted by the supreme court.

SECTION 2. That Section 11-105, Idaho Code, be, and the same is hereby amended to read as follows:

11-105. EXECUTION AFTER ~~FIVE TEN~~ YEARS. In all cases other than for the recovery of money the judgment may be enforced or carried into execution after the lapse of ~~five ten~~ (510) years from the date of its entry, by leave of the court, upon motion, or by judgment for that purpose, founded upon supplemental pleadings.

SECTION 3. That Section 5-215, Idaho Code, be, and the same is hereby amended to read as follows:

5-215. ACTION ON JUDGMENT OR FOR MESNE PROFITS OF REAL PROPERTY. Within ~~six eleven~~ (611) years:

(1.) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States.

(2.) An action for mesne profits of real property.

SECTION 4. That Section 10-1110, Idaho Code, be, and the same is hereby amended to read as follows:

10-1110. FILING TRANSCRIPT OF JUDGMENTS -- LIEN ACQUIRED. A transcript or abstract of any judgment or decree of any court of this state or any court of the United States the enforcement of which has not been stayed as provided by law, if rendered within this state, certified by the clerk having custody thereof, may be recorded with the recorder of any county of this state, who shall immediately record and docket the same as by law provided, and from the time of such recording, and not before, the judgment so recorded becomes a lien upon all real property of the judgment debtor in the county, not exempt from execution, owned by him at the time or acquired afterwards at any time prior to the expiration of the lien; provided that where a transcript or abstract is recorded of any judgment or decree of divorce or separate maintenance making provision for installment or periodic payment of sums for maintenance of children or alimony or allowance for wife's support, such judgment or decree shall be a lien only in an amount for payments so provided, delinquent or not made when due. The lien resulting from recording of a judgment other than for support of a child continues five ten (510) years from the date of the judgment, unless the judgment be previously satisfied, or unless the enforcement of the judgment be stayed upon an appeal as provided by law. A lien arising from the delinquency of a payment due under a judgment for support of a child issued by an Idaho court continues until five ten (510) years after the death or emancipation of the last child for whom support is owed under the judgment unless the underlying judgment is renewed, is previously satisfied or the enforcement of the judgment is stayed upon an appeal as provided by law. The transcript or abstract above mentioned shall contain the title of the court and cause and number of action, names of judgment creditors and debtors, time of entry and amount of judgment.

SECTION 5. That Section 45-510, Idaho Code, be, and the same is hereby amended to read as follows:

45-510. DURATION OF LIEN. No lien provided for in this chapter binds any building, mining claim, improvement or structure for a longer period than six (6) months after the claim has been filed, unless proceedings be commenced in a proper court within that time to enforce such lien; or unless a payment on account is made, or extension of credit given with expiration date thereof, and such payment or credit and expiration date, is endorsed on the record of the lien, then six (6) months after the date of such payment or expiration of extension. The lien of a final judgment obtained on any lien provided for in this chapter shall cease five ten (510) years from the date the judgment becomes final, ~~but if such period of five (5) years has expired or will expire before September 1, 1947, the owner of such judgment lien shall have until September 1, 1947, within which to levy execution under such judgment.~~

SECTION 6. This act shall be in full force and effect on and after July 1, 2015, and shall apply only to judgments issued on and after July 1, 2015, by a court of competent jurisdiction.

Approved April 6, 2015

CHAPTER 279

(S.B. No. 1073, As Amended in the House)

AN ACT

RELATING TO NOXIOUS WEEDS; AMENDING SECTION 22-2402, IDAHO CODE, TO DEFINE TERMS AND TO REVISE A DEFINITION; AND AMENDING SECTION 22-2404, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE TO ALLOW THE COLLECTION, REMOVAL AND MOVEMENT OF NOXIOUS WEEDS FROM AN INFESTED AREA TO A FACILITY WITHIN THE STATE FOR PURPOSES OF BIOLOGICAL CONTROL RESEARCH, TO PROVIDE CONDITIONS, TO PROVIDE A LIMITATION ON PENALTIES, TO PROVIDE FOR COMPLIANCE WITH SPECIFIED PROTOCOL AND TO PROVIDE CONDITIONS PRIOR TO IMPLEMENTATION OF SPECIFIED PROVISIONS.

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

SECTION 1. That Section 22-2402, Idaho Code, be, and the same is hereby amended to read as follows:

22-2402. DEFINITIONS. As used in this chapter:

- (1) "Agency" means:
 - (a) In the case of the federal government, any authority which exercises administrative control over defined areas of federal lands within the state of Idaho;
 - (b) In the case of the state of Idaho, any department, board, commission, or institution;
 - (c) In the case of local government, cities, counties and any legal subdivisions thereof, drainage districts, irrigation districts, canal companies, highway districts, or any special taxing district.
- (2) "Applicable fund or account" means:
 - (a) In the case of the state of Idaho, the noxious weed account, which is hereby created and established in the dedicated fund and which shall be used exclusively for the purposes prescribed by this chapter;
 - (b) In each county, the noxious weed fund, which is hereby created and established and shall be maintained in each county and which shall be used exclusively for the purposes prescribed by this chapter.
- (3) "Aquatic plant" means any plant growing in, or closely associated with, the aquatic environment and includes, but is not limited to, riparian plants.
- (4) "Article" means a particular kind of object, and includes any type of conveyance, mode of transport or associated materials such as water.
- (5) "Classical biological control" means the introduction of control agents into a region, that is not part of their natural range, to suppress permanently the populations of selected target weeds usually also introduced into that region. "Augmentative biological control" means the supplemental release of control agents into a region, that is part of their natural range, to suppress permanently the populations of selected target weeds.
- (6) "Containment" means halting the spread of a weed infestation beyond specified boundaries.
- (57) "Control" means any or all of the following: prevention, rehabilitation, eradication or modified treatments.
- (68) "Control authority" means:
 - (a) On the state level, the director of the department of agriculture;
 - (b) On the county level, the board of county commissioners.
- (79) "Cooperative weed management area (CWMA)" means a distinguishable hydrologic, vegetative or geographic zone based upon geography, weed infestations, climate or human-use patterns. Cooperative weed management areas

may be composed of a portion of a county, a county, portions of several counties, or portions of one (1) or more states.

(810) "Department" means the Idaho state department of agriculture.

(911) "Director" means the director of the department of agriculture or the director's designated agent.

(102) "Eradication" means the elimination of a noxious weed based on absence as determined by a visual inspection by the control authority during the current growing season.

(113) "Integrated weed management plan (IWMP)" means a plan developed to manage, control or eradicate a noxious weed(s) from a cooperative weed management area or other weed management area. Integrated weed management strategies may include, but are not limited to, prevention, cultural, mechanical, chemical and biological methods.

(124) "Land" means all soil or water or other growing medium.

(135) "Landowner" means:

(a) The person who holds legal title to the land, except that portion for which another person has the right to exclude others from possession of the parcel; or

(b) A person with an interest in a parcel of land such that the person has the right to exclude others from possession of the parcel.

(146) "Modified treatment" means treatment specified in an integrated weed management plan.

(157) "Noxious weed" means any plant having the potential to cause injury to public health, crops, livestock, land or other property; and which is designated as noxious by the director.

(168) "Person" means any individual, partnership, firm, agency, corporation, company, society or association.

(179) "Prevention" means:

(a) Any action that reduces the potential for the introduction or establishment of a plant species in areas not currently infested with that species; or

(b) Any action that deters the spread of noxious weeds.

(1820) "Quarantine" means the regulation of the production, movement, or existence of plants, plant products, animals, animal products, or any other article or material, or the normal activity of persons, to prevent or limit introduction or spread of noxious weeds.

(1921) "Rehabilitation" means the process of reconditioning formerly weed infested land to a productive or desirable condition.

(202) "Riparian" means the green, vegetated areas along the edge of water bodies like rivers, creeks, canals, lakes, springs, sloughs, potholes and wetlands. They are the transition zone between upland and aquatic ecosystems. Underlying saturated soil is a key feature in riparian areas.

(213) "State noxious weed advisory committee" means an advisory committee appointed by the director to advise and to assist in development, modification and direction of a statewide noxious weed management strategy.

(24) "Viable" means a plant or plant part capable of surviving or living successfully, especially under particular environmental conditions.

(225) "Waters" means all the 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 which border upon the state.

(236) "Weed control advisory committee" means a committee established by weed control agencies or authorities, at the county level, or a steering committee of a cooperative weed management area, to develop and to recommend implementation of integrated weed management plans and strategies.

(27) "Hybrid" means the offspring of two (2) plants of different breeds, varieties, species or genera.

(28) "Releasing" means releasing, placing, planting, or causing to be released, a species in a water body, facility, water supply system, field,

garden, planted area, ecosystem or otherwise into the environment within the state of Idaho.

(29) "Researcher" means someone who has the generally accepted education, experience and position within the biological control research community.

(30) "Research facility" means any laboratory, institution, college or university, at which scientific tests, experiments or peer-reviewed investigations involving the use of any living plants is carried out, conducted or attempted and that receives funds under a grant, award or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests or experiments and that uses generally accepted protocols at an equivalent or higher level than a U.S. center for disease control and prevention biosafety level 1 facility.

SECTION 2. That Section 22-2404, Idaho Code, be, and the same is hereby amended to read as follows:

22-2404. STATE POWERS. (1) The director is authorized to:

- (a) Investigate the subject of noxious weeds; and
- (b) Require information, annual work plans and reports from each county and from each state agency as to the presence of noxious weeds and other information relative to noxious weeds and the control thereof; and
- (c) To cooperate with agencies and persons in carrying out the director's duties under this chapter, and to conduct matters outside this state in the interest of state noxious weed control; and
- (d) Advise and confer as to the extent of noxious weed infestations and the methods of control; and
- (e) Assist counties in the training of county weed superintendents; and
- (f) Call and attend meetings and conferences dealing with the subject of noxious weeds; and
- (g) Disseminate information and conduct educational campaigns independently or in cooperation with others; and
- (h) Appoint a state noxious weed advisory committee, as provided by section 22-103, Idaho Code, to aid in the development and implementation of a statewide noxious weed management strategy, aid in evaluation of cost share projects and research proposals, and advise the director on matters pertaining to the state noxious weed program; and
- (i) Procure materials and equipment; and
- (j) Inspect and certify Idaho crops and imports and exports to verify freedom from noxious weeds, and authorize others to conduct such inspections and certification; and
- (k) Enter on any public or private land at reasonable times for the purpose of carrying out the provisions of this chapter; and
- (l) Apply to any court of competent jurisdiction for a search warrant authorizing access to any land where access was denied and sought for the purposes set forth in this chapter. The court may, upon such application, issue the search warrant for the purposes requested; and
- (m) Perform such other acts as may be necessary or appropriate to the administration of the provisions of this chapter; and
- (n) Cooperate with the federal government or any established agency thereof in any program of noxious weed control which shall be deemed advisable for the welfare of the people of the state of Idaho, accept any advisable program and make any necessary rules which are not in contradiction to the purposes of this chapter; and
- (o) Accept any gift, grant, contract or other funds, or grants-in-aid from the federal government or other entities for noxious weed control purposes and account for such moneys as prescribed by the state controller, and all such funds are hereby appropriated to the purpose for which they are received; and

- (p) Initiate agreements with federal agencies in accordance with applicable federal laws; and
- (q) Control noxious weeds on federal land within the state, with or without reimbursement, and with the consent of the federal agency involved; and
- (r) Take any appropriate action necessary to control or quarantine noxious weed infestations whenever an actual or potential emergency situation exists concerning noxious weed infestations anywhere in the state; and
- (s) Initiate cooperative agreements with other agencies and states for the establishment and support of cooperative weed management areas; and
- (t) Aid other weed control agencies or authorities in developing and implementing integrated weed management plans for control of noxious weeds; and
- (u) Temporarily designate a weed as noxious for up to fifteen (15) months, after publication in a newspaper of general circulation serving the area of infestation; and
- (v) Authorize the issuance of deficiency warrants for the purposes of defraying excess costs for the control of noxious weeds for emergency situations, in the event the actual cost for the control of noxious weeds in any one (1) year exceeds the appropriations made for that purpose. When so authorized the state controller shall draw deficiency warrants against the general account; and
- (w) Allow the collection, removal and movement of noxious weeds by a researcher from an infested area in Idaho to a facility within Idaho when available within the state of Idaho for purposes of biological control research, so long as the following conditions are satisfied and certified by the researcher and the director in legally binding and notarized documents:

1. The director is notified in writing by the researcher the precise details of the proposed research project at least thirty (30) days prior to any contemplated collection, removal or movement of noxious weeds. The director and specialist staff shall conduct a review of the proposed research project and complete a written project approval plan that includes details of all appropriate actions that will be taken to ensure implementation and protection of the authority of the director as outlined in section 22-2403, Idaho Code, the state powers as outlined in section 22-2404, Idaho Code, the county duties as outlined in section 22-2405, Idaho Code, the county powers as outlined in section 22-2406, Idaho Code, the landowner duties as outlined in section 22-2407, Idaho Code, and the landowner and citizen powers as outlined in section 22-2408, Idaho Code. The researcher shall take no action prior to written approval from all control authorities. The written approval process shall also contain a notification to all other appropriate entities as outlined in this chapter;
2. The collection, removal and movement activities are certified in writing that they will be conducted using methods and protocols prescribed and generally accepted in the biological control research community that prevent the dissemination of noxious weeds;
3. The biological control agent that is the subject of the research is not a plant pest within the meaning of the plant pest act of 2002, an invasive species within the meaning of the invasive species act of 2008 or a viable noxious weed within the meaning of this chapter;
4. Viable noxious weeds, as determined by the department, are not reintroduced into the environment as a component or result of the biological control research;

5. Any articles, including but not limited to plant parts, that are collected for transport as part of biological control research must be destroyed or treated at the research facility in such a way as to destroy the viability of any plant pests, invasive species, hybrids and noxious weeds; and

6. The project is conducted in accordance with such other conditions as may be set in the written approval document by the director to ensure containment during collection, removal and movement of the noxious weed.

Penalties for intentional transportation or release of a biological control agent shall not exceed those established in the plant protection act (Title 7, USC 7734).

Should it be necessary to transport a biological control agent into or out of the state of Idaho all appropriate biological control protocols shall be followed as delineated by the appropriate federal agencies such as the USDA animal plant health inspection service plant protection quarantine (USDA APHIS PPQ).

None of the actions authorized in this paragraph shall be carried out until the director both outlines the actions and certifies to the board of examiners that the specific funding and personnel necessary for all actions is available within the current operational budget of the Idaho state department of agriculture.

(2) If at any time the director determines that the county commissioners have failed to cooperate or carry out their duties and responsibilities as a control authority, the director shall notify them of the deficiency, and suggest corrective action. If the situation is not satisfactorily corrected within seven (7) days after the time outlined in the director's corrective action plan, the director shall initiate appropriate action and charge to the county all expenses including the hiring of necessary labor and equipment. Quarantine of specific crops or potential noxious weed propagating activities may be a part of the control program.

Approved April 6, 2015

CHAPTER 280

(S.B. No. 1104, As Amended in the House)

AN ACT

RELATING TO VETERANS; AMENDING CHAPTER 2, TITLE 65, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 65-210, IDAHO CODE, TO AUTHORIZE THE ESTABLISHMENT OF A VETERANS HOME.

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

SECTION 1. That Chapter 2, 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 65-210, Idaho Code, and to read as follows:

65-210. VETERANS HOME. (1) The division of veterans services is hereby authorized to establish and maintain a veterans home in northern Idaho at a location selected by the division administrator with the advice of the veterans affairs commission.

(2) The state shall provide thirty-five percent (35%) matching funds necessary to qualify for federal funding for:

(a) Construction of the veterans home authorized by this section; and

(b) Operation of the veterans home authorized by this section, which operation shall comply with applicable federal regulations, including 38 CFR 51, as well as the rules of the division of veterans services.

(3) The state's matching funds shall be provided from the veterans recognition fund established in section 65-702, Idaho Code, and shall not exceed the amount in such fund.

Approved April 6, 2015

CHAPTER 281
(H.B. No. 182, As Amended)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-4305, IDAHO CODE, TO EXCLUDE CONSUMER OPERATED AND ORIENTED HEALTH PLANS FROM GUARANTY ASSOCIATION COVERAGE.

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

SECTION 1. That Section 41-4305, Idaho Code, be, and the same is hereby amended to read as follows:

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; or

(xi) A consumer operated and oriented plan established under section 1322 of the patient protection and affordable care act, P.L. 111-148.

(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.

Approved April 6, 2015

CHAPTER 282
(H.B. No. 212)

AN ACT

RELATING TO ELECTIONS; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-111A, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 34-435, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO REMOVE A REFERENCE TO PRIMARY AND GENERAL ELECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-439A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY; AMENDING SECTION 34-616, IDAHO CODE, TO PROVIDE ADDITIONAL QUALIFICATIONS FOR THE ELECTION OF DISTRICT JUDGES; AMENDING SECTION 34-903, IDAHO CODE, TO PROVIDE THAT NO CANDIDATE'S NAME MAY APPEAR ON A BALLOT FOR MORE THAN ONE JUDICIAL OFFICE; AMENDING CHAPTER 11, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1106A, IDAHO CODE, TO AUTHORIZE COUNTY ADOPTION OF AN ELECTRONIC POLL BOOK AND TO PROVIDE DUTIES OF THE SECRETARY OF STATE; AMENDING SECTION 34-2309, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO A RECOUNT AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 34-2427, IDAHO CODE, TO REMOVE THE AUTHORITY OF AN ELECTION BOARD JUDGE TO REQUIRE A CERTAIN DECLARATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1, 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 34-111A, Idaho Code, and to read as follows:

34-111A. "ELECTRONIC POLL BOOK" DEFINED. "Electronic poll book" means an electronic list of registered voters for a particular precinct or polling location that may be transported to the polling location. The electronic poll book shall contain the same information as the combination election record and poll book as defined in this chapter.

SECTION 2. That Section 34-435, Idaho Code, be, and the same is hereby amended to read as follows:

34-435. CANCELLATION OF REGISTRATIONS FOLLOWING ANY GENERAL ELECTION OF THOSE NOT VOTING FOR FOUR YEARS. Within one hundred and twenty (120) days following the date of the general election ~~in 1978 and every general election thereafter~~, the county clerk shall examine the election register and

the signed statements of challenge made at that election. After this examination, the county clerk shall immediately cancel the registration of any elector who did not vote at any ~~primary or general~~ election in the past four (4) years.

This section shall be construed as to provide for a uniform four (4) year registration period for all electors.

SECTION 3. That Section 34-439A, Idaho Code, be, and the same is hereby amended to read as follows:

34-439A. DISCLOSURES IN ELECTIONS TO AUTHORIZE LEVY. (1) Notwithstanding any other provision of law except for the provisions of section 63-802(1)(g), Idaho Code, any taxing district that proposes to submit any question to the electors of the district that would authorize any levy, except for the levies authorized for the purposes provided in sections 63-802(1)(g) and 33-802(4), Idaho Code, and except for levies relating to bonded indebtedness where section 34-439, Idaho Code, applies, shall provide include in the ballot question, or in a brief official statement on the ballot but separate from the ballot question, a disclosure setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the levy shall be used; the date of the election; and, ~~except for the provisions found in sections 63-802(1)(g) and 33-802(1) and (4), Idaho Code,~~ the dollar amount estimated to be collected each year from the levy; and

(b) The length of time, reflected in months or years, in which the proposed levy will be assessed.

(2) The official statement information called for in subsection (1) of this section shall be made a part of the ballot and shall also be included in like manner in the official notice of the election.

SECTION 4. That Section 34-616, Idaho Code, be, and the same is hereby amended to read as follows:

34-616. ELECTION OF DISTRICT JUDGES -- QUALIFICATIONS. (1) At the primary election, 1974, and every four (4) years thereafter, subject to the provisions of section 34-1217, Idaho Code, there shall be elected in each judicial district a sufficient number of district judges to fill any vacancy or vacancies occasioned by the expiration of the term or terms of office of any member or members.

(2) No person shall be elected to the office of judge of the district court unless he has attained the age of thirty (30) years at the time of his election, is a citizen of the United States, shall have been admitted to the practice of law for at least ten (10) years prior to taking office, and is admitted to practice law in the state of Idaho, and shall have resided within the state at least two (2) years and within the judicial district one (1) year next preceding his election and be an elector of the district.

(3) Each candidate shall file his declaration of candidacy with the secretary of state.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars (\$150) which shall be deposited in the general fund.

SECTION 5. 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 candidates which appear on 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) partisan office or one (1) judicial 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 6. That Chapter 11, 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 34-1106A, Idaho Code, and to read as follows:

34-1106A. ELECTRONIC POLL BOOK AUTHORIZED. (1) A county may adopt the use of any electronic poll book that has been certified by the secretary of state for use in this state. A county that opts to use electronic poll books shall notify the secretary of state of that decision.

(2) The secretary of state shall develop and provide to each county that adopts the use of electronic polls books under subsection (1) of this section instructions, directives and advisories regarding the examination, testing and use of the electronic poll books.

SECTION 7. That Section 34-2309, Idaho Code, be, and the same is hereby amended to read as follows:

34-2309. AUTOMATIC FREE 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 or five (5) votes, whichever is greater. 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 8. That Section 34-2427, Idaho Code, be, and the same is hereby amended to read as follows:

34-2427. VOTERS WITH PHYSICAL OR OTHER DISABILITY. (1) The election board clerks shall instruct electors on how to record their votes on the voting machine or vote tally system, and shall give assistance to any elector who declares that he is unable by reason of physical or other disability to record his vote on the machine or vote tally system, and on request by the elector after he has entered the voting booth, shall give him the necessary information to enable him to record his vote.

(2) Any elector who, because of blindness, physical or other disability, is unable to mark his ballot shall, upon request, receive the assistance of the election board clerks or some other person chosen by the elector in the marking thereof. Such clerks or person shall ascertain the wishes of the elector and mark his ballot in accordance therewith, and shall thereafter give no information regarding such marking. ~~The election board judge may require a declaration of disability to be made by the elector under oath.~~ Whenever an elector receives assistance in this manner, a clerk shall make a notation thereof in the combination election record and poll book following the name of the elector.

(3) If any elector, after entering the voting booth, asks for information regarding the operation of the voting machine or marking device, the election board clerks shall give him the necessary information.

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

Approved April 6, 2015

CHAPTER 283
(H.B. No. 213)

AN ACT

RELATING TO PUBLIC LIBRARY DISTRICTS; AMENDING SECTION 33-2719, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ANNUAL MEETINGS OF LIBRARY DISTRICT BOARDS, TO REVISE PROVISIONS RELATING TO ADMINISTERING AN OATH OF OFFICE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 33-2719, Idaho Code, be, and the same is hereby amended to read as follows:

33-2719. BOARD OF TRUSTEES -- MEETINGS. The annual meeting of a library district board shall be on the date of its first regular meeting ~~following each trustee election in June~~. The purposes of the annual meeting are ~~to administer the oath of office to the newly elected or re-elected trustee or trustees~~, to elect the officers of the board, to establish a regular meeting date, and to review, amend, repeal or adopt bylaws, policies and procedures. The oath of office shall be administered to the newly elected or re-elected trustee or trustees on the first regular meeting following each trustee election. The regular meetings of the board of trustees of an administrative only district shall be held at least once in each quarter. All other library district boards shall meet at least once every two (2) months at a uniform day of the month as the board of trustees shall determine at its annual meeting. Special or adjourned meetings may be held from time

to time as the board may determine, but written notice thereof shall be given to the members at least two (2) days prior to the day of the meeting. A quorum shall consist of three (3) members, but a smaller number may adjourn. All meetings shall be held under the provisions of sections 67-2340 through 67-2347, Idaho Code. It is the duty of each trustee to attend all meetings of the board of trustees.

Approved April 6, 2015

CHAPTER 284
(H.B. No. 214)

AN ACT

RELATING TO THE STATE SUNSHINE LAW; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE THE DEFINITION OF "NONBUSINESS ENTITY" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6606, IDAHO CODE, TO REVISE EXPENDITURE REQUIREMENTS BY NONBUSINESS ENTITIES; AND AMENDING SECTION 67-6621, IDAHO CODE, TO REVISE CERTAIN DUTIES OF LOBBYISTS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(a) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:

- (1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or
- (2) Announces publicly or files for office.
- (3) For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired.

(b) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(c) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but

does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars (\$25.00) personally paid for by any volunteer campaign worker. "Part-time" services, for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalent shall be deemed to have a money value equivalent to the fair market value of the contribution.

(d) "Election" means any general, special or primary election.

(e) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(f) (1) "Electioneering communication" means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or telephone calls made to personal residences, or otherwise distributed that:

- (i) Unambiguously refers to any candidate; and
- (ii) Is broadcasted, printed, mailed, delivered, made or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and
- (iii) Is broadcasted to, printed in a newspaper, distributed to, mailed to or delivered by hand to, telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(2) "Electioneering communication" does not include:

- (i) Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate or political party;
- (ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;
- (iii) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;
- (iv) Any communication which refers to any candidate only as part of the popular name of a bill or statute;
- (v) A communication which constitutes an expenditure or an independent expenditure under this chapter.

(g) "Executive official" means:

- (1) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of one (1) of those individuals who, within the course and scope of his or her employment, is directly involved in major policy influencing decisions for the office;
- (2) A state department or agency director, deputy director, division administrator or bureau chief as established and enumerated in sections 67-2402 and 67-2406, Idaho Code;
- (3) The membership and the executive or chief administrative officer of any board or commission that is authorized to make rules or conduct rulemaking activities pursuant to section 67-5201, Idaho Code;

(4) The membership and the executive or chief administrative officer of any board or commission that governs any of the state departments enumerated in section 67-2402, Idaho Code, not including public school districts;

(5) The membership and the executive or chief administrative officer of the Idaho public utilities commission, the Idaho industrial commission, and the Idaho state tax commission; and

(6) The members of the governing board of the state insurance fund, and the members of the governing board and the executive or chief administrative officer of the Idaho housing and finance association, the Idaho energy resources authority, and the Idaho state building authority.

(h) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(i) "Independent expenditure" means any expenditure by a person for a communication expressly advocating the election, passage or defeat of a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the consent of, or in consultation with, or at the request of a suggestion of, a candidate or any agent or authorized committee of the candidate or political committee supporting or opposing a measure. As used in this subsection, "expressly advocating" means any communication containing a message advocating election, passage or defeat including, but not limited to, the name of the candidate or measure, or expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."

(j) "Lobby" and "lobbying" each means attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees or an executive official, to influence the approval, modification or rejection of any legislation by the legislature of the state of Idaho or any committee thereof or by the governor or to develop or maintain relationships with, promote goodwill with, or entertain members of the legislature or executive officials. "Lobby" and "lobbying" shall also mean communicating with an executive official for the purpose of influencing the consideration, amendment, adoption or rejection of any rule or rulemaking as defined in section 67-5201, Idaho Code, or any ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization; and provided that neither "lobby" nor "lobbying" includes communicating with an executive official for the purpose of carrying out ongoing negotiations following the award of a bid or a contract, communications involving ongoing legal work and negotiations conducted by and with attorneys for executive agencies, interactions between parties in litigation or other contested matters, or communications among and between members of the legislature and executive officials and their employees, or by state employees while acting in their official capacity or within the course and scope of their employment.

(k) "Lobbyist" includes any person who lobbies.

(l) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(m) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election for statewide or legislative

district offices, or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general reviews it and gives it a ballot title. A recall shall be deemed a measure upon approval of the recall petition as to form pursuant to section 34-1704, Idaho Code.

(n) "Nonbusiness entity" means any group (of two (2) or more individuals), corporation, association, firm, partnership, committee, club or other organization which:

(1) Does not have as its principal purpose the conduct of business activities for profit; and

(2) Received during the preceding or current calendar year contributions, gifts or membership fees, which in the aggregate exceeded ten percent (10%) of its total receipts for such year.

(o) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(p) "Political committee" means:

(1) Any person specifically designated to support or oppose any candidate or measure; or

(2) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars (\$500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

(3) A county, district or regional committee of a recognized political party shall not be considered a political committee for the purposes of this chapter unless such party committee has expenditures exceeding five thousand dollars (\$5,000) in a calendar year.

(q) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(r) "Public office" means any state office or position, state senator, state representative, and judge of the district court that is filled by election.

SECTION 2. That Section 67-6606, Idaho Code, be, and the same is hereby amended to read as follows:

67-6606. EXPENDITURES BY NONBUSINESS ENTITY. (1) Any nonbusiness entity, domiciled which is not a political committee as defined in section 67-6602(p), Idaho Code, making expenditures in or directed to voters in the state of Idaho, ~~which makes expenditures~~ in an amount exceeding one thousand dollars (\$1,000) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures shall file a statement with the secretary of state. The statement shall include:

(a) The name and address of the nonbusiness entity and the name and address of its principal officer or directors.

(b) The name and address of each person whose fees, dues, payments or other consideration paid to such nonbusiness entity during either of the prior two (2) calendar years has exceeded five hundred dollars (\$500) or who ~~is obligated to~~ has paid or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars (\$500) to such entity during the current year.

(2) This statement shall be filed within thirty (30) days of when the one thousand dollar (\$1,000) threshold mentioned in subsection (1) of this section is exceeded.

SECTION 3. That Section 67-6621, Idaho Code, be, and the same is hereby amended to read as follows:

67-6621. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this act shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act:

(a) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this act for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the secretary of state at any reasonable time during such three (3) year period; provided, however, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(b) In addition, a person required to register as a lobbyist shall not:

(1) Engage in any activity as a lobbyist before registering as such;

(2) Knowingly deceive or attempt to deceive any legislator to any fact pertaining to any pending or proposed legislation;

(3) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(4) Knowingly represent an interest adverse to any of his employers without first obtaining such employers' consent thereto after full disclosure to such employers of such adverse interest;

(5) Exercise any economic reprisal, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;

(6) Accept any employment as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof. This contingent fee prohibition shall also apply to lobbying activities that pertain to communications with executive officials as described in section 67-6602(g), Idaho Code.

Approved April 6, 2015

CHAPTER 285

(H.B. No. 216, As Amended)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE AN ADDITIONAL ELECTION DATE FOR CITY INITIATIVE AND REFERENDUM ELECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1801B, IDAHO CODE, TO PROVIDE INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES; REPEALING SECTION 50-501, IDAHO CODE, RELATING TO CITY ELECTIONS; AND AMENDING SECTION 50-802, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 34-106, Idaho Code, be, and the same is hereby amended to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall

be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

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

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

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

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection ~~(1)~~ and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

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

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

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

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

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

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

(8) Initiative, referendum, bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May and November of even-numbered years and fifty (50) days for all other elections, unless otherwise provided by law. City initiative and referendum elections shall be held in November of odd-numbered years as provided by section 34-1801B, Idaho Code. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before the election held in May and November of even-numbered years and at least fifty (50) days for all other elections.

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

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

SECTION 2. That Chapter 18, 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 34-1801B, Idaho Code, and to read as follows:

34-1801B. INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES. Each city shall allow direct legislation by the people through the initiative and referendum. Cities shall follow the procedures set forth in this chapter subject to the following provisions:

(1) The city attorney shall perform the duties assigned to the attorney general.

(2) The city clerk shall perform those duties assigned to the secretary of state.

(3) City initiative and referendum elections shall be held on the Tuesday following the first Monday in November in odd-numbered years.

(4) An action brought pursuant to section 34-1809, Idaho Code, challenging the ballot title or short title shall be brought in the district court in the county in which the city is located.

(5) Pursuant to section 34-1809, Idaho Code, the city attorney shall prepare recommendations concerning revision of the initiative or referendum, issue a certificate of review to the city clerk, and shall prepare the ballot title and short title.

(6) To be eligible to sign a petition for city initiative or referendum a person shall be a qualified elector of the city at the time of signing thereon.

(7) To perfect a petition for city initiative or referendum the petition shall have signatures from at least twenty percent (20%) of the total number of qualified electors voting in the last general city election in November of an odd-numbered year.

(8) The provisions of section 34-1805, Idaho Code, relating to the number of required signatures and geographic distribution of signatures shall not apply to city initiative or referendum.

(9) Any person who circulates a petition for city initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age, and pursuant to section 34-1807, Idaho Code, shall certify their belief that each signer of the petition is a qualified elector of the state of Idaho and the city.

(10) A copy of all petitions and signature sheets shall be kept by the city clerk as a public record.

(11) The prospective petition for referendum, as provided by section 34-1804, Idaho Code, shall be filed not more than sixty (60) days following publication of the adopted ordinance as provided by section 50-901, Idaho Code.

(12) The deadline for submission of signatures to the city clerk is one hundred eighty (180) days after the petitioners for initiative or referendum receive the official ballot title from the city clerk, or April 30 of the year of the initiative or referendum election, whichever is earlier.

(13) Petitioners must submit the signed initiative or referendum petitions to the county clerk for verification not later than the close of business on the first day of May in the year of the initiative or referendum election, or one hundred eighty (180) days after the petitioners receive the official ballot title from the city clerk, whichever is earlier.

(14) The county clerk has sixty (60) calendar days to verify the signatures as provided in subsection (3) of section 34-1802, Idaho Code.

(15) The city council shall have the option to adopt the ordinance proposed by initiative within thirty (30) days after the notification pursuant to section 34-1807, Idaho Code, provided that the petition has the required number of signatures. The city council shall hold a public hearing on the proposed ordinance within the thirty (30) day period, preceded by legal notice published once in the official city newspaper at least seven (7) days

preceding the hearing. If the ordinance is not adopted by the council by the end of the thirty (30) day period, the initiative shall be put on the ballot.

(16) As provided by sections 34-1812A through 34-1812C, Idaho Code, a voters' pamphlet shall be prepared by the city clerk.

(17) To be passed into law an initiative or referendum shall be approved by a majority of the votes cast on the measure.

(18) The mayor shall issue the proclamation provided by section 34-1813, Idaho Code.

(19) The city clerk shall publish an ordinance adopted by initiative or referendum within thirty (30) days after the proclamation by the mayor provided in subsection (18) of this section.

(20) All city ordinances setting forth procedures for initiative or referendum are void on July 1, 2015.

(21) This section does not apply to bond elections.

SECTION 3. That Section 50-501, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 50-802, Idaho Code, be, and the same is hereby amended to read as follows:

50-802. INSTITUTING ELECTION, PETITION -- RESOLUTION. Procedure for instituting a special election on adoption of the council-manager plans shall be by petition of electors as provided for initiative in section 50-501 ~~34-1801B~~, Idaho Code, or by resolution passed by one-half (1/2) plus one (1) of the members of the full council.

Approved April 6, 2015

CHAPTER 286
(H.B. No. 219)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-439, IDAHO CODE, TO REVISE PROCEDURES REGARDING DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS; AND AMENDING SECTION 34-439A, IDAHO CODE, TO REVISE PROCEDURES REGARDING DISCLOSURES IN ELECTIONS TO AUTHORIZE A TAX LEVY.

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

SECTION 1. That Section 34-439, Idaho Code, be, and the same is hereby amended to read as follows:

34-439. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS. (1) Notwithstanding any other provision of law, any taxing district that proposes to submit any question to the electors of the district that would authorize any bonded indebtedness shall provide a brief official statement setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the bonds are to be used including, but not necessarily limited to, a description of the facility and/or project that will be financed, in whole or in part, by the sale of the bonds; the date of the election; and the principal amount of the bonds to be issued;

(b) The anticipated interest rate on the proposed bonds based upon current market rates and a maximum interest rate if a maximum is specified in the question to be submitted to electors;

(c) The total amount to be repaid over the life of the bonds based on the anticipated interest. Such total shall reflect three (3) components: a

total of the principal to be repaid; a total of the interest to be paid; and the sum of both;

(d) The length of time, reflected in months or years, in which the proposed bonds will be paid off or retired; and

(e) The total, existing indebtedness, including interest accrued, of the taxing district.

(2) The official statement shall be made a part of the ballot prior to the location on the ballot where a person casts a vote and shall be included in the official notice of the election.

SECTION 2. That Section 34-439A, Idaho Code, be, and the same is hereby amended to read as follows:

34-439A. DISCLOSURES IN ELECTIONS TO AUTHORIZE LEVY. (1) Notwithstanding any other provision of law except for the provisions of section 63-802(1)(g), Idaho Code, any taxing district that proposes to submit any question to the electors of the district that would authorize any levy shall provide a brief official statement setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the levy shall be used; the date of the election; and, except for the provisions found in sections 63-802(1)(g) and 33-802(1) and (4), Idaho Code, the dollar amount estimated to be collected each year from the levy; and

(b) The length of time, reflected in months or years, in which the proposed levy will be assessed.

(2) The official statement shall be made a part of the ballot prior to the location on the ballot where a person casts a vote and shall be included in the official notice of the election.

Approved April 6, 2015

CHAPTER 287
(H.B. No. 242)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-2309, IDAHO CODE, TO REVISE PROVISIONS AND PROCEDURES WHEN AN AUTOMATIC RECOUNT IN AN ELECTION OCCURS; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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~~ appropriate officer 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 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, 2015

CHAPTER 288
(H.B. No. 245)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5103, IDAHO CODE, TO REMOVE THE EXCEPTION FOR A FOREIGN EXCHANGE PUPIL ENROLLED IN A SCHOOL DISTRICT UNDER A CULTURAL EXCHANGE PROGRAM FROM APPLYING TO A POSTSECONDARY INSTITUTION TO ENROLL IN NONSECTARIAN COURSES OFFERED BY THAT POSTSECONDARY INSTITUTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-5103, Idaho Code, be, and the same is hereby amended to read as follows:

33-5103. AUTHORIZATION -- NOTIFICATION. Notwithstanding any other law, administrative rule or local policy to the contrary, a secondary pupil enrolled in a public school, ~~except a foreign exchange pupil enrolled in a district under a cultural exchange program,~~ may apply to an eligible institution to enroll in nonsectarian courses offered by that postsecondary institution. If an institution accepts a secondary pupil for enrollment under the provisions of this chapter, the institution shall send written notice to the pupil and the pupil's school district within ten (10) days of acceptance. The notice shall indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for postsecondary credit, the institution shall notify the pupil about payment in the customary manner used by the institution.

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, 2015

CHAPTER 289
(H.B. No. 246)

AN ACT

RELATING TO HARASSMENT, INTIMIDATION AND BULLYING; AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION TO AN ADDITIONAL GROUP OF INDIVIDUALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1630, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL PROMULGATE CERTAIN RULES, TO PROVIDE THAT SCHOOL DISTRICT POLICIES SHALL INCLUDE A SERIES OF GRADUATED CONSEQUENCES AND TO PROVIDE REPORTING REQUIREMENTS.

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

SECTION 1. That Section 18-917A, Idaho Code, be, and the same is hereby amended to read as follows:

18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No student or minor present on school property or at school activities shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or

(ii) Damaging a student's property; or

(iii) Placing a student in reasonable fear of harm to his or her person; or

(iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a ~~land-line~~ landline, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

SECTION 2. 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 33-1630, Idaho Code, and to read as follows:

33-1630. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.

(2) School districts and charter schools shall provide ongoing professional development to build skills of all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The state board shall promulgate rules regarding the content of the professional development required by this subsection.

(3) District policies shall include a series of graduated consequences that may include, but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, on-site suspension and expulsion for any student who commits an act of bullying, intimidation, harassment, violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.

(4) Annually school districts shall report bullying incidents to the state department of education in a format set forth in rule by the state board. District policy shall designate persons to whom bullying reports are to be made and a procedure for a teacher or other school employee, student, parent, guardian or other person to report or otherwise provide information on bullying activity.

CHAPTER 290
(S.B. No. 1047)

AN ACT

RELATING TO STATE PURCHASING; AMENDING SECTION 67-5716, IDAHO CODE, TO ALPHABETIZE DEFINITIONS.

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

SECTION 1. That Section 67-5716, Idaho Code, be, and the same is hereby amended to read as follows:

67-5716. DEFINITIONS OF TERMS. (1) Acquisition. The process of procuring or purchasing property by the state of Idaho.

~~(2) Procurement. Obtaining property for state use by lease, rent, or any manner other than by purchase or gift.~~

~~(3) Property. Goods, services, parts, supplies and equipment, both tangible and intangible, including, but nonexclusively, designs, plans, programs, systems, techniques and any rights and interests in such property.~~

(2) Agency. All officers, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding other legislative and judicial branches of government and excluding the governor, the lieutenant governor, the secretary of state, the state controller, the state treasurer, the attorney general, and the superintendent of public instruction, and, as provided in section 67-5728, Idaho Code, excluding Lewis-Clark State College, Idaho State University, Boise State University and Eastern Idaho Technical College.

(3) Bid. A written offer to perform a contract to purchase or supply property or services in response to an invitation for bid or request for proposal.

(4) Bidder. A vendor who has submitted a bid on a specific item or items of property to be acquired by the state.

(5) Component. An item of property normally assembled with other items into a unified productive whole at the site of use, which items belong to functional classes that may be interchangeable units of similar function but of differing operational or productive capabilities.

(6) Contractor. A bidder who has been awarded an acquisition contract.

(7) Equipment. Items of personal property that have a normal useful life expectancy of two (2) or more years.

(48) Goods. Items of personal property, not qualifying as equipment, parts or supplies.

(9) Lowest responsible bidder. The responsible bidder whose bid reflects the lowest acquisition price to be paid by the state, except that when specifications are valued or comparative performance examinations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.

(10) Open contract. A contract awarded by the state of Idaho through the division of purchasing to one (1) or more vendors who have agreed to allow all agencies to procure or purchase specified property under the terms and conditions set forth in the contract.

(11) Parts. Items of personal property acquired for repair or replacement of unserviceable existing items.

(12) Postconsumer waste. A finished material which would normally be disposed of as a solid waste, having completed its life cycle as a consumer item.

(13) Procurement. Obtaining property for state use by lease, rent or any manner other than by purchase or gift.

(14) Property. Goods, services, parts, supplies and equipment, both tangible and intangible, including, but nonexclusively, designs, plans, programs, systems, techniques and any rights and interests in such property.

(15) Recyclable. Materials that still have useful physical, chemical or biological properties after serving their original purposes and can, therefore, be reasonably reused or recycled for the same or other purposes.

(16) Recycled-content product. A product containing postconsumer waste and/or secondary waste as defined in this section.

(17) Secondary waste. Fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value and may include a postconsumer waste.

(518) Services. Personal services, in excess of personnel regularly employed for whatever duration and/or covered by personnel system standards, for which bidding is not prohibited or made impractical by statute, rules or generally accepted ethical practices.

~~(6) Parts.~~ Items of personal property acquired for repair or replacement of unserviceable existing items.

(719) Supplies. Items of personal property having an expendable quality or during their normal use are consumed and which require or suggest acquisition in bulk.

~~(8) Equipment.~~ Items of personal property which have a normal useful life expectancy of two (2) or more years.

~~(9) Component.~~ An item of property normally assembled with other items into a unified productive whole at the site of use, which items belong to functional classes that may be interchangeable units of similar function but differing operational or productive capabilities.

(1020) Vendor. A person or entity capable of supplying property to the state.

~~(11) Bidder.~~ A vendor who has submitted a bid on a specific item or items of property to be acquired by the state.

~~(12) Lowest responsible bidder.~~ The responsible bidder whose bid reflects the lowest acquisition price to be paid by the state; except that when specifications are valued or comparative performance examinations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.

~~(13) Contractor.~~ A bidder who has been awarded an acquisition contract.

~~(14) Agency.~~ All officers, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding other legislative and judicial branches of government, and excluding the governor, the lieutenant governor, the secretary of state, the state controller, the state treasurer, the attorney general, and the superintendent of public instruction, and, as provided in section 67-5728, Idaho Code, excluding Lewis-Clark State College, Idaho State University, Boise State University and Eastern Idaho Technical College.

~~(15) Bid.~~ A written offer to perform a contract to purchase or supply property or services in response to an invitation for bid or request for proposal.

~~(16) Recyclable.~~ Materials that still have useful physical, chemical or biological properties after serving their original purposes and can, therefore, be reasonably reused or recycled for the same or other purposes.

~~(17) Recycled-content product.~~ A product containing postconsumer waste and/or secondary waste as defined in this section.

~~(18) Postconsumer waste.~~ A finished material which would normally be disposed of as a solid waste, having completed its life cycle as a consumer item.

~~(19) Secondary waste.~~ Fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value and may include a postconsumer waste.

~~(20) Open contract. A contract awarded by the state of Idaho through the division of purchasing to one (1) or more vendors who have agreed to allow all agencies to procure or purchase specified property under the terms and conditions set forth in the contract.~~

Approved April 9, 2015

CHAPTER 291
(S.B. No. 1062, As Amended, As Amended)

AN ACT

RELATING TO HEALTH CARE; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 92, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DECLARE PUBLIC POLICY AND TO PROVIDE THAT DIRECT PRIMARY CARE AGREEMENTS DO NOT CONSTITUTE INSURANCE, TO DEFINE TERMS, TO SPECIFY THAT DIRECT PRIMARY CARE AGREEMENTS INCLUDE CERTAIN PROVISIONS, TO PROHIBIT DIRECT PRIMARY CARE PROVIDERS FROM BILLING INSURERS FOR DIRECT PRIMARY CARE, TO PROVIDE THAT DIRECT PRIMARY CARE AGREEMENTS SHALL NOT BE REGULATED AS INSURANCE, TO PROVIDE THAT DIRECT PRIMARY CARE AGREEMENTS INCLUDE A DISCLAIMER, TO RESTRICT SALES OR TRANSFERS OF DIRECT PRIMARY CARE AGREEMENTS AND TO CLARIFY THE EFFECT OF THIS CHAPTER.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 92, Title 39, Idaho Code, and to read as follows:

CHAPTER 92
IDAHO DIRECT PRIMARY CARE ACT

39-9201. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Direct Primary Care Act."

39-9202. PUBLIC POLICY. It is the policy of the state of Idaho to promote personal responsibility for health care and the cost-effective delivery of medical services by encouraging innovative use of direct patient-provider practices for primary medical care. Direct patient-provider practices utilize a model of periodic fees for provider access and medical management over time, rather than simply a fee for visit or procedure service model. Some patients and individual primary care providers may wish to establish direct agreements with one another as an alternative to traditional fee-for-service care financed through health insurance. The purpose of this act is to confirm that direct patient-provider agreements that satisfy the provisions of this chapter do not constitute insurance.

39-9203. DEFINITIONS. For purposes of this chapter, the following definitions apply:

(1) "Direct fee" means an agreed-upon fee charged by a primary care provider as consideration for providing and being available to provide direct primary care services described in a direct primary care agreement.

(2) "Direct primary care agreement" means a written contract between a primary care provider and an individual patient or a patient's representative in which the primary care provider agrees to provide direct primary care services to the patient over a specified period of time for payment of a direct fee.

(3) "Direct primary care services" means those services that a primary care provider is licensed or otherwise legally authorized to provide and may

include, but are not limited to, such services as screening, assessment, diagnosis and treatment for the purpose of promoting health; detection, management and care of disease or injury; or routine preventive or diagnostic dental treatment. Such services may be provided in a primary care provider's office, the patient's home or other locations where a patient visit with the primary care provider needs to occur.

(4) "Patient" means a person who is entitled to receive direct primary care services under a direct care agreement.

(5) "Patient's representative" means a person identified in section 39-4504(1) (a) through (g), Idaho Code.

(6) "Primary care provider" means a natural person licensed or otherwise legally authorized to provide health care services in the state of Idaho in the field of pediatrics, family medicine, internal medicine or dentistry, who provides such services either alone or in professional association with others in a form and within a scope permitted by such licensure or legal authorization for the provision of such services, and who enters into a direct primary care agreement.

39-9204. DIRECT PRIMARY CARE AGREEMENT PROVISIONS. (1) A direct primary care agreement shall identify:

(a) The primary care provider and the patient;

(b) The general scope of services as well as the specific services to be provided by the primary care provider;

(c) The location or locations where services are to be provided;

(d) The amount of the direct fee and the time interval at which it is to be paid; and

(e) The term of the agreement and the conditions upon which it may be terminated by the primary care provider. The agreement shall be terminable at will by written notice from the patient to the primary care provider.

(2) If a party provides written notice of termination of the direct primary care agreement, the primary care provider shall refund to the patient all unearned direct fees within thirty (30) days following the notice of termination.

39-9205. INSURANCE BILLING PROHIBITED. Neither the patient nor the primary care provider shall submit a bill to an insurer for the services provided under a direct primary care agreement.

39-9206. AGREEMENTS NOT CLASSIFIED AS INSURANCE. Direct primary care agreements are not subject to regulation as insurance under title 41, Idaho Code.

39-9207. DISCLAIMER. A direct primary care agreement shall include the following disclaimer: "This agreement does not provide health insurance coverage, including the minimal essential coverage required by applicable federal law. It provides only the services described herein. It is recommended that health care insurance be obtained to cover medical services not provided for under this direct primary care agreement."

39-9208. RESTRICTIONS ON TRANSFER. A direct primary care agreement may not be sold or transferred by the primary care provider without the written consent of the patient and may be transferred only to another primary care provider. A direct primary care agreement may not be sold to a group, employer or group of subscribers because it is an individual agreement between a primary care provider and a patient. These limitations do not prohibit the presentation of marketing materials to groups of potential patients or their representatives but said marketing materials are subject to chapter 6, title 48, Idaho Code.

39-9209. EFFECT OF THIS CHAPTER. This chapter does not prohibit health care providers who are not primary care providers from entering into agreements with patients to the extent such agreements do not violate the provisions of title 41, Idaho Code.

Approved April 9, 2015

CHAPTER 292
(S.B. No. 1066)

AN ACT

RELATING TO PRIMARY ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE LANGUAGE RELATING TO PRIMARY ELECTIONS AND TO DEFINE A TERM; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE THAT PRESIDENTIAL PRIMARIES SHALL BE HELD ON THE SECOND TUESDAY IN MARCH IN PRESIDENTIAL ELECTION YEARS, TO PROVIDE THAT PRESIDENTIAL PRIMARIES SHALL BE HELD SEPARATELY FROM OTHER PRIMARIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-204, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING SECTION 34-601, IDAHO CODE, TO PROVIDE THAT PRESIDENTIAL PRIMARIES SHALL BE HELD ON THE SECOND TUESDAY IN MARCH IN PRESIDENTIAL ELECTION YEARS; AMENDING SECTION 34-713, IDAHO CODE, TO REVISE LANGUAGE RELATING TO PRIMARY BALLOTS; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 34-731 THROUGH 34-738, IDAHO CODE, TO ESTABLISH A PRESIDENTIAL PRIMARY, TO PROVIDE THAT THE NAME OF A CANDIDATE SHALL APPEAR ON A PRESIDENTIAL PRIMARY BALLOT ONLY IF THE CANDIDATE FILES A DECLARATION OF CANDIDACY AND PAYS A FEE, TO PROVIDE THAT CANDIDATES MAY BE REMOVED FROM THE PRESIDENTIAL PRIMARY BALLOT IN CASES OF DEATH, INCAPACITY OR WITHDRAWAL, TO PROVIDE THAT ELECTORS AT A PRESIDENTIAL PRIMARY MAY VOTE FROM AMONG THE CANDIDATES OF ONE PARTY ONLY, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CERTIFY PRIMARY RESULTS TO STATE PARTY CHAIRS AND TO PROVIDE THAT THE PRIMARY WINNER SHALL BE DECLARED ACCORDING TO PARTY RULES, TO PROVIDE THAT DELEGATES AND ALTERNATES TO THE NATIONAL CONVENTION SHALL BE SELECTED ACCORDING TO PARTY RULES, TO PROVIDE THAT PRESIDENTIAL PRIMARIES SHALL BE CONDUCTED LIKE OTHER PRIMARIES WHERE PRACTICABLE AND TO PROVIDE THAT THE STATE SHALL BEAR THE COSTS OF THE PRESIDENTIAL PRIMARY; AMENDING SECTION 34-740, IDAHO CODE, TO REVISE LANGUAGE RELATING TO RULES; AMENDING SECTION 34-904A, IDAHO CODE, TO REVISE LANGUAGE RELATING TO ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS; AND AMENDING SECTION 34-1205, IDAHO CODE, TO REVISE LANGUAGE RELATING TO THE COUNTY BOARD OF CANVASSERS.

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

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

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

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

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

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

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

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

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

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection ~~(1)~~ and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

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

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

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

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

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

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

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

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

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

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

SECTION 3. That Section 34-204, Idaho Code, be, and the same is hereby amended to read as follows:

34-204. CONFERENCES WITH COUNTY CLERKS ON ADMINISTRATION OF ELECTION LAWS. In carrying out his responsibility under section 17 34-201, Idaho Code, the secretary of state shall cause to be organized and conducted at convenient places and times in this state at least three (3) conferences on the administration of the election laws. The secretary of state shall cause written notice of the place and time of each conference to be given to each county clerk. Each county clerk or his designated deputy shall attend at least one (1) of the conferences and shall comply with the instructions given under the authority of the secretary of state at each conference such county clerk attends.

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

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

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

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

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

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

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

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

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

SECTION 6. That Chapter 7, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 34-731 through 34-738, Idaho Code, and to read as follows:

34-731. PRESIDENTIAL PRIMARY. (1) In years in which a president of the United States is to be nominated and elected, a presidential primary shall be held at which voters may express their choice of candidate for nomination by a political party for president. The presidential primary shall be held on the second Tuesday in March in each presidential election year.

(2) Participation in a presidential primary by a political party shall be optional, and nothing in this chapter shall be construed as mandating a party's participation in a presidential primary. Any party that intends to participate in a presidential primary shall notify the secretary of state's office no later than the last Tuesday in the November prior to the presidential primary.

34-732. CANDIDATES. The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only if the candidate files with the secretary of state a declaration of candidacy accompanied by a one thousand dollar (\$1,000) filing fee not less than ninety (90) days prior to the presidential primary.

34-733. REMOVAL FROM BALLOT. In the event the secretary of state is informed of a candidate's death, incapacity or withdrawal from candidacy, the secretary of state may remove the name of such candidate from the ballot, provided however, that no candidate's name shall be removed within the forty-five (45) days preceding the presidential primary.

34-734. VOTING. At a presidential primary, qualified electors may vote for one (1) candidate from among the candidates of one (1) political party only in a manner consistent with the provisions of section 34-904A, Idaho Code.

34-735. PRESIDENTIAL PRIMARY -- RESULTS. Upon completion of the state canvass for the presidential primary, the secretary of state shall certify to the state chair of each political party participating in the presidential primary the number of votes received by each candidate of that party. A winner shall be declared as prescribed by rule of the state and national party.

34-736. DELEGATES TO THE NATIONAL CONVENTION. Upon receiving the results of the presidential primary pursuant to section 34-735, Idaho Code, each party participating in the presidential primary shall select, according to national and state party rules, as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party.

34-737. CONDUCT OF ELECTION. Insofar as practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential primary shall be conducted and canvassed in the manner provided by law for the conduct and canvassing of state primary elections.

34-738. COSTS OF PRESIDENTIAL PRIMARY. (1) Whenever a presidential primary is held as provided by this chapter, the state of Idaho shall assume all costs related to the presidential primary, including publication of legal notice and ballot preparation. The county clerk shall determine the costs and file a certified claim, which shall be examined, allowed and paid as other claims against the state are paid.

(2) The costs of any other election held simultaneous to the presidential primary shall be covered in the manner elsewhere prescribed by law.

SECTION 7. That Section 34-740, Idaho Code, be, and the same is hereby amended to read as follows:

34-740. ~~RULES AND REGULATIONS.~~ The secretary of state as chief election officer may adopt such rules and regulations as are necessary to facilitate the operation, accomplishment and purpose of this act chapter.

SECTION 8. That Section 34-904A, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) A political party qualified to participate in elections pursuant to section 34-501, Idaho Code, may, no later than ~~one hundred eighty (180) days~~ the last Tuesday in the November prior to a primary or presidential election, notify the secretary of state in writing that the political party elects to allow, in addition to those electors who have registered with that political party, any of the following to vote in such party's primary or presidential primary election:

(a) Electors designated as "unaffiliated";

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

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

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

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

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

(7) In the event that one (1) or more political parties allow electors affiliated with a different political party to vote in their primary or presidential primary election pursuant to this section, an elector affiliated with a different political party shall declare to the poll worker or other appropriate election personnel in which primary or presidential

primary election ballot such elector wishes to vote. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.

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

SECTION 9. That Section 34-1205, Idaho Code, be, and the same is hereby amended to read as follows:

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

Approved April 9, 2015

CHAPTER 293
(S.B. No. 1071, As Amended)

AN ACT

RELATING TO COURSES OF INSTRUCTION; AMENDING SECTION 33-1602, IDAHO CODE, TO PROVIDE THAT SECONDARY PUPILS MUST SUCCESSFULLY COMPLETE A CIVICS TEST TO SHOW THAT THE STUDENT HAS MET CERTAIN STANDARDS, TO PROVIDE FOR DOCUMENTATION, TO ALLOW SCHOOL DISTRICTS TO ADMINISTER THE CIVICS TEST, TO ALLOW PUPILS TO RETAKE THE CIVICS TEST AND TO DEFINE A TERM.

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

SECTION 1. That Section 33-1602, Idaho Code, be, and the same is hereby amended to read as follows:

33-1602. UNITED STATES CONSTITUTION -- NATIONAL FLAG AND COLORS -- NATIONAL ANTHEM -- "AMERICA" -- CITIZENSHIP -- CIVICS TEST. (1) Instruction in the Constitution of the United States shall be given in all elementary and secondary schools. The state board of education shall adopt such materials as may be deemed necessary for said purpose, and shall also determine the grades in which such instruction shall be given.

(2) Instruction in the proper use, display and history of and respect for the American flag and the national colors shall be given in all elementary and secondary schools. Such instruction shall include the pledge of allegiance to the flag, the words and music of the national anthem, and of "America."

(3) Every school board of trustees shall cause the United States flag to be displayed in every classroom during the school hours of each school day.

(4) Every public school shall offer the pledge of allegiance or the national anthem in grades one (1) through twelve (12) at the beginning of each school day.

(5) No pupil shall be compelled, against the pupil's objections or those of the pupil's parent or guardian, to recite the pledge of allegiance or to sing the national anthem.

(6) Instruction in citizenship shall be given in all elementary and secondary schools. Citizenship instruction shall include lessons on the role of a citizen in a constitutional republic, how laws are made, how officials are elected, and the importance of voting and of participating in government. Such instruction shall also include the importance of respecting and obeying statutes which are validly and lawfully enacted by the Idaho legislature and the congress of the United States.

(7) Starting with the 2016-2017 school year, all secondary pupils must show they have met the state civics and government standards for such instruction through the successful completion of the civics test or alternate path established by the local school district or charter school that shows the student has met the standards. Assessment of standards shall be included as part of the course at the secondary level. A school district or public charter school shall document on the pupil's transcript that the pupil has passed the civics test pursuant to this subsection. The school district or governing body of the charter school may determine the method and manner in which to administer the civics test. A pupil may take the civics test, in whole or in part, at any time after enrolling in grade 7 and may repeat the test as often as necessary to pass the test. For the purposes of this subsection, "civics test" means the one hundred (100) questions used by officers of the United States citizenship and immigration services as a basis for selecting the questions posed to applicants for naturalization, in order that the applicants can demonstrate a knowledge and understanding of the fundamentals of United States history and the principles and form of United States government, as required by 8 U.S.C. section 1423. The state board of education may promulgate rules implementing the provisions of this subsection.

Approved April 9, 2015

CHAPTER 294
(S.B. No. 1113)

AN ACT

RELATING TO THE IDAHO BEEF COUNCIL; AMENDING SECTION 25-2906, IDAHO CODE, TO AUTHORIZE THE COUNCIL TO LEASE, PURCHASE OR OWN PERSONAL PROPERTY AND TO LEASE REAL PROPERTY DEEMED NECESSARY IN THE ADMINISTRATION OF SPECIFIED LAW.

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

SECTION 1. That Section 25-2906, Idaho Code, be, and the same is hereby amended to read as follows:

25-2906. COUNCIL -- POWERS AND DUTIES. The council shall have the following powers and duties:

1. Conform and comply with the federal beef promotion and research order issued by the United States department of agriculture as long as the federal beef promotion and research order is in effect.

2. Conduct scientific research to discover and develop the commercial value of beef.

3. Enter into contracts which it deems appropriate in carrying out the promotion of the cattle industry of this state.

4. Sue and be sued as a council, without individual liability of the council members, when the council is acting within the scope of the powers of this act.

5. Make grants, donations or contributions to any agency which will promote the cattle industry of this state on both a national, state or local level.

6. Employ subordinate officers and employees of the council, prescribe their duties and fix their compensation.

7. Accept grants, donations, contributions or gifts, from any source, for expenditures for any purpose consistent with the provisions of this act.

8. Prepare each year a proposed budget of the council for the next succeeding fiscal year, and provide upon request a copy of this budget to any person who pays an assessment under this act.

9. Adopt, rescind, modify or amend all proper functional regulations, orders, and resolutions for the exercise of its powers and duties, which shall be provided to anyone upon request.

10. Conduct public relation programs for beef and beef products.

11. Lease, purchase or own personal property or lease real property deemed necessary in the administration of this chapter.

Approved April 9, 2015

CHAPTER 295
(S.B. No. 1136)

AN ACT

RELATING TO PAROLE; AMENDING SECTION 20-229B, IDAHO CODE, TO PROVIDE THAT HEARING OFFICERS SHALL HAVE CERTAIN POWERS AND DUTIES WHEN A PAROLE VIOLATION OCCURS.

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

SECTION 1. That Section 20-229B, Idaho Code, be, and the same is hereby amended to read as follows:

20-229B. COMMISSION RULINGS. (1) After a factual parole revocation hearing has been concluded, the member or members of the commission for pardons and parole or the designated hearing officer, having heard the matter, shall enter a decision within twenty (20) days. If the alleged parole violator waives the parole hearing pursuant to the provisions of section 20-229A(3), Idaho Code, then a decision shall be entered upon acceptance of the waiver.

(2) If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole.

(3) Except as otherwise provided in subsection (4) of this section, if the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and the violation does not result from a conviction of a new felony or violent misdemeanor, then the commission or the hearing officer shall:

(a) Cause the parolee to be confined for a period of up to ninety (90) days effective immediately upon entering the decision;

(b) For a second parole violation, cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon entering the decision; or

(c) For a third or subsequent parole violation, convene a dispositional hearing during a regular session of the commission to execute an order

of parole revocation and determine the period of time the parole violator shall be returned to state custody.

(4) If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of parole by absconding supervision have been proven by a preponderance of the evidence, then the commission or the hearing officer shall:

(a) Cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon entering the decision; or

(b) For a second or subsequent parole violation by absconding supervision, convene a dispositional hearing during a regular session of the commission to execute an order of parole revocation and determine the period of time the parole violator shall be returned to state custody.

(5) If the commission or the hearing officer causes a parolee to be confined under subsection (3) (a), (3) (b) or (4) (a) of this section, then the commission or the hearing officer may reduce the period of confinement by up to thirty (30) days if the commission or the hearing officer finds that there has been no instance of misconduct during the period of time the parolee is confined.

(6) Upon completion of a term of confinement under this section, accounting for any reduction in subsection (5) of this section, the parolee shall be released to parole supervision.

Approved April 9, 2015

CHAPTER 296
(S.B. No. 1159)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2016; AND EXEMPTING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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, 2015, through June 30, 2016:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. SUPREME COURT:					
FROM:					
General					
Fund	\$3,655,500	\$1,384,800		\$225,600	\$5,265,900
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	305,400	1,447,500		0	1,752,900
TOTAL	\$3,960,900	\$3,150,800		\$225,600	\$7,337,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. DISTRICT COURTS:					
FROM:					
General					
Fund	\$12,914,200	\$388,300	\$2,180,000		\$15,482,500
Court Technology					
Fund	2,193,000	1,612,900	6,622,200		10,428,100
Drug Court, Mental Health and Family Court Services					
Fund	<u>4,691,900</u>	<u>1,768,400</u>	<u>0</u>		<u>6,460,300</u>
TOTAL	\$19,799,100	\$3,769,600	\$8,802,200		\$32,370,900
III. MAGISTRATES DIVISION:					
FROM:					
General					
Fund	\$13,430,500	\$292,800	\$3,800		\$13,727,100
Drug Court, Mental Health and Family Court Services					
Fund	860,700	1,195,400			2,056,100
Guardianship Pilot Project					
Fund	341,200	78,300			419,500
Senior Magistrate Judges					
Fund		510,000			510,000
Federal Grant					
Fund	<u>0</u>	<u>110,000</u>	<u>0</u>		<u>110,000</u>
TOTAL	\$14,632,400	\$2,186,500	\$3,800		\$16,822,700
IV. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$1,800	\$129,000			\$130,800
V. COURT OF APPEALS:					
FROM:					
General					
Fund	\$2,021,000	\$54,000			\$2,075,000
VI. GUARDIAN AD LITEM PROGRAM:					
FROM:					
General					
Fund	\$16,700			\$625,000	\$641,700
VII. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$670,300	\$155,500			\$825,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VIII. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund				\$1,594,800	\$1,594,800
Substance Abuse Treatment					
Fund	\$241,200			3,278,500	3,519,700
TOTAL	\$241,200			\$4,873,300	\$5,114,500
GRAND TOTAL	\$41,343,400	\$9,445,400	\$8,806,000	\$5,723,900	\$65,318,700

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2016, 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, 2015, through June 30, 2016. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 9, 2015

CHAPTER 297
(S.B. No. 1165)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Tax Commission, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$4,636,700	\$2,997,900	\$158,600	\$7,793,200
Multistate Tax Compact				
Fund		401,800	37,400	439,200
Administration and Accounting				
Fund	36,800	27,400	2,500	66,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Administration Services for Transportation				
Fund	478,300	517,700	75,800	1,071,800
Seminars and Publications				
Fund	<u>0</u>	<u>19,100</u>	<u>0</u>	<u>19,100</u>
TOTAL	\$5,151,800	\$3,963,900	\$274,300	\$9,390,000

II. AUDIT DIVISION:

FROM:

General

Fund	\$6,708,600	\$1,055,800		\$7,764,400
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Multistate Tax Compact

Fund	1,396,000	490,000		1,886,000
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Administration and Accounting

Fund	13,100	24,400		37,500
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Administration Services for Transportation

Fund	1,629,800	358,000		1,987,800
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Federal Grant

Fund	<u>0</u>	<u>8,000</u>		<u>8,000</u>
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TOTAL	\$9,747,500	\$1,936,200		\$11,683,700
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III. COLLECTIONS DIVISION:

FROM:

General

Fund	\$6,487,900	\$989,900		\$7,477,800
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Administration Services for Transportation

Fund	<u>183,100</u>	<u>22,600</u>		<u>205,700</u>
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TOTAL	\$6,671,000	\$1,012,500		\$7,683,500
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IV. REVENUE OPERATIONS:

FROM:

General

Fund	\$3,804,900	\$1,615,500	\$353,600	\$5,774,000
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Multistate Tax Compact

Fund		10,300	20,800	31,100
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Administration and Accounting

Fund	86,400	33,100		119,500
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Administration Services for Transportation

Fund	597,100	266,800	43,900	907,800
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Seminars and Publications

Fund	<u>0</u>	<u>26,400</u>	<u>0</u>	<u>26,400</u>
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TOTAL	\$4,488,400	\$1,952,100	\$418,300	\$6,858,800
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
V. PROPERTY TAX:				
FROM:				
General				
Fund	\$2,932,900	\$423,100		\$3,356,000
Seminars and Publications				
Fund	0	131,000	\$8,800	139,800
TOTAL	\$2,932,900	\$554,100	\$8,800	\$3,495,800
GRAND TOTAL	\$28,991,600	\$9,418,800	\$701,400	\$39,111,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred forty-seven (447) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 9, 2015

CHAPTER 298

(H.B. No. 94, As Amended in the Senate)

AN ACT

RELATING TO TRESPASS; AMENDING SECTION 6-202, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS IN VIOLATION OF SPECIFIED LAW SHALL BE LIABLE ONLY FOR ACTUAL DAMAGES.

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

SECTION 1. That Section 6-202, Idaho Code, be, and the same is hereby amended to read as follows:

6-202. ACTIONS FOR TRESPASS. Any person who, without permission of the owner, or the owner's agent, willfully and intentionally enters upon the real property of another person which property is posted with "No Trespassing" signs or other notices of like meaning, spaced at intervals of not less than one (1) notice per six hundred sixty (660) feet along such real property; or who willfully and intentionally cuts down or carries off any wood or underwood, tree or timber, or girdles, or otherwise willfully and intentionally injures any tree or timber on the land of another person, or on the street or highway in front of any person's house, village, or city lot, or cultivated grounds; or on the commons or public grounds of or in any city or town, or on the street or highway in front thereof, without lawful authority, is liable to the owner of such land, or to such city or town, for treble the amount of damages which may be assessed therefor or fifty dollars (\$50.00), plus a reasonable attorney's fee which shall be taxed as costs, in any civil action brought to enforce the terms of this act if the plaintiff prevails. Provided however, the owner or operator of any right-of-way or easement for any ditch, canal or other conduit governed by the provisions of chapter 11 or chapter 12, title 42, Idaho Code, who is found in violation of this section

shall be liable only for actual damages and not for any treble damages or attorney fees otherwise provided for under this section.

Approved April 9, 2015

CHAPTER 299

(H.B. No. 170, As Amended in the Senate)

AN ACT

RELATING TO PAY FOR SUCCESS CONTRACTING; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-125B, IDAHO CODE, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION MAY ENTER INTO PAY FOR SUCCESS CONTRACTS, TO PROVIDE CONTRACT REQUIREMENTS, TO PROVIDE FOR AN EXTERNAL EVALUATOR, TO PROVIDE FOR INVESTOR MONEYS, TO PROVIDE FOR A THIRD PARTY ADMINISTRATOR, TO ESTABLISH AN OVERSIGHT COMMITTEE, TO PROVIDE REPORTING REQUIREMENTS, TO GRANT RULEMAKING AUTHORITY AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-125B, Idaho Code, and to read as follows:

33-125B. PAY FOR SUCCESS CONTRACTING -- DUTIES OF THE STATE DEPARTMENT OF EDUCATION. (1) The state department of education may enter into contracts for approved services. Notwithstanding section 67-5718, Idaho Code, the department may issue a request for information for a contract upon identification of a need for a special service, or interested parties may identify a need for service within the department and submit a proposal to the department to negotiate a contract. Any contract entered into pursuant to this section shall provide for:

- (a) An evidence-based program delivered by the service provider designed to enhance student academic achievement;
- (b) Mutually agreed upon grade-level performance targets and efficacy standards;
- (c) Identified source of department moneys from which savings will be realized;
- (d) An external evaluator who shall have expertise in all of the following areas:
 - (i) Education;
 - (ii) Program evaluation and assessment;
 - (iii) Collection and maintenance of program data;
 - (iv) Demonstrated ability to link an individual student's data from grade to grade; and
 - (v) Knowledge of the Idaho-specific academic performance scores used to demonstrate efficacy of the service provider's program;
- (e) The state's payment obligations from the money appropriated to the public school support program, if the efficacy standards are met under the contract;
- (f) Terms under which the state may terminate the contract;
- (g) An annual audit to be performed by a certified public accountant; and
- (h) A mutually agreed upon formula for the distribution of savings realized by the service provider program.

An external evaluator shall approve the negotiated contract provisions relating to efficacy standards before the department may enter into any such contract.

- (2) Investor moneys shall be adequate to cover all contract costs.

(3) The third party administrator shall:

- (a) Manage all moneys pursuant to subsection (2) of this section;
- (b) When appropriate, direct payments to be made under the terms of the contract;
- (c) Ensure an annual audit is conducted under the terms of the contract;
- (d) Issue financial reports as required by the contract; and
- (e) Complete all other compliance requirements of state or federal law.

(4) The department shall approve the local education agencies (LEA) from which each cohort will be chosen. The priority for selection of LEAs shall be given to:

- (a) LEAs reporting the greatest number of students who are not proficient to meet grade-level performance targets being used to evaluate the service provider's program;
- (b) LEAs reporting the greatest number of students on free and reduced lunch; and
- (c) LEAs in different regions of the state.

The selection of cohorts shall be made by mutual agreement between the service provider and the approved LEA.

(5) The external evaluator shall:

- (a) Determine whether the service provider has met the agreed upon efficacy standards under the terms of the contract by determining the outcomes for each cohort based on the following criteria:
 - (i) Whether there was an increase in the number of children proficient to meet grade-level performance targets at levels specified in the contract; and
 - (ii) Calculate moneys no longer expended or distributed by the department for intervention or remediation as specified in the contract;
- (b) Annually report the service provider efficacy standards to the department; and
- (c) Report the service provider efficacy standards to the third party administrator for the purpose of determining whether payment should be made under the terms of the contract.

(6) An oversight committee is hereby created for the purpose of deciding whether or not the state department of education will enter into a negotiation with an interested party under this section, and for the purpose of monitoring contracts entered into under this section. The committee shall meet as often as is necessary to fulfill its obligations under this subsection. The committee shall consist of the following people:

- (a) The chief financial officer of the state department of education;
- (b) The subject matter expert at the state department of education;
- (c) A representative from the state controller's office;
- (d) The house of representatives education committee chairman; and
- (e) The senate education committee chairman.

(7) The state department of education shall report to the legislature on or before February 1 of each year on all contracts entered into pursuant to this section.

(8) The state board of education may promulgate rules implementing the provisions of this section.

(9) As used in this section:

- (a) "Cohort" means a group of individuals who enter the service provider's program on the same date.
- (b) "Department" means the state department of education.
- (c) "External evaluator" means the entity that is responsible for determining the efficacy of a service provider's program.
- (d) "Investor" means an individual or entity that provides the capital for the services specified in a contract.
- (e) "Local education agency" or "LEA" means a public authority legally constituted by the state as an administrative agency to provide control

of and direction for kindergarten through grade 12 public educational institutions.

(f) "Service provider" means an organization that implements an evidenced-based program that conforms to the terms of the contract.

(g) "Third party administrator" means an SSAE-16 compliant firm or a firm licensed under chapter 2, title 54, Idaho Code, that manages all moneys deposited pursuant to this section and controlled by a contract.

Approved April 9, 2015

CHAPTER 300
(H.B. No. 291)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-108, IDAHO CODE, AS ADDED IN SECTION 5, HOUSE BILL NO. 90, AS ENACTED BY THE FIRST REGULAR SESSION, SIXTY-THIRD IDAHO LEGISLATURE, TO PROVIDE THAT LAND MANAGEMENT PLANS REQUIRED FOR VOLUNTARY STEWARDSHIP AGREEMENTS ENTERED INTO PURSUANT TO LAW AND WRITTEN AGREEMENTS RELATING TO THE CONSERVATION OF ALL SPECIES OF SAGE GROUSE ENTERED INTO VOLUNTARILY BY OWNERS OR OCCUPIERS OF LAND WITH A SOIL CONSERVATION DISTRICT ARE EXEMPT FROM DISCLOSURE UNDER THE PUBLIC RECORDS ACT AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 74-108, Idaho Code, as added in Section 5, House Bill No. 90, as enacted by the First Regular Session, Sixty-third Idaho Legislature, be, and the same is hereby amended to read as follows:

74-108. EXEMPTIONS FROM DISCLOSURE -- ARCHAEOLOGICAL, ENDANGERED SPECIES, LIBRARIES, LICENSING EXAMS. The following records are exempt from disclosure:

(1) Records, maps or other records identifying the location of archaeological or geophysical sites or endangered species, if not already known to the general public.

(2) Archaeological and geologic records concerning exploratory drilling, logging, mining and other excavation, when such records are required to be filed by statute for the time provided by statute.

(3) The records of a library which, when examined alone, or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.

(4) The material of a library, museum or archive which that has been contributed by a private person, to the extent of any limitation that is a condition of the contribution.

(5) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(6) Land management plans required for voluntary stewardship agreements entered into pursuant to law and written agreements relating to the conservation of all species of sage grouse entered into voluntarily by owners or occupiers of land with a soil conservation district.

Approved April 9, 2015

CHAPTER 301
(H.B. No. 298)

AN ACT

RELATING TO PAYMENT TO MEDICAID PROVIDERS; AMENDING SECTION 56-265, IDAHO CODE, TO PROVIDE THAT CERTAIN SERVICES PROVIDED TO ADOLESCENTS SHALL BE REIMBURSED AT A PERCENTAGE OF THE CURRENT MEDICARE RATE.

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

SECTION 1. That Section 56-265, Idaho Code, be, and the same is hereby amended to read as follows:

56-265. PROVIDER PAYMENT. (1) Where there is an equivalent, the payment to medicaid providers:

(a) May be up to but shall not exceed one hundred percent (100%) of the current medicare rate for primary care procedure codes as defined by the centers for medicare and medicaid services; and

(b) Shall be ninety percent (90%) of the current medicare rate for all other procedure codes.

(2) Where there is no medicare equivalent, the payment rate to medicaid providers shall be prescribed by rule.

(3) Notwithstanding any other provision of this chapter, if the services are provided to an adolescent by a private, freestanding mental health facility, the department shall reimburse for those services at twenty-seven percent (27%) of the current medicare rate.

(4) The department shall, through the annual budget process, include a line item request for adjustments to provider rates. All changes to provider payment rates shall be subject to approval of the legislature by appropriation.

Approved April 9, 2015

CHAPTER 302
(H.B. No. 300)

AN ACT

RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REMOVE THE TERM "SECONDARY" IN RELATION TO SUPPORT UNITS, ALTERNATIVE SCHOOLS AND STUDENTS AND TO PROVIDE THAT COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS SHALL INCLUDE GRADES 6 THROUGH 12; AMENDING SECTION 33-1002C, IDAHO CODE, TO REMOVE THE TERM "SECONDARY" IN RELATION TO ALTERNATIVE SCHOOLS AND SUPPORT UNITS; AMENDING SECTION 33-1002F, IDAHO CODE, TO REMOVE THE TERM "SECONDARY" IN RELATION TO ALTERNATIVE SCHOOLS AND SUPPORT UNITS; AMENDING SECTION 46-805, IDAHO CODE, TO REMOVE THE TERM "SECONDARY" IN RELATION TO STATE ALTERNATIVE SCHOOL FUNDING; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

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

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

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

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

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

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

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

(f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

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

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

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

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

(l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;

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

(n) For advanced opportunities as provided for in section 33-1626, Idaho Code;

(o) For the "8 in 6 Program" as provided for in section 33-1628, Idaho Code;

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

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

(r) 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

(s) 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
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

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

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
750 or more....	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

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

COMPUTATION OF ALTERNATIVE SCHOOL ~~SECONDARY~~ SUPPORT UNITS
(Computation of alternative school support units shall include grades 6 through 12)

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of 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 attendance of students attending an alternative ~~secondary~~ school in a school district reporting less than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative ~~secondary~~ table if the student is from a school district reporting less than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative ~~secondary~~ school, unless the alternative ~~secondary~~ school in question serves students from multiple districts reporting less than one hundred (100) secondary students in average daily attendance. 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 hundredth.

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

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, 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 hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, 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 2. That Section 33-1002C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SECONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary summer school programs of not less than two hundred twenty-five (225) hours of instruction, which shall be included in the educational support units calculated as provided in section 33-1002, Idaho Code, may be established as approved by the state board of education. The average daily attendance divided by forty (40) shall determine the number of allowable support units which shall be included in the alternative school secondary support units calculated for the school district for the succeeding school term.

(2) For any alternative secondary school designated pursuant to section 46-805, Idaho Code, full-term average daily attendance shall be used to calculate support units for each cohort of students that meets the minimum instructional hours requirement provided for in section 33-512, Idaho Code. The support units so calculated shall be used for all state funding formulas in which support units are used.

(3) Districts which educate pupils placed by court order in a juvenile detention facility may establish a summer school program which shall be

included in the educational support units calculated as provided in section 33-1002, Idaho Code. The average daily attendance divided by forty (40) shall determine the number of allowable support units which shall be included in the exceptional education school support units calculated for the school district for the succeeding school term.

(4) Average daily attendance and the support units so generated by this section shall not be included in or subject to the provisions of section 33-1003, Idaho Code, and shall be included as an addition to any other support units generated pursuant to Idaho Code.

SECTION 3. That Section 33-1002F, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002F. ALTERNATIVE SCHOOL REPORT. Annually, prior to the tenth legislative day, the department of education shall file with the legislature a report detailing the alternative secondary school programs within the state. On July 1 of each year, or as soon thereafter as feasible, each school district receiving moneys pursuant to the alternative school secondary support units factor in section 33-1002, Idaho Code, or section 33-1002C, Idaho Code, shall file with the state department a comprehensive report of the amount of money received in the district, the expenditure on alternative school programs, and the programs provided. This information shall be compiled by the department for transmission to the legislature.

SECTION 4. That Section 46-805, Idaho Code, be, and the same is hereby amended 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, federal funds and state alternative secondary school funding. 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 school district where the youth challenge program is located may take steps to have the youth challenge program be considered and designated as an alternative secondary school.

SECTION 5. This act shall be in full force and effect on and after July 1, 2016.

Approved April 9, 2015

CHAPTER 303
(H.B. No. 301)

AN ACT

RELATING TO CONCEALED WEAPONS; REPEALING SECTION 18-3302, IDAHO CODE, RELATING TO THE ISSUANCE OF LICENSES TO CARRY CONCEALED WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302, IDAHO CODE, TO PROVIDE POLICIES AND PROCEDURES IN THE ISSUANCE OF A LICENSE TO CARRY CONCEALED WEAPONS; AMENDING SECTION 18-3302I, IDAHO CODE, TO REMOVE A DEFINITION; REPEALING SECTION 18-3302K, IDAHO CODE, RELATING TO THE ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302K, IDAHO CODE, TO PROVIDE POLICIES AND PROCEDURES IN THE ISSUANCE OF AN ENHANCED LICENSE TO CARRY CONCEALED WEAPONS; AMENDING SECTION 18-3316, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 31-870, IDAHO CODE, TO PROVIDE THAT A BOARD OF COUNTY COMMISSIONERS SHALL NOT IMPOSE OR COLLECT A FEE FOR LICENSES TO CARRY CONCEALED WEAPONS; AND AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 18-3302, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3302, Idaho Code, and to read as follows:

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

(2) As used in this chapter:

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

- (b) "Deadly weapon" means:
 - (i) Any dirk, dirk knife, bowie knife, dagger or firearm;
 - (ii) Any other weapon, device, instrument, material or substance that is designed and manufactured to be readily capable of causing death or serious bodily injury; or
 - (iii) Any other weapon, device, instrument, material or substance that is intended by the person to be readily capable of causing death or serious bodily injury.
 - (c) The term "deadly weapon" does not include:
 - (i) Any knife, cleaver or other instrument that is intended by the person to be used in the processing, preparation or eating of food;
 - (ii) Any knife with a blade four (4) inches or less; or
 - (iii) Any taser, stun-gun, pepper spray or mace;
 - (d) "Firearm" means any weapon that will, is designed to, or may readily be converted to, expel a projectile by the action of an explosive;
 - (e) "Loaded" means:
 - (i) For a firearm capable of using fixed ammunition, that live ammunition is present in:
 - 1. The chamber or chambers of the firearm;
 - 2. Any internal magazine of the firearm; or
 - 3. A detachable magazine inserted in the firearm;
 - (ii) For a firearm that is not capable of using fixed ammunition, that the firearm contains:
 - 1. A propellant charge; and
 - 2. A priming cap or primer cap.
- (3) No person shall carry concealed weapons on or about his person without a license to carry concealed weapons, except:
- (a) In the person's place of abode or fixed place of business;
 - (b) On property in which the person has any ownership or leasehold interest;
 - (c) On private property where the person has permission to carry concealed weapons from any person with an ownership or leasehold interest;
 - (d) Outside the limits of or confines of any city.
- (4) Subsection (3) of this section shall not apply to restrict or prohibit the carrying or possession of:
- (a) Any deadly weapon located in plain view;
 - (b) Any lawfully possessed shotgun or rifle;
 - (c) A firearm that is not loaded and is concealed in a motor vehicle;
 - (d) A firearm that is not loaded and is secured in a case; and
 - (e) A firearm that is disassembled or permanently altered such that it is not readily operable.
- (5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:
- (a) Officials of a city, county or the state of Idaho;
 - (b) Any publicly elected Idaho official;
 - (c) Members of the armed forces of the United States or of the national guard when in performance of official duties;
 - (d) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;
 - (e) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;
 - (f) Retired peace officers or detention deputies with at least ten (10) years of service with the state or a political subdivision as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;
 - (g) Any person who has physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and

(h) Any person who has physical possession of a valid license or permit from a local law enforcement agency or court of the United States authorizing him to carry concealed weapons.

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

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

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

(a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;

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

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

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

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

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

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

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

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

- (e) Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;
- (f) Is currently licensed to carry concealed weapons pursuant to this section, unless the license has been revoked for cause;
- (g) Completion of any firearms training or safety course or class conducted by a state certified or national rifle association certified firearms instructor; or
- (h) Other training that the sheriff deems appropriate.

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

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

- (a) Is under twenty-one (21) years of age, except as otherwise provided in this section;
- (b) Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year;
- (c) Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year;
- (d) Is a fugitive from justice;
- (e) Is an unlawful user of marijuana or any depressant, stimulant or narcotic drug, or any controlled substance as defined in 21 U.S.C. section 802;
- (f) Is currently suffering from or has been adjudicated as having suffered from any of the following conditions, based on substantial evidence:
 - (i) Lacking mental capacity as defined in section 18-210, Idaho Code;
 - (ii) Mentally ill as defined in section 66-317, Idaho Code;
 - (iii) Gravely disabled as defined in section 66-317, Idaho Code;or
 - (iv) An incapacitated person as defined in section 15-5-101, Idaho Code.
- (g) Has been discharged from the armed forces under dishonorable conditions;
- (h) Has been adjudicated guilty of or received a withheld judgment or suspended sentence for a crime of violence constituting a misdemeanor or a crime that would disqualify him from obtaining a concealed weapons license, unless three (3) years have elapsed since entry of judgment or successful completion of probation prior to the date on which the application is submitted;
- (i) Is an alien illegally in the United States;
- (j) Is a person who having been a citizen of the United States has renounced his or her citizenship;

(k) Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime which would disqualify him from obtaining a concealed weapons license;

(l) Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or

(m) Is for any other reason ineligible to own, possess or receive a firearm under the provisions of Idaho or federal law. In making a determination in relation to an applicant's eligibility under this subsection, the sheriff shall not consider:

(i) A conviction, guilty plea or adjudication that has been nullified by expungement, pardon, setting aside or other comparable procedure by the jurisdiction where the conviction, guilty plea or adjudication occurred or in respect of which conviction, guilty plea or adjudication the applicant's civil right to bear arms either specifically or in combination with other civil rights has been restored under operation of law or legal process; or

(ii) Except as provided for in paragraph (f) of this subsection, an adjudication of mental defect, incapacity or illness or an involuntary commitment to a mental institution if the applicant's civil right to bear arms has been restored under operation of law or legal process.

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

(a) The license must provide the licensee's name, address, date of birth and the driver's license number or state identification card number if used for identification in applying for the license;

(b) The license must bear the licensee's signature and picture; and

(c) The license must provide the date of issuance and the date on which the license expires.

(13) Upon issuing a license under the provisions of this section, the sheriff must notify the Idaho state police within three (3) business days on a form or in a manner prescribed by the Idaho state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 9-340B, Idaho Code.

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

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

(16) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days

after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police must conduct the records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee unless waived by the sheriff, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee must submit an initial application for a license and pay the fees prescribed in subsection (14) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff must notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

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

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

(19) The sheriff of a county may issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who in the judgment of the sheriff warrant the issuance of the license. Such issuance shall be subject to limitations which the issuing authority deems appropriate. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years shall be easily distinguishable from licenses issued pursuant to subsection (7) of this section.

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

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

- (a) Fraud or intentional misrepresentation in the obtaining of a license;
- (b) Misuse of a license, including lending or giving a license to another person, duplicating a license or using a license with the intent to unlawfully cause harm to a person or property;
- (c) The doing of an act or existence of a condition which would have been grounds for the denial of the license by the sheriff;
- (d) The violation of any of the terms of this section; or

(e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime which would have disqualified him from initially receiving a license.

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

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

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

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

SECTION 3. That Section 18-3302I, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302I. THREATENING VIOLENCE ON SCHOOL GROUNDS.

(1) (a) Any person, including a student, who willfully threatens on school grounds by word or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds is guilty of a misdemeanor.

(b) The threats prohibited by this section encompass only those statements or acts where the speaker or actor intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) ~~"Firearm" means any weapon, whether loaded or unloaded, from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, regardless of whether such weapon is operable;~~

(c) "On school grounds" means in, or on the property of, a public or private elementary or secondary school.

SECTION 4. That Section 18-3302K, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3302K, Idaho Code, and to read as follows:

18-3302K. ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, must, within ninety (90) days after the filing of an application by any person who is not disqualified from possessing or receiving a firearm under state

or federal law and has otherwise complied with the requirements of this section, issue an enhanced license to the person to carry concealed weapons on his person. Licenses issued under this section shall be valid for five (5) years from the date of issue.

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

(a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. If the applicant is not a U.S. citizen, the application shall also require any alien or admission number issued to the applicant by U.S. immigration and customs enforcement, or any successor agency;

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

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

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

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

(4) The sheriff must deny an enhanced license to carry a concealed weapon if the applicant is disqualified under any of the criteria listed in section 18-3302(11), Idaho Code, or does not meet all of the following qualifications:

(a) Is over the age of twenty-one (21) years;

(b) Has been a legal resident of the state of Idaho for at least six (6) consecutive months before filing an application under this section or holds a current license or permit to carry concealed weapons issued by his state of residence; and

(c) Has successfully completed within the twelve (12) months immediately preceding filing an application, a qualifying handgun course as specified in this paragraph and taught by a certified instructor who is not prohibited from possessing firearms under state or federal law. A copy of the certificate of successful completion of the handgun course, in a form to be prescribed by the director of the Idaho state police and signed by the course instructor, must be submitted to the sheriff at the time of filing an application under this section. Certified instructors of handgun courses when filing an application under this section

shall not be required to submit such certificates but must submit a copy of their current instructor's credential. The sheriff must accept as a qualifying handgun course a personal protection course offered by the national rifle association or an equivalent, provided that all personal protection or equivalent courses must meet the following requirements:

- (i) The course instructor is certified by the national rifle association, or by another nationally recognized organization that customarily certifies firearms instructors, as an instructor in personal protection with handguns, or the course instructor is certified by the Idaho peace officers standards and training council as a firearms instructor;
- (ii) The course is at least eight (8) hours in duration;
- (iii) The course is taught face to face and not by electronic or other means; and
- (iv) The course includes instruction in:
 1. Idaho law relating to firearms and the use of deadly force, provided that such instruction is delivered by either of the following whose name and credential must appear on the certificate:
 - (A) An active licensed member of the Idaho state bar; or
 - (B) A law enforcement officer who possesses an intermediate or higher Idaho peace officers standards and training certificate.
 2. The basic concepts of the safe and responsible use of handguns;
 3. Self-defense principles; and
 4. Live fire training including the firing of at least ninety-eight (98) rounds by the student.

An instructor must provide a copy of the syllabus and a written description of the course of fire used in a qualifying handgun course that includes the name of the individual instructing the legal portion of the course to the sheriff upon request.

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

- (a) The license must provide the licensee's name, address, date of birth and the driver's license number or state identification card number if used for identification in applying for the license;
- (b) The license must bear the licensee's signature and picture;
- (c) The license must provide the date of issuance and the date on which the license expires; and
- (d) The license must be clearly distinguishable from a license issued pursuant to section 18-3302, Idaho Code, and must be marked "Idaho enhanced concealed weapons license" on its face.

(6) Upon issuing a license under the provisions of this section, the sheriff must notify the Idaho state police within three (3) days on a form or in a manner prescribed by the Idaho state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 9-340B, Idaho Code.

(7) The fee for original issuance of an enhanced license shall be twenty dollars (\$20.00), which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state. The sheriff must provide the

applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

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

(9) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police. The Idaho state police must conduct the same records checks as required for an initial license under subsection (3) of this section and must return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving and reviewing the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee shall be required to submit an initial application for an enhanced license and pay the fees prescribed in subsection (7) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff must notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

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

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

(12) The sheriff shall have the power to revoke a license issued pursuant to this section subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons, provided that the sheriff must notify the Idaho state police within three (3) days on a form or in a manner prescribed by the Idaho state police of any such revocation:

(a) Fraud or intentional misrepresentation in the obtaining of a license;

(b) Misuse of a license, including lending or giving a license to another person, duplicating a license or using a license with the intent to unlawfully cause harm to a person or property;

(c) The doing of an act or existence of a condition that would have been grounds for the denial of the license by the sheriff;

(d) The violation of any of the provisions of this section; or

(e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime that would have disqualified him from initially receiving a license.

(13) An applicant who provides information on the application for an enhanced license to carry a concealed weapon knowing the same to be untrue shall be guilty of a misdemeanor.

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

(15) Any license issued pursuant to this section is valid throughout the state of Idaho and shall be considered an authorized state license.

(16) The Idaho state police must maintain a computerized record system that is accessible to law enforcement agencies in any state for the purpose of verifying current enhanced licensee status. Information maintained in the record system shall be confidential and exempt from disclosure under section 9-340B, Idaho Code, except that any law enforcement officer or law enforcement agency, whether inside or outside the state of Idaho, may access the record system for the purpose of verifying current enhanced licensee status.

SECTION 6. That Section 18-3316, Idaho Code, be, and the same is hereby amended to read as follows:

18-3316. UNLAWFUL POSSESSION OF A FIREARM. (1) A person who previously has been convicted of a felony who purchases, owns, possesses, or has under his custody or control any firearm shall be guilty of a felony and shall be imprisoned in the state prison for a period of time not to exceed five (5) years and by a fine not to exceed five thousand dollars (\$5,000).

(2) For the purpose of subsection (1) of this section, "convicted of a felony" shall include a person who has entered a plea of guilty, nolo contendere or has been found guilty of any of the crimes enumerated in section 18-310, Idaho Code, or to a comparable felony crime in another state, territory, commonwealth, or other jurisdiction of the United States.

~~(3) For the purpose of subsection (1) of this section, "firearm" shall include any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable.~~

~~(4) Subsection (1) of this section shall not apply to a person whose conviction has been nullified by expungement, pardon, setting aside the conviction or other comparable procedure by the jurisdiction where the felony conviction occurred; or whose civil right to bear arms either specifically or in combination with other civil rights has been restored by any other provision of Idaho law.~~

SECTION 7. That Section 31-870, Idaho Code, be, and the same is hereby amended to read as follows:

31-870. FEES FOR COUNTY SERVICES. (1) Notwithstanding any other provision of law, a board of county commissioners may impose and collect fees

for those services provided by the county which would otherwise be funded by ad valorem tax revenues. The fees collected pursuant to this section shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered. Taxing districts other than counties may impose fees for services as provided in section 63-1311, Idaho Code.

(2) The board of county commissioners may establish and provide for the collection of a solid waste fee in accordance with a request made pursuant to this section, and such fee shall be certified and collected in the same manner provided by law for the collection of real or personal property taxes.

(3) The administrative fee authorized under the provisions of this section and collected for issuance of motor vehicle registrations pursuant to chapter 4, title 49, Idaho Code, shall be the same for any registration issued pursuant to section 49-402B, Idaho Code, and may not be doubled or in any way increased solely because of registration under that section.

(4) This section shall not apply to the issuance or renewal of licenses to carry concealed weapons under sections 18-3302, 18-3302H or 18-3302K, Idaho Code.

SECTION 8. 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. The written record of the vote to classify an offender as a violent sexual predator by each board member in each case reviewed by that board member shall be exempt from disclosure to the public and shall be made available upon request only to the governor, the chairman of the senate judiciary and rules committee, and the chairman of the house of representatives judiciary, rules and administration committee, for all lawful purposes.

(6) Records of the sheriff or Idaho state police received or maintained pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating to an applicant or licensee except that any law enforcement officer and law enforcement agency, whether inside or outside the state of Idaho, may access information maintained in the license record system as set forth in section 18-3302K(136), Idaho Code.

(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons. For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children except any such records regarding adoptions shall remain exempt from disclosure.

(8) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(9) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

(10) The worker's compensation records of the Idaho industrial commission provided that the industrial commission shall make such records available:

(a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or

(b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, who certify that the information is being requested

with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or

(c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or

(d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or

(e) Although a claimant's records maintained by the industrial commission, including medical and rehabilitation records, are otherwise exempt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records during a hearing for compensation or in a written decision issued by the industrial commission shall be permitted; provided further, the true identification of the parties shall not be exempt from public disclosure in any written decision issued and released to the public by the industrial commission.

(11) Records of investigations compiled by the commission on aging involving vulnerable adults, as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.

(12) Criminal history records and fingerprints, as defined 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.

Approved April 9, 2015

CHAPTER 304
(H.B. No. 302)

AN ACT

RELATING TO SCIENCE, TECHNOLOGY, ENGINEERING AND MATH EDUCATION; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-823, IDAHO CODE, TO CREATE IN THE OFFICE OF THE GOVERNOR THE SCIENCE, TECHNOLOGY, ENGINEERING AND MATH ACTION CENTER AND THE STEM ACTION CENTER BOARD, TO PROVIDE POWERS AND DUTIES AND TO PROVIDE FOR REPORTS.

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

SECTION 1. That Chapter 8, 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 67-823, Idaho Code, and to read as follows:

67-823. COORDINATION OF POLICY AND PROGRAMS RELATED TO SCIENCE, TECHNOLOGY, ENGINEERING AND MATH EDUCATION IN IDAHO. (1) There is hereby created in the office of the governor the "Science, Technology, Engineering and Math (STEM) Action Center" and the STEM action center board. The administrator of the STEM action center shall be the official in the state designated to coordinate and oversee implementation of STEM programs; to promote STEM through best practices in education to ensure connection with industry and Idaho's long-term economic prosperity; to produce an Idaho STEM-competitive workforce to offer better access to competitive employment opportunities; and to drive student experience, engagement and industry alignment by identifying and implementing public and higher education STEM best practices to transform workforce development.

(2) The STEM action center board shall consist of the following nine (9) members:

- (a) The director of the department of commerce, or his designee;
- (b) The director of the department of labor, or his designee;
- (c) One (1) member of the state board of education;
- (d) The superintendent of public instruction, or her designee; and
- (e) Five (5) members appointed by the governor, who shall serve at the pleasure of the governor for terms of four (4) years, and who shall be residents of the state and represent manufacturing or STEM-related industries. The board's chairman will be elected annually by the members of the board.

(3) A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment and for the balance of the unexpired term.

(4) The duties of the STEM action center shall include:

- (a) Coordinate all state departments and divisions on STEM-related activities;
- (b) Perform industry needs and education process foci on industry career talent, gap analysis and needs assessment to lead future STEM teacher professional development activities and goals;
- (c) Align public education STEM activities with higher education STEM activities;
- (d) Identify and coordinate best practices among public education and higher education;
- (e) Strategically engage industry and business entities to cooperate with the STEM action center and focus outcomes and goals on workforce needs and opportunities;
- (f) Support high quality professional development focused on career readiness and talent development and provide other assistance for educators and students;
- (g) Work cooperatively with the Idaho department of education and the Idaho state board of education to define and implement pilot programs and select schools to:
 - (i) Further STEM education;
 - (ii) Ensure best practices are implemented; and
 - (iii) Integrate research and document results of that research; and
- (h) Engage private entities to provide additional funding and/or in-kind employee time for STEM activities in schools supporting industry career readiness in addition to what is currently provided by private entities.

(5) The duties and oversight of the STEM action center shall not interfere or conflict with the duties and oversight of the state board of education.

(6) As funding allows, the administrator of the STEM action center shall:

- (a) Support high-quality professional development for educators regarding STEM education;
- (b) Ensure the STEM action center acts as a research and development center for tools and best practice in STEM education coordination and development;
- (c) Review and acquire STEM education related instructional materials and products for:
 - (i) Educator high-quality professional development;
 - (ii) Assessment, data collection, analysis and reporting; and
 - (iii) Public school instruction; and
- (d) Facilitate participation in interscholastic STEM related competitions, fairs, expositions, camps and STEM education student programs;
- (e) Engage private industry in the development and maintenance of the STEM action center and STEM action center projects;
- (f) Use resources to bring the latest STEM content, 21st century skills and hands-on STEM education resources into public education classroom schools;
- (g) Annually identify at least five (5) best practice innovations used in Idaho schools that have resulted in growth in interest and performance in STEM by students and teachers involved in pilot programs, math academies and STEM projects;
- (h) Identify best practices being used outside the state and, as appropriate, develop and implement selected practices through pilot programs;
- (i) As appropriate, join and participate in a national STEM network and collaborate with neighboring states in STEM program development;
- (j) Identify performance changes linked to use of the best practices;
- (k) Support best methods of high-quality professional development for STEM education in kindergarten through grade 12, including methods of high-quality professional development pilot programs that reduce cost and increase effectiveness, implement practices that support industry career readiness and talent development, and help educators learn how to most effectively implement STEM best practices, 21st century skills and STEM resources in classrooms;
- (l) Support targeted high-quality professional development for improved instruction in K-12 STEM education, including:
 - (i) Improved instructional materials and resources that are dynamic and engaging for students;
 - (ii) Targeted instruction for students who traditionally avoid enrolling in STEM courses;
 - (iii) Introduction of engaging engineering and other STEM programs;
 - (iv) Use of applied instruction; and
 - (v) Introduction of other research-based methods that support student achievement in STEM areas; and
- (m) Provide an Idaho best practices STEM resource database, including best practices from public education, higher education, informal STEM partners and other STEM related entities.

(7) The board may prescribe other duties for the STEM action center in addition to the responsibilities described in this section.

(8) The administrator shall track and compare the growth of students participating in a STEM action center program to all other similarly situated students in the state, in the following STEM related activities, at the beginning and end of each year:

- (a) Public education high school graduation rates;
 - (b) The number of students taking STEM courses at an institution of public higher education;
 - (c) The number of students who graduate from an Idaho public school and begin a postsecondary education program; and
 - (d) The number of students, as compared to all similarly situated students, who are performing at grade level in STEM classes.
- (9) The STEM action center board may:
- (a) Enter into contracts for the purposes of this section;
 - (b) Apply for, receive and disburse funds, contributions or grants from any source for the purposes set forth in this section; and
 - (c) Employ, compensate and prescribe the duties and powers of individuals necessary to execute the duties and powers of the board for the STEM action center.
- (10) The board shall report the progress of the STEM action center, including the information described in subsection (4) of this section, to the following groups once each year:
- (a) The house and senate education committees;
 - (b) The governor's office;
 - (c) The joint finance-appropriations committee; and
 - (d) The state board of education.
- (11) The report described in subsection (10) of this section shall include information that demonstrates the effectiveness of the program, including:
- (a) The number of educators receiving high-quality STEM professional development;
 - (b) The number of students receiving services from the STEM action center; and the number of students participating in STEM camps, academies, pilot programs and classroom STEM activities;
 - (c) A report on the STEM action center's fulfillment of its duties; and
 - (d) Student performance of students participating in a STEM action center program.

Approved April 9, 2015

CHAPTER 305
(H.B. No. 308)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE THAT CERTAIN CODE PROVISIONS RELATING TO PUPIL SERVICE STAFF ALLOWANCE DO NOT APPLY TO PUBLIC CHARTER SCHOOLS.

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

SECTION 1. 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 (10) 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. 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 primary attendance area, 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) Facilities funds. The state department of education shall distribute facilities funds to public charter schools for each enrolled student in which a majority of the student's instruction is received at a facility that is owned or leased by the public charter school. Such funds shall be used to defray the purchase, fee, loan or lease costs associated with payments for real property used by the students or employees of the public charter school for educational or administrative purposes. Such funds shall be distributed from the moneys appropriated to the educational support program, and shall be calculated as a percentage of the statewide average amount of bond and plant facility funds levied per student by Idaho school districts, as follows:

Fiscal Year 2014	Twenty Percent (20%)
Fiscal Year 2015	Thirty Percent (30%)

For fiscal year 2016 and each fiscal year thereafter, this percentage shall increase by ten percent (10%) each time the total appropriation of state funds for the educational support program increases by three percent (3%) or more over the prior fiscal year, and shall decrease by ten percent (10%) each time the total appropriation of state funds for the educational support program decreases as compared to the prior fiscal year. Provided however, that the percentage shall be no less than twenty percent (20%) and no greater than fifty percent (50%), and that the average amount of funding received per public charter school shall not exceed the average amount of funding received by each school district pursuant to the provisions of section 33-906, Idaho Code.

For those public charter schools that do not receive facilities funds for all enrolled students, the school may submit to the state department of education a reimbursement claim for any costs for which facilities funds may be used. The state department of education shall reduce such claim by the greater of fifty percent (50%) or the percentage of the school's enrolled students for which the school receives facilities funds, and shall pay the balance. Provided however, that the total reimbursements paid to a public charter school, in combination with any facilities stipend received by the school, shall not exceed the amount of facilities funds that would have been received by the school had the school received facilities funds for all enrolled students. For the purposes of this subsection, the term "real property" shall be used as defined in section 63-201, Idaho Code.

(6) 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 is serving more grades or at least ten percent (10%) more classes than the previous year, to assist the school with initial start-up costs or payroll obligations. For a public charter school entering its second or greater year of operations, the state department of education may require documentation establishing the need for such an advance payment, including comparative class schedules and proof of a commensurate increase in the number of employees.

(a) For a 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: that portion of section 33-1004, Idaho Code, relating to reduction of the administrative and instructional staff allowance and the pupil service 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.

(7) 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.

(8) Each public charter school shall pay an authorizer fee to its authorized chartering entity, to defray the actual documented cost of monitoring, evaluation and oversight, which, in the case of public charter schools authorized by the public charter school commission, shall include each school's proportional fee share of all moneys appropriated to the public charter school commission, plus fifteen percent (15%). Provided however, that each public charter school's board of directors may direct up to ten percent (10%) of the calculated fee to pay membership fees to an organization or association that provides technical assistance, training and advocacy for Idaho public charter schools. Unless the authorized chartering entity declines payment, such fee shall be paid by February 15 of each fiscal year and shall not exceed the greater of:

(a) All state funds distributed to public schools on a support unit basis for the prior fiscal year, divided by the statewide number of public school students in average daily attendance in the first reporting period in the prior fiscal year; or

(b) The lesser of:

(i) The result of the calculation in subsection (8) (a) of this section, multiplied by four (4); or

(ii) One and one-half percent (1.5%) of the result of the calculation in subsection (8) (a) of this section, multiplied by the public charter school's average daily attendance in the first reporting period in the current fiscal year.

(9) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys.

(10) (a) 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.

(b) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.

(11) Nothing in this section prohibits separate face-to-face learning activities or services.

(12) The provisions of section 33-1021, Idaho Code, shall apply to public charter schools provided for in this chapter.

Approved April 9, 2015

CHAPTER 306
(S.B. No. 1041, As Amended)

AN ACT

RELATING TO THE SEXUAL OFFENDER REGISTRATION AND NOTIFICATION ACT; AMENDING SECTION 18-8312, IDAHO CODE, TO PROVIDE AN ADDITIONAL MEMBER TO THE SEXUAL OFFENDER MANAGEMENT BOARD WHO HAS EXPERTISE IN SEXUAL OFFENDER POLYGRAPH EXAMINATION AND TO REVISE PROVISIONS CONCERNING THE TERMS OF MEMBERS.

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

SECTION 1. That Section 18-8312, Idaho Code, be, and the same is hereby amended to read as follows:

18-8312. SEXUAL OFFENDER MANAGEMENT BOARD -- APPOINTMENT -- TERMS -- VACANCIES -- CHAIRMAN -- QUORUM -- QUALIFICATIONS OF MEMBERS -- COMPENSATION OF MEMBERS. (1) A sexual offender management board is hereby created within the Idaho department of correction. The board shall consist of nine ten (910) voting members appointed by the governor by and with the advice and consent of the senate. Present members shall continue to serve for the balance of their initial terms of appointment. Thereafter, any member appointed or reappointed shall serve for a term of three (3) years. Members shall be eligible for reappointment to the board without limitation. The board shall be charged with the advancement and oversight of sexual offender management policies and practices statewide.

~~(2) The terms of the members shall expire as follows: three (3) members on January 1, 2014; three (3) members on January 1, 2015; and three (3) members on January 1, 2016. Thereafter, any person appointed a member of the board shall hold office for three (3) years.~~

(32) 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.

(43) Qualifications of members.

(a) One (1) member of the board shall have, by education, experience and training, expertise in the assessment and treatment of adult sexual offenders.

(b) One (1) member of the board shall have, by education, experience and training, expertise in the assessment and treatment of juveniles who have been adjudicated for sexual offenses.

(c) One (1) member of the board shall 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.

(j) One (1) member of the board shall have, by education, experience and training, expertise in postconviction sexual offender polygraph examination.

(54) In addition, there shall be advisory to the board, one (1) non-voting 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.

(65) 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.

(76) The board shall elect a chairman from its members.

(87) A quorum shall exist when a majority of the board is present.

(98) Members shall be compensated as provided by section 59-509(o), Idaho Code.

CHAPTER 307
(S.B. No. 1152)

AN ACT

RELATING TO STATE AGENCY RECEIPT OF FEDERAL FUNDS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 67-1917, IDAHO CODE, TO REVISE REPORTING REQUIREMENTS BY STATE AGENCIES THAT RECEIVE FEDERAL FUNDS, TO PROVIDE AN EXCEPTION FOR HIGHER EDUCATIONAL INSTITUTIONS AND TO DEFINE "FEDERAL FUNDS"; AMENDING SECTION 67-3502, IDAHO CODE, TO ESTABLISH THAT BUDGET REQUESTS PROVIDE A REPORT THAT DISCLOSES ANY KNOWN FUTURE REDUCTIONS OR ELIMINATIONS OF FEDERAL FUNDS AND AN AGENCY'S PLAN FOR OPERATING IF CERTAIN CIRCUMSTANCES OCCUR AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-3506, IDAHO CODE, TO PROVIDE THAT THE BUDGET DOCUMENT SHALL CONSIST OF FOUR PARTS; AMENDING SECTION 67-3507, IDAHO CODE, TO PROVIDE THAT PART IV OF THE BUDGET DOCUMENT SHALL CONSIST OF FEDERAL FUNDING REPORTS AND CERTAIN DISCLOSURES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-3513, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE COMMITTEE CONSIDERATION OF A REPORT REGARDING FEDERAL FUNDS.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that federal funds being awarded to or administered by state agencies now constitute a significant portion of state expenditures. To have the Legislature ignore these funds would greatly undermine the authority of the Legislature to appropriate moneys. It is imperative that members of the Legislature, Executive Branch and the general public be able to see all the details of federal funds received by the state so that they can prepare for a possible reduction in federal funds, measure the impact of the programs supported with federal funds and act in the best interest of Idahoans.

SECTION 2. That Section 67-1917, Idaho Code, be, and the same is hereby amended to read as follows:

67-1917. REPORTS BY PARTICIPATING STATE AGENCIES. Any state agency that participates in any federal assistance program receives federal funds, anticipates receipt of federal funds or administers a program supported by federal funds shall make additional information available as the division of financial management may require provide reports on the use of federal funds as part of each agency's annual budget request to the division of financial management. The postsecondary educational institutions shall be provided an exception to these requirements and shall submit an audited schedule of expenditures of federal awards for the preceding fiscal year to the office of the state board of education who shall consolidate such information and submit a report to the division of financial management. The reports required of all other agencies shall:

- (1) Delineate the federal funds received for the preceding fiscal year;
- (2) Delineate the federal funds to be utilized by the state agency for the current and upcoming fiscal year. The report shall include federal funds appropriated by the legislature, federal funds continuously appropriated and any programs supported by federal funds, the loss of which may impact the continuity or delivery of services;
- (3) Identify any obligations, agreements, joint exercise of powers agreements, maintenance of effort agreements, or memoranda of understanding that may be impacted by federal or state decisions regarding federal receipts;
- (4) Calculate the percentage that constitutes federal funds to the total appropriation for the state agency for the fiscal year.

As used in this section, "federal funds" means any financial assistance made by the United States government, or any agency thereof, whether a contract, grant subsidy, augmentation, reimbursement or in any other form.

SECTION 3. That Section 67-3502, Idaho Code, be, and the same is hereby amended to read as follows:

67-3502. **FORMAT AND PREPARATION OF ANNUAL BUDGET REQUESTS.** In the preparation of a state budget, the administrator of the division of financial management shall, not later than the fifteenth day of July, have available for all departments, offices and institutions of the state government forms necessary to prepare budget requests. Such forms, whether in electronic or written format, shall be developed by the administrator of the division and the legislative services office to provide the following information:

(1) For the preceding fiscal year, each of the entities listed above shall report all funds available to them regardless of source, including legislative appropriations, and their expenditures by fund and object of all sums received from all sources, segregated as provided for on the forms.

(2) For the current fiscal year, each of the entities listed above shall report their estimates of all funds available to them regardless of source, including legislative appropriations, and their estimated expenditures by fund and object of all sums received from all sources, segregated as provided for on the forms, including a statement of the purposes for which anticipated funds are expected to be expended.

(3) An estimate of appropriations needed for the succeeding fiscal year, showing each primary program or major objective as a separate item of the request and itemized by object code.

(4) A report concerning the condition and management of programs, program performance, and progress toward accomplishing program objectives.

(5) A report that discloses any known future reductions or eliminations of federal funds reported to the division of financial management under section 67-1910, Idaho Code, and the agency's plan for operating if there is a reduction of ten percent (10%) or more in the federal funds that the state agency receives.

The completed forms shall, not later than the first day of September, except with special permission and agreement of the administrator of the division of financial management and the director of the legislative services office, be filed in the office of the administrator of the division of financial management and the legislative services office. The legislative and judicial departments shall, as early as practicable and in any event no later than the first day of November, prepare and file in the office of the governor and the legislative services office upon the forms described in this section a report of all of the information required in this section. The judicial department shall include in its filing the budget request of the judicial council as submitted by the judicial council.

SECTION 4. That Section 67-3506, Idaho Code, be, and the same is hereby amended to read as follows:

67-3506. **GOVERNOR TO TRANSMIT BUDGET DOCUMENT.** Not later than five (5) days following the convening of each regular legislative session, the governor shall transmit to the legislature a budget document setting forth his financial plan for the next fiscal year, and having the character and scope set forth. The budget document shall consist of ~~three~~ four (34) parts, the nature and contents of which are set forth in section 67-3507, Idaho Code. The requests of the legislative and judicial departments shall be transmitted as submitted by those departments.

SECTION 5. That Section 67-3507, Idaho Code, be, and the same is hereby amended to read as follows:

67-3507. EXECUTIVE BUDGET. The executive budget document shall consist of the following ~~three~~ four (34) parts:

(1) Part I of the executive budget document shall consist of a budget message by the governor ~~which~~ that shall outline the financial plan of the executive department of the state government for the next fiscal year, describing the important features of the financial plan.

(2) Part II of the budget document shall present in detail for the next fiscal year, as minimum information to be included in Part II, items showing: estimates of agency needs based on the governor's recommendations, to meet the expenditure needs of the state from all available funds classified by agencies and showing the cost of each major program. Part II shall also set forth the governor's recommendations for the capital program. All funds, including federal and local funds and interagency receipts received for any purpose, shall be accounted for in the budget.

(3) Part III of the budget document shall consist of the annual performance plans required in section 67-1904, Idaho Code.

(4) Part IV of the budget document shall consist of the federal funding reports required under section 67-1917, Idaho Code, and the disclosures required under section 67-3502(5), Idaho Code.

SECTION 6. That Section 67-3513, Idaho Code, be, and the same is hereby amended to read as follows:

67-3513. COMMITTEES OF LEGISLATURE TO CONSIDER BUDGET. (1) The standing committees of the house of representatives and of the senate in charge of appropriation measures shall sit jointly in open sessions while considering the budget. Such committee may resolve itself into executive session upon the vote of two-thirds (2/3) of the membership of the committee, at which time persons who are not members of the legislature may be excluded; provided, however, that during such executive session, no votes or any official action may be taken. The administrator of the division of financial management or his designated representative shall attend all meetings of the joint committee and shall present to the committee the recommendations of the governor for amounts to be appropriated for each department, office and institution, including the elective officers and the state board of education, such presentation to include all information necessary to substantiate the recommendations of the governor. The joint committee at its discretion may cause the attendance of heads or responsible representatives of said departments, offices and institutions. The joint committee may increase or decrease items in the budget as it may deem to be in the interests of greater economy and efficiency in the public service.

(2) By not later than January 15 of each year, the administrator of the division of financial management shall report to the joint committee the following minimal information:

(a) A list by department, by program, and by funding source of all permanent positions authorized as of January 1 of that year and the current salary established for each position as of January 1 of that year; the list shall also designate which of the listed positions were vacant as of January 1, and the date such position became vacant.

(b) A list by department, by program, and by funding source of the amounts needed to fund the state employee compensation changes being recommended by the governor, which list must be prepared to show the individual cost of each component of the compensation changes.

(c) A report that compiles and summarizes the information the division of financial management received in accordance with sections 67-1917 and 67-3502(5), Idaho Code.

Approved April 10, 2015

CHAPTER 308
(S.B. No. 1154, As Amended)

AN ACT

RELATING TO CRIMINAL HISTORY RECORDS; AMENDING CHAPTER 30, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3014, IDAHO CODE, TO PROVIDE APPLICABILITY, TO PROVIDE THAT A VICTIM OF HUMAN TRAFFICKING MAY PETITION FOR EXPUNGEMENT OF A CRIMINAL HISTORY RECORD UNDER CERTAIN CONDITIONS, TO PROVIDE WHEN A PETITION SHALL BE FILED, TO PROVIDE FOR DENIAL OF A PETITION, TO PROVIDE FOR INFORMATION REQUIRED IN A PETITION, TO PROVIDE FOR SERVICE OF A PETITION, TO PROVIDE WHEN PRETRIAL FOR A PETITION SHALL BE SET, TO PROVIDE FOR CONSIDERATION OF EVIDENCE, TO PROVIDE FOR THE GRANTING OF A PETITION, TO PROVIDE THAT RECORDS AND INFORMATION IN CONNECTION WITH A PETITION SHALL BE SEALED AND USED TO PROSECUTE HUMAN TRAFFICKERS, TO PROVIDE THAT THE STATE OF IDAHO SHALL NOT BE SUBJECT TO CIVIL LIABILITY AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 30, 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 67-3014, Idaho Code, and to read as follows:

67-3014. EXPUNGEMENT FOR VICTIMS OF HUMAN TRAFFICKING. (1) The provisions of this section shall only apply to individuals who are victims of human trafficking as defined in section 18-8602, Idaho Code, and shall only apply to arrests, criminal prosecutions and convictions that are the result of acts induced by human traffickers.

(2) Any person who was arrested, prosecuted and/or convicted of a violation of section 18-5613, Idaho Code, or any other offense determined by the court to be appropriate, except convictions for offenses for which a defense of coercion would not be available and that was committed during a period of time when the person was a victim of human trafficking and that was the result of acts required by the human trafficker, may bring a petition under the provisions of this section to vacate such conviction and/or to expunge the criminal history records taken in connection with the conviction, including the arrest and prosecution resulting in such conviction or to expunge any criminal history records related to any arrest or prosecution that resulted in a dismissal or acquittal. Actions brought under this section are civil actions and the petitioner shall not be entitled to the appointment of counsel. Jury trial shall not be available in actions brought under this section.

(3) Relief shall not be available under this section if the petitioner raised the affirmative defense of coercion at trial and was convicted.

(4) Any action brought under this section shall be filed within a reasonable time after the arrest, prosecution or conviction that is the subject of the action brought under this section, except that a petition to expunge an arrest that did not result in a prosecution shall not be brought until two (2) years after the arrest.

(5) If an action is filed under this section while a criminal case against the petitioner is pending and the charges in the criminal case are the same as the ones sought to be expunged or vacated in the action under this

section, then the petition under this section shall be dismissed without prejudice.

(6) The petition filed in this action shall:

(a) Identify the petitioner, the case number and court in which any conviction or prosecution resulting in acquittal or dismissal occurred, the date and place of arrest and the agency that performed any arrest;

(b) Include a short, plain statement under oath of the facts demonstrating that the petitioner is entitled to relief under the provisions of this section, including the identity of the human trafficker to the best of the petitioner's knowledge; the approximate date, place and manner in which the petitioner became a victim of human trafficking; the petitioner's age at the time the petitioner became a victim of human trafficking; and how the petitioner became involved in the activities resulting in the arrest, prosecution and/or conviction; and

(c) Include a request for an order vacating the conviction and/or to expunge the criminal history records taken in connection with the arrest, conviction or prosecution.

(7) If the petition is in regard to a prosecution resulting in acquittal or dismissal or a prosecution resulting in a conviction, then the petitioner shall serve a copy of the petition on the prosecuting attorney's office that handled such prosecution. If the petition is in regard to an arrest that did not result in a prosecution, then the petitioner shall serve a copy of the petition on the police agency that effected the arrest. If such prosecuting attorney or police agency desires to contest the action under this section, an answer shall be filed in accordance with the Idaho rules of civil procedure.

(8) The pretrial in any action under this section shall be set not later than sixty (60) days after the petition is served.

(9) Evidence documenting the person's status as a victim of human trafficking at the time of the offense from a federal, state or local governmental agency shall create a rebuttable presumption that the person was a victim of human trafficking at the time of the offense but shall not be required to obtain relief under this section.

(10) If the court finds that the petitioner has demonstrated by a preponderance of the evidence that the petitioner's participation in the activities that resulted in the arrest, prosecution and/or conviction, that is the subject of the petition, occurred during a period of time when the petitioner was a victim of human trafficking and that the petitioner's participation in the activities that resulted in the arrest, prosecution and/or conviction was the result of acts required by the human trafficker, then the court shall vacate the conviction, if any, and order that the criminal history records taken in connection with the arrest, prosecution and conviction be expunged. The court shall send notice of the order of expungement to each public office or agency that the court has reason to believe may have a record pertaining to the arrest, prosecution and conviction that is the subject of the order of expungement.

(11) If the court enters an order of expungement, then the arrest and all other proceedings that are the subject of the order of expungement shall be considered not to have occurred and the criminal history records taken in connection with the conviction shall be expunged. The criminal history records that are expunged shall not be used against the petitioner for any purpose.

(12) All pleadings and records filed with the court pursuant to the provisions of this section shall be sealed, and any hearing on an action under this section shall be closed to the public. Any information obtained in any pleading or other filing or at a hearing in an action under this section may be used to investigate and prosecute human traffickers.

(13) Upon the entry of an order of expungement under this section, the petitioner shall be deemed to have never been arrested, prosecuted or con-

victed with respect to the matters that are the subject of the order of expungement, and the petitioner may so swear under oath.

(14) The state of Idaho and any of its political subdivisions shall not be subject to any civil liability as a result of any arrest, conviction or prosecution that resulted in a dismissal or acquittal that is expunged pursuant to the provisions of this section.

(15) For the purposes of this section:

(a) "Convicted" or "conviction" means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(b) "Expunge" or "expungement" means to destroy, delete or erase a criminal history record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable. Provided however, that all records in a petitioner's case conducted in accordance with the provisions of this section that are in the custody of the court shall be sealed, and all references to an arrest and/or prosecution resulting in dismissal or acquittal or conviction shall be removed from all indices and records available to the public. A special index of the expungement proceedings and records shall be kept by the court ordering expungement but shall not be available to the public and shall be revealed only to the petitioner or upon order of a court of competent jurisdiction.

(c) "Prosecuting attorney" has the same meaning as in section 18-6719, Idaho Code.

(d) "Victim of human trafficking" means a person who is or who was a victim of a violation of section 18-8602, Idaho Code, regardless of whether any person has been convicted of or pled guilty to a violation of section 18-8602, Idaho Code.

Approved April 10, 2015

CHAPTER 309
(S.B. No. 1169)

AN ACT

RELATING TO GROUND WATER DISTRICTS; AMENDING SECTION 42-5233, IDAHO CODE, TO INCREASE THE TOTAL DOLLAR AMOUNT OF CERTAIN WARRANTS THAT ARE AUTHORIZED TO BE ISSUED RELATING TO INDEBTEDNESS OF THE DISTRICT.

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

SECTION 1. That Section 42-5233, Idaho Code, be, and the same is hereby amended to read as follows:

42-5233. POWER TO INCUR INDEBTEDNESS -- ASSESSMENTS TO SECURE REPAYMENT -- WARRANTS. (1) In order to secure funds for the mitigation plan or plans for the district, the board of directors may, by resolution duly adopted and entered upon the minutes, incur indebtedness by contract with a money lending institution; provided however, that the term of such indebtedness shall not exceed thirty (30) years. To secure the repayment of any indebtedness so incurred, the board shall levy assessments over the term of the indebtedness in amounts sufficient to repay the interest and principal as it falls due. Such assessments shall be levied in the manner and shall be subject to the limitations set forth in section 42-5232, Idaho Code, and may be levied only if the indebtedness has been approved at an election pursuant to sections 42-5234 through 42-5238, Idaho Code.

(2) Notwithstanding the provisions of subsection (1) of this section, the board of directors may, before the collection of the first assessment,

incur indebtedness for the purpose of organization, or for any of the purposes of this chapter, and cause warrants of the district to issue therefor, provided that the total dollar amount of the warrants authorized to be issued shall not exceed ~~one~~ three dollars (\$13.00) for each two-hundredths (.02) of a cubic foot per second of ground water authorized to be diverted and used upon lands or facilities located within the district. Following the collection of the first assessment, the board of directors may at any time issue warrants of the district for the purpose of paying claims of indebtedness against the district, including salaries of officers and employees, not to exceed the district's anticipated revenue.

(3) The warrants herein authorized shall be in form and substance the same as county warrants or as nearly the same as may be practicable and shall be signed by the chairman and attested by the secretary of said board. All such warrants shall be presented by the holder thereof to the treasurer of the district for payment who shall endorse thereon the day of presentation for payment with the additional endorsement thereon, in case of nonpayment, that they are not paid for want of funds, and such warrants shall draw interest at a rate to be established by the board of directors from the date of their presentation to the treasurer for payment as aforesaid until such warrants are paid. No warrants shall be issued in payment of any indebtedness of such district for less than face or par value. It shall be the duty of the treasurer from time to time when sufficient funds are available for that purpose to advertise in a newspaper in the county in which the district is situated requiring the presentation to the treasurer for payment of as many of the outstanding warrants as are able to be paid. Ten (10) days after the first publication of said notice by the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two (2) weeks consecutively and said warrants shall be called in and paid in the order of their endorsement.

Approved April 10, 2015

CHAPTER 310
(S.B. No. 1170)

AN ACT

RELATING TO JUDGES; AMENDING SECTION 1-2206, IDAHO CODE, TO REVISE QUALIFICATIONS FOR MAGISTRATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-2404, IDAHO CODE, TO REVISE QUALIFICATIONS FOR JUDGES ON THE COURT OF APPEALS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-615, IDAHO CODE, TO REVISE QUALIFICATIONS FOR SUPREME COURT JUSTICES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 34-616, IDAHO CODE, TO REVISE QUALIFICATIONS FOR DISTRICT COURT JUDGES.

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

SECTION 1. That Section 1-2206, Idaho Code, be, and the same is hereby amended to read as follows:

1-2206. MAGISTRATES -- QUALIFICATIONS -- INSTITUTE -- EXCEPTIONS -- OFFICE APPOINTIVE. (1) A magistrate shall be an qualified elector of the state of Idaho. ~~He and shall reside in the county for which he is appointed so long as he serves~~ the appointment is made throughout the term of service as magistrate.

(2) ~~No person shall be eligible for appointment to the office of magistrate unless he is a graduate of a high school or has attained the equivalent of a high school education as indicated by the possession of a certificate~~

~~of equivalency issued by the state department of education based upon the record made on the general education development test and unless he shall have attained the age of thirty (30) years prior to taking office, provided that in addition no person shall be eligible for appointment as an attorney magistrate unless prior to taking office he shall have been admitted to the practice of law for at least five (5) years and is currently licensed to practice law in the state of Idaho~~ To be appointed to the office of magistrate judge a person must, at the time of such appointment, meet all of the following qualifications:

- (a) Be at least thirty (30) years of age;
- (b) Be a citizen of the United States;
- (c) Have been a legal resident of the state of Idaho for at least two (2) continuous years immediately preceding such appointment;
- (d) Have been in good standing as an active or judicial member of the Idaho state bar for at least two (2) continuous years immediately preceding such appointment; and
- (e) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least five (5) continuous years immediately preceding such appointment.

For purposes of this section, the following terms have the following meanings:

- (a) "Active," "judicial" and "good standing" have the same definitions as those terms are given by rule 301 of the Idaho bar commission rules or any successors to those rules;
- (b) "Jurisdiction" means a state or territory of the United States, the District of Columbia or any branch of the United States military; and
- (c) "Elector" means one who is lawfully registered to vote.

(3) Magistrates shall not take office for the first time as magistrates until they have attended an institute on the duties and functioning of the magistrate's office to be held under the supervision of the Ssupreme Court, unless such attendance is waived by the Ssupreme Court. All magistrates shall be entitled to their actual and necessary expenses while attending institutes. The Ssupreme Court will establish the institute to which this subsection refers and will provide that the institute be held at such other times and for such other purposes as it deems necessary and may require the attendance of magistrates.

(4) Notwithstanding the provisions of subsection (2) of this section, all magistrates holding office on the effective date of this act shall be eligible for appointment to the office of magistrate and for retention in office pursuant to section 1-2220, Idaho Code.

SECTION 2. That Section 1-2404, Idaho Code, be, and the same is hereby amended to read as follows:

1-2404. NUMBER OF JUDGES -- QUALIFICATIONS -- CONDUCT AND DISCIPLINE -- TERM -- SELECTION -- ELECTION -- SELECTION -- COMPENSATION. (1) The court of appeals shall consist of four (4) judges, and shall sit in panels of not less than three (3) judges each.

~~(2) No person shall be appointed or elected to the office of judge of the court of appeals unless he has attained the age of thirty (30) years at the time of his appointment or election, is a citizen of the United States, shall have been admitted to the practice of law for at least ten (10) years prior to taking office, and is admitted to practice law in the state of Idaho, and has resided within this state two (2) years next preceding his appointment or election~~ To be elected or appointed to the office of judge of the court of appeals a person must, at the time of such election or appointment, meet all of the following qualifications:

- (a) Be at least thirty (30) years of age;

(b) Be a citizen of the United States and an elector of the state of Idaho;

(c) Have been a legal resident of the state of Idaho for at least two (2) continuous years immediately preceding such election or appointment;

(d) Have been in good standing as an active or judicial member of the Idaho state bar for at least two (2) continuous years immediately preceding such election or appointment; and

(e) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least ten (10) continuous years immediately preceding such election or appointment.

For purposes of this section, the following terms have the following meanings:

(a) "Active," "judicial" and "good standing" have the same definitions as those terms are given by rule 301 of the Idaho bar commission rules or any successors to those rules;

(b) "Jurisdiction" means a state or territory of the United States, the District of Columbia or any branch of the United States military; and

(c) "Elector" means one who is lawfully registered to vote.

(3) A judge of the court of appeals shall be governed by the code of judicial conduct as promulgated by the Idaho supreme court, and shall be subject to removal, discipline, or retirement pursuant to section 1-2103, Idaho Code.

(4) (a) Judges of the court of appeals shall be appointed by the governor effective the first Monday of January, 1982, for the following initial terms: one (1) judge shall be appointed for a term to expire on the first Monday of January, 1985, one (1) judge shall be appointed for a term expiring two (2) years later, and one (1) judge shall be appointed for a term expiring two (2) further years later. Thereafter, the term of office of a judge of the court of appeals shall be six (6) years.

(b) Vacancies in the office of judge of the court of appeals shall be filled in the same manner as vacancies in the office of supreme court justice or district judge.

(c) The positions of judges of the Idaho court of appeals shall first be filled as vacancies. The judicial council shall submit to the governor its recommendations for the offices at the earliest practicable time after the effective date of this act. The governor may make the appointment at any time thereafter, to be effective the first Monday of January, 1982, for the terms set forth in subsection 1-2404 (4) (a) ~~Idaho Code~~ of this section.

(d) In making its nominations for the initial vacancies to be created by this act, the Idaho judicial council shall submit the names of not less than six (6) nor more than nine (9) qualified persons for the initial three (3) vacancies to be created by this act. Otherwise, the judicial council shall submit the names of not less than two (2) nor more than four (4) persons for each vacancy. The governor shall appoint the judges, identifying each appointment by the length of the term of appointment.

(e) Nominations and appointments to fill initial or subsequent vacancies shall be made with due regard for balanced geographical membership of the court of appeals.

(f) Subsequent terms of office of a judge who has been appointed to the court of appeals shall be subject to a statewide nonpartisan election to be held in the primary election next preceding the expiration of an appointed term in the same method and manner as a justice of the supreme court.

(g) A fourth judge of the court of appeals shall be appointed by the governor effective the first Monday of January, 2009, for an initial term to expire on the first Monday of January, 2013. Thereafter, the term of office for this position shall be six (6) years. The judicial council

shall submit the names of not less than two (2) nor more than four (4) persons for the initial vacancy in this position under the procedure set forth in section 1-2102, Idaho Code. This position shall be subject to all of the provisions relating to qualifications, removal, discipline, retirement, filling of vacancies, election and compensation set forth in this chapter.

(5) Judges of the court of appeals, except for judges who have made an election to remain in the public employee retirement system of Idaho pursuant to section 1-2011, Idaho Code, shall receive compensation upon retirement as provided in chapter 20, title 1, Idaho Code.

SECTION 3. That Section 34-615, Idaho Code, be, and the same is hereby amended to read as follows:

34-615. ELECTION -- SELECTION -- OF JUSTICES OF THE SUPREME COURT -- QUALIFICATIONS. (1) At the primary election, 1972, and every alternate year thereafter, subject to the provisions of section 34-1217, Idaho Code, there shall be elected justices of the Supreme Court to fill any vacancy or vacancies occasioned by the expiration of the term or terms of office of any member or members.

(2) ~~No person shall be elected to the office of justice of the Supreme Court unless he has attained the age of thirty (30) years at the time of his election, is a citizen of the United States, shall have been admitted to the practice of law for at least ten (10) years prior to taking office, and is admitted to practice law in the state of Idaho, and has resided within this state two (2) years next preceding his election~~ To be elected or appointed to the office of justice of the supreme court a person must, at the time of such election or appointment, meet all of the following qualifications:

(a) Be at least thirty (30) years of age;

(b) Be a citizen of the United States and an elector of the state of Idaho;

(c) Have been a legal resident of the state of Idaho for at least two (2) continuous years immediately preceding such election or appointment;

(d) Have been in good standing as an active or judicial member of the Idaho state bar for at least two (2) continuous years immediately preceding such election or appointment; and

(e) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least ten (10) continuous years immediately preceding such election or appointment.

For purposes of this section, the following terms have the following meanings:

(a) "Active," "judicial" and "good standing" have the same definitions as those terms are given by rule 301 of the Idaho bar commission rules or any successors to those rules;

(b) "Jurisdiction" means a state or territory of the United States, the District of Columbia or any branch of the United States military; and

(c) "Elector" means one who is lawfully registered to vote.

(3) ~~Each candidate for election shall file his a~~ declaration of candidacy with the secretary of state.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of three hundred dollars (\$300) which shall be deposited in the general fund.

SECTION 4. That Section 34-616, Idaho Code, be, and the same is hereby amended to read as follows:

34-616. ELECTION -- SELECTION -- OF DISTRICT JUDGES -- QUALIFICATIONS. (1) At the primary election, 1974, and every four (4) years thereafter, subject to the provisions of section 34-1217, Idaho Code, there shall be elected in each judicial district a sufficient number of district judges to fill any vacancy or vacancies occasioned by the expiration of the term or terms of office of any member or members.

~~(2) No person shall be elected to the office of judge of the district court unless he has attained the age of thirty (30) years at the time of his election, is a citizen of the United States, shall have been admitted to the practice of law for at least ten (10) years prior to taking office, and is admitted to practice law in the state of Idaho, and shall have resided within the judicial district one (1) year next preceding his election~~ To be elected to the office of district judge a person must, at the time of such election, meet all of the following qualifications:

(a) Be at least thirty (30) years of age;

(b) Be a citizen of the United States and an elector in the judicial district in which elected;

(c) Have been a legal resident of the state of Idaho for at least two (2) continuous years immediately preceding such election;

(d) Have been in good standing as an active or judicial member of the Idaho state bar for at least two (2) continuous years immediately preceding such election; and

(e) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least ten (10) continuous years immediately preceding such election.

(3) Each candidate for election shall file his a declaration of candidacy with the secretary of state.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars (\$150) which shall be deposited in the general fund.

(5) To be appointed to the office of district judge a person must, at the time of such appointment, meet all of the following qualifications:

(a) Be at least thirty (30) years of age;

(b) Be a citizen of the United States and an elector of the state of Idaho;

(c) Have been a legal resident of the state of Idaho for at least two (2) continuous years immediately preceding such appointment;

(d) Have been in good standing as an active or judicial member of the Idaho state bar for at least two (2) continuous years immediately preceding such appointment; and

(e) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least ten (10) continuous years immediately preceding such appointment.

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

(a) "Active," "judicial" and "good standing" have the same definitions as those terms are given by rule 301 of the Idaho bar commission rules or any successors to those rules;

(b) "Jurisdiction" means a state or territory of the United States, the District of Columbia or any branch of the United States military; and

(c) "Elector" means one who is lawfully registered to vote.

CHAPTER 311
(S.B. No. 1171)

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT RELATED TO SCHOOL DISTRICT BROADBAND SERVICES; PROVIDING LEGISLATIVE INTENT RELATED TO THE USE OF FUNDS; AND PROVIDING LEGISLATIVE INTENT RELATED TO REPORTING REQUIREMENTS.

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

SECTION 1. There is hereby appropriated to the Superintendent of Public Instruction, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$5,179,100	\$4,240,700	\$1,500	\$6,324,600	\$15,745,900
Indirect Cost Recovery					
Fund	711,300	561,600			1,272,900
Driver's Training					
Fund	171,700	150,300	4,100	2,113,300	2,439,400
Public Instruction					
Fund	756,000	974,600	18,800	11,400	1,760,800
Miscellaneous Revenue					
Fund	279,900	184,100	9,400		473,400
Public Schools Other Income					
Fund	87,400	362,000			449,400
Federal Grant					
Fund	<u>4,761,100</u>	<u>12,195,000</u>	<u>33,200</u>	<u>82,200</u>	<u>17,071,500</u>
TOTAL	\$11,946,500	\$18,668,300	\$67,000	\$8,531,500	\$39,213,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Superintendent of Public Instruction is authorized no more than one hundred forty-two (142) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, 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 a legislative priority to provide funding to enable schools to procure broadband services during the 2015-2016 school year. This funding is intended to protect Idaho's schoolchildren and their education from disruption while the state works on a longer-term solution to pay for Internet-based curriculum and connectivity. Funding is provided for July 1, 2015, through June 30, 2016.

SECTION 4. USE OF FUNDS. It is the intent of the Legislature that up to \$6,300,000 from the General Fund provided in Section 1 of this act shall be provided to schools to purchase broadband services in an amount equivalent to what was procured as of March 26, 2015. (a) Schools shall have the power to procure telecommunication services, including high-bandwidth connectivity, Internet access, and purchase equipment, and other related services as necessary to provide for the continuation of broadband-related functions, so long as all purchases are conducted in accordance with Idaho Code governing procurement. (b) The Superintendent of Public Instruction shall require school districts to provide documentation to support all funds distributed. Payments to schools for broadband and associated services shall be for the nondiscounted portion of E-rate services, when applicable. (c) Equivalent services shall be determined by the superintendent at the level of services necessary to meet the educational needs of the students and to provide and maintain necessary supporting equipment and infrastructure. When reimbursement is requested for this purpose, or as it relates to the expansion of services or for the purchase of equipment, then the superintendent may approve such requests after a cost/benefit analysis is conducted that justifies the expansion or purchase of equipment. (d) The superintendent shall have the authority to make advances of the money appropriated for this purpose to schools as the superintendent deems adequate, as determined by the demonstrated need and the cost of services to the school district. (e) This is a fixed appropriation and any unexpended and unencumbered balance shall revert to the General Fund.

SECTION 5. REPORTING REQUIREMENTS. The Superintendent of Public Instruction shall collect information from the school districts and report to the Legislature and to the Governor as to the level of service purchased. The superintendent shall also report the number of students using the services, including, but not limited to, the number of students using the Internet, the number of students taking online courses, the number of students using online digital curriculum, and the number of students using other digital tools.

Approved April 10, 2015

CHAPTER 312
(S.B. No. 1172)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2016; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS; PROVIDING LEGISLATIVE INTENT RELATING TO UTILIZATION OF MATCHING FUNDS; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; PROVIDING LEGISLATIVE INTENT RELATING TO REALLOCATION OF PROJECT SAVINGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 313, Laws of 2014, and any other appropriation provided for by law, there is hereby appropriated \$1,150,000 from the Permanent Building Fund to the Division of Public Works, to be expended for capital outlay, for the period July 1, 2014, through June 30, 2015.

SECTION 2. There is hereby appropriated to the Department of Administration for the Division of Public Works \$27,578,300 from the Permanent Building Fund, to be expended for capital outlay, for the period July 1, 2015, through June 30, 2016.

SECTION 3. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 2 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair of buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair and acquisitions therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:

Alterations and Repairs	\$14,378,300
Asbestos Abatement	200,000
Statewide Americans with Disabilities Act Compliance	800,000
Capitol Mall Maintenance	<u>300,000</u>
TOTAL	\$15,678,300

CAPITAL PROJECTS:

Boise State University Fine Arts Building	\$2,500,000
Idaho State Police Combined Facility	5,400,000
Collaborative Education Facility	<u>4,000,000</u>
TOTAL	\$11,900,000

GRAND TOTAL	\$27,578,300
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SECTION 4. UTILIZATION OF MATCHING FUNDS. It is legislative intent that the moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and it is further the express intention of the Legislature to authorize the Division of Public Works to expend, for the purpose of paying the cost of any land, building, equipment or the rebuilding, renovation or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 5. EXEMPTION OF APPROPRIATIONS FROM CERTAIN PROVISIONS. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, Idaho Code, 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 6. REALLOCATION OF PROJECT SAVINGS. It is the intent of the Legislature that the Division of Public Works have the flexibility to allocate any savings or unused appropriation from any capital, line-item project to any other requested and funded capital projects. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

SECTION 7. 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 10, 2015

CHAPTER 313
(S.B. No. 1176)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2016; PROVIDING NON-GENERAL FUND REAPPROPRIATION; PROVIDING LEGISLATIVE INTENT FOR SYSTEMWIDE NEEDS; PROVIDING LEGISLATIVE INTENT FOR REPORTING RELATED TO THE COMPLETE COLLEGE IDAHO INITIATIVE; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities, and the Office of the State Board of Education, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$73,214,200	\$7,775,800	\$4,589,900		\$85,579,900
Unrestricted					
Fund	<u>70,458,000</u>	<u>20,952,500</u>	<u>1,440,700</u>		<u>92,851,200</u>
TOTAL	\$143,672,200	\$28,728,300	\$6,030,600		\$178,431,100
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$68,930,800	\$123,600	\$927,700		\$69,982,100
Charitable Institutions Endowment Income					
Fund	1,200,000				1,200,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Normal School Endowment Income					
Fund	1,804,200				1,804,200
Unrestricted					
Fund	<u>34,011,300</u>	<u>24,787,400</u>	<u>5,033,800</u>		<u>63,832,500</u>
TOTAL	\$105,946,300	\$24,911,000	\$5,961,500		\$136,818,800
III. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$73,031,700	\$5,157,800	\$4,372,000		\$82,561,500
Agricultural College Endowment Income					
Fund	904,300	62,300	322,200		1,288,800
Scientific School Endowment Income					
Fund	2,858,600		1,007,800		3,866,400
University Endowment Income					
Fund	2,773,000	259,000	984,400		4,016,400
Unrestricted					
Fund	<u>39,670,300</u>	<u>36,068,400</u>	<u>465,500</u>		<u>76,204,200</u>
TOTAL	\$119,237,900	\$41,547,500	\$7,151,900		\$167,937,300
IV. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$13,047,000	\$1,381,200	\$1,259,700		\$15,687,900
Normal School Endowment Income					
Fund		1,804,200			1,804,200
Unrestricted					
Fund	<u>12,218,500</u>	<u>2,615,500</u>	<u>0</u>		<u>14,834,000</u>
TOTAL	\$25,265,500	\$5,800,900	\$1,259,700		\$32,326,100
V. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund		\$1,085,000	\$1,200	\$3,878,800	\$4,965,000
GRAND TOTAL	\$394,121,900	\$102,072,700	\$20,404,900	\$3,878,800	\$520,478,300

SECTION 2. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities any unexpended and unencumbered balances of moneys categorized as dedicated funds appropriated for fiscal year 2015, to be used for nonrecurring expenditures, for the period July 1, 2015, through June 30, 2016.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that of the amount appropriated from the General Fund in Section 1, Subsection V. of this act, the following amounts may be used as follows: (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 of approximately \$1,760,500 may be used for the mission and goals of the Higher Education Research Council as outlined in State Board of Education policy III.W., which includes awards for infrastructure, matching grants, and competitive grants through the Idaho Incubation Fund program; and (3) An amount not to exceed \$863,300 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 including longitudinal student-level data and program/course transferability and to promote the Idaho Electronic Campus.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that the State Board of Education shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee on the implementation and effectiveness of the appropriations for the Complete College Idaho initiative. Reporting shall address the \$2,759,700 appropriated in fiscal year 2015 and the \$2,033,800 appropriated in Section 1 of this act for fiscal year 2016. The board may use the measures of effectiveness submitted by the institutions in their budget requests or develop other measures as necessary. Reporting to the Legislature should occur no later than February 1, 2016.

SECTION 5. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2016, the State Board of Education and the Board of Regents of the University of Idaho for College and Universities is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2015, through June 30, 2016. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 10, 2015

CHAPTER 314
(H.B. No. 313)

AN ACT

RELATING TO SCHOOL COUNSELORS; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE AN AMOUNT NEEDED FOR SCHOOL COUNSELING SUPPORT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1212, IDAHO CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO SCHOOL COUNSELORS; AND AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1212A, IDAHO CODE, TO PROVIDE FOR ACADEMIC AND COLLEGE OR CAREER ADVISORS AND STUDENT MENTORS, TO GRANT SCHOOL DISTRICTS AND CHARTER SCHOOLS THE AUTHORITY TO EMPLOY CERTAIN STAFF, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE PROFESSIONAL DEVELOPMENT FOR CERTAIN STAFF AND TO PROVIDE NOTICE AND REPORTING REQUIREMENTS.

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

SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

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

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

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

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

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

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

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

(f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

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

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

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

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

(l) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;

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

(n) For advanced opportunities as provided for in section 33-1626, Idaho Code;

(o) For the "8 in 6 Program" as provided for in section 33-1628, Idaho Code;

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

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

(r) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit; and

(s) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed, in full or pro rata, based on one hundred twenty dollars (\$120) per first reporting period support unit for grades 8 through 12 or ten thousand dollars (\$10,000), whichever is greater; and

(t) 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 set-

ting 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
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	..... ..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.	.. 15
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
750 or more....	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

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

COMPUTATION OF ALTERNATIVE SCHOOL 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 attendance of students attending an alternative secondary school in a school district reporting less than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative secondary table if the student is from a school district reporting less than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative secondary school, unless the alternative secondary school in question serves students from multiple districts reporting less than one hundred (100) secondary students in average daily attendance. 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 hundredth.

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

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, ~~subsection (6)(a) subparagraph~~ (i) of this section paragraph, and the support units allowance for the approved exceptional child program, ~~subsection (6)(a) subparagraph~~ (ii) of this section paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, ~~subsection (6) paragraph~~ (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every non-certificated teacher shall be subtracted from the district's share as calculated from the provisions of ~~subsection (6) paragraph~~ (c) of this subsection.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 2. That Section 33-1212, Idaho Code, be, and the same is hereby amended to read as follows:

33-1212. **ELEMENTARY SCHOOL COUNSELORS.** (1) In recognition of the diverse and complicated demands upon students, their families and the public school system, the legislature finds that the counseling offered at the elementary Idaho public schools level should be flexible and responsive. For purposes of elementary counselor services, a counselor shall be defined as an individual who meets the requirements of an approved program of graduate study in school guidance and counseling from a college or university approved by the Idaho state board of education and who meets the requirements of rules adopted by the board, or an individual licensed as provided by chapter 32, title 54, Idaho Code, as a certified social worker and who meets the requirements of the state board of education.

(2) School counselors spend most of their time in direct service to and contact with students. School counselors' duties are focused on the overall delivery of guidance, individual student planning and responsive services. A small amount of their time is devoted to indirect services called system support.

(3) The state board of education shall adopt rules to implement the provisions of this section, and shall specifically provide that certified social workers meet the requirement for elementary school counselors. A local school district may request a waiver from the state board of education of the counselor/counseling requirements, provided that data is submitted to and annually approved by the state department of education to substantiate that the intent of the board's rules in these areas is being met by an alternative program model.

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 33-1212A, Idaho Code, and to read as follows:

33-1212A. **ACADEMIC AND COLLEGE OR CAREER ADVISORS AND STUDENT MENTORS.** (1) Academic and college or career advising and student mentoring is an essential component of students' educational experience. Such advising and mentoring provide all students with an early opportunity to identify academic strengths, areas in need of improvement and areas of interest for the purpose of making informed choices and setting postsecondary education and career goals. The focus of academic and career planning is to help students acquire the knowledge and skills necessary to achieve academic success and to be college and career ready upon high school graduation.

(2) School districts and charter schools may employ noncertificated staff to serve in the role of academic and college or career advisors and student mentors. Appropriate alternative forms of advising and mentoring shall be research-based and may include the following:

- (a) High contact programs such as:
 - (i) Near peer or college student mentors; and
 - (ii) Counselor, teacher or paraprofessional as advisor or mentor;
- (b) Collaborative programs such as:
 - (i) Student ambassadors; and
 - (ii) Cooperative agreements with other school districts or postsecondary institutions; and
- (c) Virtual coach or mentor programs.

(3) School districts shall provide professional development in the area of college and career advising to certificated counselors and instructional staff as well as noncertificated staff serving in the role of student mentors or advisors. All individuals providing services in the role of an academic and college or career advisor must have a basic level of training or experience in the area of advising or mentoring to provide such services.

(4) School districts shall notify parents or guardians of all students in grades 8 through 12 of the availability of college or career advising provided by the district and how to access such services.

(5) School districts shall report annually on the effectiveness of their academic and college or career advising programs in a form and time established by the state board of education through the promulgation of rules.

Approved April 10, 2015

CHAPTER 315
(H.B. No. 314)

AN ACT

RELATING TO COURSES OF INSTRUCTION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1630, IDAHO CODE, TO GRANT THE STATE BOARD OF EDUCATION RULEMAKING AUTHORITY CONCERNING THE FLEXIBILITY DOCUMENT ASSOCIATED WITH THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT, TO PROVIDE TESTING REQUIREMENTS, TO PROVIDE REQUIREMENTS CONCERNING THE CONTENTS OF THE FLEXIBILITY DOCUMENT AND TO PROVIDE REVIEW REQUIREMENTS.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1630, Idaho Code, and to read as follows:

33-1630. ELEMENTARY AND SECONDARY EDUCATION ACT FLEXIBILITY DOCUMENT -- STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION DUTIES. (1) The state board of education shall promulgate rules setting forth the provisions of the flexibility document associated with the federal elementary and secondary education act (ESEA). The purpose of the document is to achieve flexibility for state and local education agencies (LEA). Such document shall include testing for grades 3 through 8 and once in high school at the minimum. Such document shall include the following:

- (a) A testing schedule for pupils in grade 11 who shall take a college or career ready assessment;
- (b) A provision stating that LEAs may conduct additional formative or pre- and post-testing as needed;
- (c) A provision stating that federal testing requirements may be used as graduation criteria;
- (d) A provision stating that the state education agency will select an appropriate statewide test based on, at a minimum, such elements as adherence to Idaho's content standards for learning, cost and duration or type, i.e., written or computer adaptive; and
- (e) A provision for maintenance of a statewide learning management system of reporting for the support of LEAs that maximizes communication, collaboration and mastery of academic content. Reporting in this section is intended to satisfy the minimum federal requirements of the consolidated state performance report (CSPR) and serve as a tool for LEAs to measure individual growth or achievement and system accountability.

(2) The state department of education shall begin to review the Idaho's standards for learning of math and English language arts (ELA) in 2015. Idaho's content standards of learning are intended to reinforce our commitment to maintaining a college and career ready standard.

Approved April 10, 2015

CHAPTER 316
(H.B. No. 316)

AN ACT

RELATING TO TRANSPORTATION NETWORK COMPANIES; AMENDING CHAPTER 25, TITLE 41, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 41-2517 THROUGH 41-2521, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO ESTABLISH REQUIREMENTS REGARDING FINANCIAL RESPONSIBILITY AND PROOF OF INSURANCE COVERAGE, TO REQUIRE CERTAIN DISCLOSURES AND TO ESTABLISH PROVISIONS REGARDING AUTOMOBILE INSURANCE; AND AMENDING SECTION 49-3703, IDAHO CODE, AS ADDED BY SECTION 1, HOUSE BILL NO. 262, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE, TO REVISE A DEFINITION.

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

SECTION 1. That Chapter 25, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 41-2517 through 41-2521, Idaho Code, and to read as follows:

41-2517. **SHORT TITLE.** Sections 41-2517 through 41-2521, Idaho Code, shall be known and may be cited as the "Idaho Transportation Network Insurance Act."

41-2518. **DEFINITIONS.** As used in this act:

(1) "Digital network" means any online enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

(2) "Driver" or "transportation network company driver" means an individual who:

(a) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(3) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

(a) Owned, leased or otherwise authorized for use by the transportation network company driver; and

(b) Not a taxicab, limousine or for-hire vehicle.

(4) "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxi, limousine or other for-hire vehicle.

(5) "Rider" or "transportation network company rider" means an individual or persons who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

(6) "Transportation network company" means a corporation, partnership, sole proprietorship or other entity that is operating in Idaho that

uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

41-2519. FINANCIAL RESPONSIBILITY OF TRANSPORTATION NETWORK COMPANIES AND DRIVERS -- PROOF OF COVERAGE. (1) Effective July 1, 2015, and thereafter, a transportation network company driver or transportation network company on the driver's behalf shall maintain primary automobile insurance that recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

- (a) While the driver is logged on to the transportation network company's digital network; or
- (b) While the driver is engaged in a prearranged ride.

(2) The following automobile insurance requirements shall apply while a participating transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

- (a) Primary automobile liability insurance in the amount of at least fifty thousand dollars (\$50,000) for death and bodily injury per person, one hundred thousand dollars (\$100,000) for death and bodily injury per incident and twenty-five thousand dollars (\$25,000) for property damage.
- (b) The coverage requirements of this subsection may be satisfied by any of the following:

- (i) Automobile insurance maintained by the transportation network company driver;
- (ii) Automobile insurance maintained by the transportation network company; or
- (iii) Any combination of the two (2).

(3) The following automobile insurance requirements shall apply while a transportation network company driver is engaged in a prearranged ride:

- (a) Primary automobile liability insurance that provides at least one million dollars (\$1,000,000) for death, bodily injury and property damage;
- (b) The coverage requirements of this subsection may be satisfied by any of the following:

- (i) Automobile insurance maintained by the transportation network company driver;
- (ii) Automobile insurance maintained by the transportation network company; or
- (iii) Any combination of the two (2).

(4) If insurance maintained by a driver in subsection (2) or (3) of this section has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

(5) Coverage under an automobile insurance policy maintained by the transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(6) Insurance required by this section may be placed with an insurer authorized under title 41, Idaho Code, or with a surplus lines insurer eligible under the surplus line law, sections 41-1211 through 41-1234, Idaho Code.

(7) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under chapter 12, title 49, Idaho Code.

(8) A transportation network company driver shall carry proof of coverage satisfying subsections (2) and (3) of this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request. Upon such request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether he or she was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

41-2520. DISCLOSURES. The transportation network company shall disclose in writing to transportation network company drivers the following before they are allowed to accept a request for a prearranged ride on the transportation network company's digital network:

(1) The insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network; and

(2) That the transportation network company driver's own automobile insurance policy might not provide any coverage while the driver is logged on to the transportation network company's digital network and is available to receive transportation requests or is engaged in a prearranged ride depending on its terms.

41-2521. AUTOMOBILE INSURANCE. (1) Insurers that write automobile insurance in this state may exclude or continue to exclude any and all coverage afforded under the owner's insurance policy for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy including, but not limited to:

- (a) Liability coverage for bodily injury and property damage;
- (b) Personal injury protection coverage;
- (c) Uninsured and underinsured motorist coverage;
- (d) Medical payments coverage;
- (e) Comprehensive physical damage coverage; and
- (f) Collision physical damage coverage.

Such exclusions shall apply notwithstanding any requirement under chapter 12, title 49, Idaho Code. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to the transportation network company's digital network, while the driver is engaged in a prearranged ride or while the driver otherwise uses a vehicle to transport passengers for compensation. Nothing shall be deemed to preclude an insurer from providing coverage for the transportation network company driver's vehicle, if it so chose to do so by contract or endorsement.

(2) Automobile insurers that exclude the coverage described in section 41-2519, Idaho Code, shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this act shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy sold or approved for sale in Idaho prior to the enactment of this act. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of section 41-2519, Idaho Code, at the time of loss.

(3) In a claims coverage investigation, transportation network companies and any insurer potentially providing coverage under section 41-2519, Idaho Code, shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the transportation network company driver, if applicable, including the precise times that a transportation network company driver logged on and off of the transportation network company's digital network in the twelve (12) hour period immediately preceding and in the twelve (12) hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any automobile insurance maintained under section 41-2519, Idaho Code.

SECTION 2. That Section 49-3703, Idaho Code, as added in Section 1, House Bill No. 262, as enacted by the First Regular Session of the Sixty-third Idaho Legislature, be, and the same is hereby amended to read as follows:

49-3703. DEFINITIONS. As used in this chapter, the following terms have the meanings as stated:

(1) "Transportation network company" or "TNC" shall mean an entity operating in Idaho that meets the requirements of this chapter and uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. A TNC is not deemed to own, control, operate or manage the vehicles used by TNC drivers, and is not a taxicab association or a for-hire vehicle owner.

(2) "Transportation network company (TNC) driver" shall mean an individual who operates a motor vehicle that is:

(a) Owned, leased or otherwise authorized for use by the individual;

(b) Used by an individual who receives, in exchange for providing the passenger a ride, compensation that exceeds the individual's cost to provide the ride;

(c) Not a taxicab or for-hire vehicle; and

(ed) Used to provide transportation network company services.

(3) "Transportation network company (TNC) services" shall mean transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application. TNC services shall begin when a TNC driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC driver transports the passenger in the TNC driver's vehicle, and end when the passenger exits the TNC driver's vehicle. TNC service is not a taxicab, for-hire vehicle or street hail service.

(4) The definitions set forth in this section apply only to this chapter and not to the law of insurance contained in title 41, Idaho Code.

Approved April 10, 2015

CHAPTER 317
(S.B. No. 1177)

AN ACT

RELATING TO NATUROPATHIC PHYSICIANS; REPEALING CHAPTER 51, TITLE 54, IDAHO CODE, RELATING TO LICENSURE OF NATUROPATHIC PHYSICIANS; AND PROVIDING APPLICATION TO CERTAIN LICENSES.

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

SECTION 1. That Chapter 51, Title 54, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That all licenses issued under Chapter 51, Title 54, Idaho Code, as repealed by Section 1 of this act, are deemed to have expired for nonpayment of license fees and further are hereby declared to be null and void.

Approved April 10, 2015

CHAPTER 318
(S.B. No. 1178)

AN ACT

PROVIDING FOR A CASH TRANSFER TO THE GENERAL FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2016.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$780,000 from the Consolidated Elections Fund to the General Fund on July 1, 2015, or as soon thereafter as is practicable, for the period July 1, 2015, through June 30, 2016.

SECTION 2. In addition to the appropriation made in Section 1 of Senate Bill No. 1125, as enacted by the First Regular Session of the Sixty-third Idaho Legislature, and any other appropriation provided for by law, there is hereby appropriated to the Secretary of State for the Administration Program \$2,000,000 from the General Fund, to be expended for trustee and benefit payments, for the period July 1, 2015, through June 30, 2016, for costs related to the presidential primary.

Approved April 10, 2015

CHAPTER 319
(S.B. No. 1183)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2016; PROVIDING FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2016; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2016; AMENDING SECTION 33-1004E, IDAHO CODE, AS AMENDED IN SECTION 8 OF HOUSE BILL NO. 296, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS; AND LIMITING THE DISTRIBUTION TO SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR STRATEGIC PLANNING AND TRAINING.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Administrators for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund \$83,290,600

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund \$83,290,600

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Administrators the following amount to be expended from the listed fund for the period July 1, 2015, through June 30, 2016:

FROM:

Public School Income Fund \$83,290,600

SECTION 4. That Section 33-1004E, Idaho Code, as amended in Section 8 of House Bill No. 296, as enacted by the First Regular Session of the Sixty-third 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, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff person and pupil service staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff and pupil service staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(2) To determine the apportionment for pupil service staff, first determine the district average experience and education index by placing all eligible district certificated pupil service employees on the statewide index pursuant to section 33-1004A, Idaho Code. The resulting average is the district index. The district pupil service staff index shall be multiplied

by the instructional base salary of twenty-three thousand three hundred fifty-four dollars (\$23,354). The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. The pupil service staff salary allocation shall be further increased by the amount necessary for each full-time equivalent pupil service staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than thirty-one thousand seven hundred fifty dollars (\$31,750).

(3) 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 ~~thirty-two~~ thirty-three thousand one hundred ~~fifty-one~~ sixteen dollars (~~\$32,151~~ \$33,116). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(4) To determine the apportionment for classified staff, multiply nineteen thousand two hundred forty-nine dollars (\$19,249) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(5) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3) and (4) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that notwithstanding Section 33-320, Idaho Code, the distribution to each school district and charter school for strategic planning and training shall be up to \$4,000 for the period July 1, 2015, to June 30, 2016.

Approved April 10, 2015

CHAPTER 320
(S.B. No. 1184)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2016; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2016; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2016; AMENDING SECTION 33-1004E, IDAHO CODE, AS AMENDED IN SECTION 8 OF HOUSE BILL NO. 296, AS ENACTED BY THE FIRST REGULAR SESSION

OF THE SIXTY-THIRD IDAHO LEGISLATURE, TO INCREASE THE BASE SALARY FOR PUPIL SERVICE STAFF AND TO INCREASE THE MINIMUM SALARY FOR PUPIL SERVICE STAFF; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT, TRAINING AND ASSISTANCE; AND DEFINING THE TERM "DISTRIBUTED."

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Teachers for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$791,119,800
Federal Grant	<u>15,000,000</u>
TOTAL	\$806,119,800

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$791,119,800
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Teachers the following amount to be expended from the listed funds for the period July 1, 2015, through June 30, 2016:

FROM:

Public School Income Fund	\$791,119,800
Federal Grant	<u>15,000,000</u>
TOTAL	\$806,119,800

SECTION 4. That Section 33-1004E, Idaho Code, as amended in Section 8 of House Bill No. 296, as enacted by the First Regular Session of the Sixty-third 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, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment

shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff person and pupil service staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff and pupil service staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(2) To determine the apportionment for pupil service staff, first determine the district average experience and education index by placing all eligible district certificated pupil service employees on the statewide index pursuant to section 33-1004A, Idaho Code. The resulting average is the district index. The district pupil service staff index shall be multiplied by the instructional base salary of ~~twenty-three~~four thousand three hundred fifty-~~four~~five dollars (\$23,35424,055). The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. The pupil service staff salary allocation shall be further increased by the amount necessary for each full-time equivalent pupil service staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than ~~thirty-one~~two thousand seven hundred ~~fifty three~~ dollars (\$31,75032,703).

(3) 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 thirty-two thousand one hundred fifty-one dollars (\$32,151). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(4) To determine the apportionment for classified staff, multiply nineteen thousand two hundred forty-nine dollars (\$19,249) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(5) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3) and (4), of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that of the moneys appropriated in Section 3 of this act, \$10,625,000 shall be distributed for professional development, including, but not limited to, ongoing, job-embedded training, the ability for teachers to identify gifted and talented students, and to gain gifted education certification in Idaho

to enable school districts to meet the requirements of Section 33-2003, Idaho Code. Funding shall be distributed by a formula prescribed by the Superintendent of Public Instruction.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature for the purposes of this act, the term "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

Approved April 10, 2015

CHAPTER 321
(S.B. No. 1185)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2016; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2016; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2016; AMENDING SECTION 33-1004E, IDAHO CODE, AS AMENDED IN SECTION 8 OF HOUSE BILL NO. 296, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AT \$23,868; DIRECTING THE USE OF APPROPRIATION FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THE USE OF APPROPRIATION FOR CLASSROOM TECHNOLOGY; DIRECTING THE USE OF APPROPRIATION FOR INSTRUCTIONAL MANAGEMENT SYSTEMS; DEFINING THE TERM "DISTRIBUTED"; AND GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS AMONG FIVE DIVISIONS OF THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Operations for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$532,086,200
Public Schools Other Income	7,000,000
Public School Endowment Earnings Reserve Fund	<u>32,758,800</u>
TOTAL	\$571,845,000

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$532,086,200
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Operations the following amount to be expended from the listed fund for the period July 1, 2015, through June 30, 2016:

FROM:

Public School Income Fund

\$571,845,000

SECTION 4. That Section 33-1004E, Idaho Code, as amended in Section 8 of House Bill No. 296, as enacted by the First Regular Session of the Sixty-third 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, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff person and pupil service staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff and pupil service staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(2) To determine the apportionment for pupil service staff, first determine the district average experience and education index by placing all eligible district certificated pupil service employees on the statewide index pursuant to section 33-1004A, Idaho Code. The resulting average is the district index. The district pupil service staff index shall be multiplied by the instructional base salary of twenty-three thousand three hundred fifty-four dollars (\$23,354). The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. The pupil service staff salary allocation shall be further increased by the amount necessary for each full-time equivalent pupil service staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportion-

ment for pupil service staff. No full-time pupil service staff member shall be paid less than thirty-one thousand seven hundred fifty dollars (\$31,750).

(3) 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 thirty-two thousand one hundred fifty-one dollars (\$32,151). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(4) To determine the apportionment for classified staff, multiply nineteen thousand two eight hundred forty-nine twenty-six dollars (\$19,249,826) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(5) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3) and (4) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. Pursuant to the provisions of Section 33-1018, Idaho Code, for the period July 1, 2015, through June 30, 2016, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program/Division of Operations will result in total discretionary funds of \$23,868 per support unit.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$2,500,000 shall be distributed for public school information technology staff costs. Such moneys shall be distributed pursuant to a formula, with a minimum distribution per school district and public charter school, determined by the Superintendent of Public Instruction.

SECTION 7. Of the moneys appropriated in Section 3 of this act, \$13,000,000 shall be distributed for classroom technology that assists teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the Superintendent of Public Instruction.

SECTION 8. The Superintendent of Public Instruction shall distribute an amount not to exceed \$2,611,000 to school districts and charter schools based on the support units used to calculate salary-based apportionment. Moneys so distributed shall be used to implement and operate an instructional management system of their choice that meets the individual learning needs and progress of all students. An instructional management system must include individual student learning plans, monitoring of interventions, and analysis of student and classroom levels of learning. Funds shall not be distributed to districts or charter schools whose primary instructional management system is hosted by the State Department of Education.

SECTION 9. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs.

SECTION 10. For the period July 1, 2015, through June 30, 2016, 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 Public Schools Educational Support Program budget, in any amount necessary, to comply with the public school funding provisions of appropriations and the Idaho Code.

Approved April 10, 2015

CHAPTER 322
(S.B. No. 1186)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2016; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2016; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2016; PROVIDING LEGISLATIVE INTENT RELATING TO THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR LITERACY PROGRAMS AND REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; DEFINING THE TERM "DISTRIBUTED"; APPROPRIATING AND TRANSFERRING MONEYS TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2015; AND DECLARING AN EMERGENCY.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Children's Programs for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$28,928,200
Cigarette, Tobacco and Lottery Income Taxes	4,031,400
Federal Grant	<u>249,115,000</u>
TOTAL	\$282,074,600

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$28,928,200
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Children's Programs the following amount to be expended from the listed funds for the period July 1, 2015, through June 30, 2016:

FROM:

Public School Income Fund	\$32,959,600
Federal Grant	<u>249,115,000</u>
TOTAL	\$282,074,600

SECTION 4. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state appropriated funds for the period July 1, 2015, through June 30, 2016, to achieve the following:

(1) Tuition charged by IDLA to Idaho school districts and charter schools shall not exceed \$75.00 per enrollment.

(2) Provide remedial coursework for students failing to achieve proficiency in one or more areas of Idaho's standards-based tests.

(3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide advanced learning opportunities for students.

(4) Pursuant to State Board of Education rule, IDAPA 08.02.03, work with institutions of higher education to provide dual credit coursework. The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 5. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to \$4,031,400 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, 2015, through June 30, 2016, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$5,790,000 shall be distributed for literacy programs, as outlined in Sections 33-1207A(2), 33-1614 and 33-1615, Idaho Code, and for remedial coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the Superintendent of Public Instruction. The superintendent shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2017, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, \$3,820,000 shall be distributed for support of programs for students with non-English or limited English proficiency, as follows:

(1) The Superintendent of Public Instruction shall distribute \$3,370,000 to school districts pro rata, based upon the population of limited English proficient students under criteria established by the department.

(2) The Superintendent of Public Instruction shall distribute \$450,000 for a competitive grant program to assist school districts in which the population of English language learners must meet Annual Measurable Achievement Objectives (AMAOs) in math or reading, as defined in federal law. This

amount shall be distributed annually to school districts in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives.

(3) The superintendent shall develop the program elements and objectives governing the use of these funds and include a program evaluation component. The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The superintendent shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2017, on the program design, uses of funds and program effectiveness.

SECTION 8. It is legislative intent that the Superintendent of Public Instruction shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 16, Title 33, Idaho Code, whether coursework is successfully completed, and expenditures for fiscal year 2016. 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, 2016.

SECTION 9. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs.

SECTION 10. TRANSFER TO THE PUBLIC EDUCATION STABILIZATION FUND. There is hereby appropriated and upon passage and approval of this act, the State Controller shall transfer \$21,500,000 from the Consumer Protection Fund in the Office of the Attorney General to the Public Education Stabilization Fund.

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

Approved April 10, 2015

CHAPTER 323
(S.B. No. 1187)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2016; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; AND LIMITING THE AMOUNT OF FUNDS DISTRIBUTED TO THE GENERAL FUND FOR FISCAL YEAR 2016.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program/Division of Facilities, the following amount to be expended from the listed funds for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$17,585,000
Bond Levy Equalization Fund	11,500,000
School District Building Account	<u>17,250,000</u>
TOTAL	\$46,335,000

SECTION 2. Of the moneys appropriated to the Public Schools Educational Support Program/Division of Facilities, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund. If the funding appropriated in Section 1 of this act is insufficient to meet the requirements of Section 33-906, Idaho Code, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any laws to the contrary.

SECTION 3. Notwithstanding the provisions of Section 63-2520(b)(4), Idaho Code, the amount of revenue distributed to the General Fund shall be \$7,900,000 for the period July 1, 2015, through June 30, 2016.

Approved April 10, 2015

CHAPTER 324
(S.B. No. 1188)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2016; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2016; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2016.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$8,378,500
Miscellaneous Revenue	109,200
School for the Deaf and the Blind Endowment	150,000
Federal Grant	<u>223,500</u>
TOTAL	\$8,861,200

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$8,378,500
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind the following amount to be expended from the listed funds for the period July 1, 2015, through June 30, 2016:

FROM:

Public School Income Fund	\$8,378,500
Miscellaneous Revenue	109,200
School for the Deaf and the Blind Endowment	150,000
Federal Grant	<u>223,500</u>
TOTAL	\$8,861,200

Approved April 10, 2015

CHAPTER 325
(S.B. No. 1189)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2016; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2016; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2016; DIRECTING THE USE OF APPROPRIATION FOR THE SUPPORT OF LITERACY PROGRAMS, INTERVENTION SERVICES FOR NON-TITLE I SCHOOLS AND MATH INITIATIVE PROGRAMS; DIRECTING THE USE OF APPROPRIATION FOR THE SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THE USE OF APPROPRIATION FOR NON-ENGLISH OR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF APPROPRIATION FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF APPROPRIATION FOR TEACHER AND ADMINISTRATIVE POSITIONS PERFORMANCE EVALUATIONS; DIRECTING THE USE OF APPROPRIATION FOR WIRELESS TECHNOLOGY INFRASTRUCTURE; DIRECTING THE USE OF APPROPRIATION FOR PROFESSIONAL DEVELOPMENT; DIRECTING THE USE OF APPROPRIATION FOR AN INSTRUCTIONAL MANAGEMENT SYSTEM; PROVIDING LEGISLATIVE INTENT FOR CONTENT AND CURRICULUM RELATED TO DIGITAL CONTENT AND CREDIT RECOVERY; PROVIDING LEGISLATIVE INTENT FOR CONTENT AND CURRICULUM RELATED TO TECHNOLOGY; DEFINING TERMS; AND PROVIDING GUIDANCE ON YEAR-END RECONCILIATION.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Central Services for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$14,395,700
Public Schools Other Income	1,000,000
Cigarette, Tobacco and Lottery Income Taxes	<u>390,000</u>
TOTAL	\$15,785,700

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund	\$14,395,700
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Central Services, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$722,000	\$13,673,700	\$14,395,700
Public Schools Other Income			
Fund		1,000,000	1,000,000
Cigarette, Tobacco and Lottery Income Taxes			
Fund	<u>90,000</u>	<u>300,000</u>	<u>390,000</u>
TOTAL	\$812,000	\$14,973,700	\$15,785,700

SECTION 4. Of the moneys appropriated in Section 3 of this act, up to \$4,060,000 may be expended for the support of literacy programs, as outlined in Sections 33-1207A(2), 33-1614 and 33-1615, Idaho Code; intervention services for non-Title I schools that fail to achieve proficiency on Idaho's standards-based achievement tests; and math initiative programs. Of this amount, up to \$3,781,000 may be expended for operating costs and up to \$279,000 may be used for personnel costs. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee and the House Education Committee, by no later than February 1, 2017, on the uses of funds and effectiveness of the programs and efforts.

SECTION 5. Of the moneys appropriated in Section 3 of this act, up to \$390,000 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, notwithstanding, for the period July 1, 2015, through June 30, 2016, shall be expended by the Superintendent of Public Instruction for the Safe and Drug-Free Schools Program administration, technical assistance, training, and evaluation. Of this amount, up to \$300,000 shall be passed through, based on completed assessments, to the Division of Building Safety to conduct security assessments of approximately 150 schools. The security assessments shall identify and recommend voluntary improvements to school security.

SECTION 6. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, up to \$180,000 may be expended by the Superintendent of Public Instruction for evaluation and administration of the programs for students with non-English or limited English proficiency and for support staff costs to provide technical assistance to school districts receiving funds for these purposes.

SECTION 7. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend up to \$1,703,500 for the development or administration of student assessments, including a college entrance exam for 11th grade students, an exam for 10th grade students that provides preparation for the college entrance exam and end-of-course examinations for high school science subjects.

SECTION 8. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend or distribute up to \$300,000 for professional development and training that promotes the effective and consistent evaluation of teacher and administrator performance, pursuant to standards established by the State Board of Education.

SECTION 9. Of the moneys appropriated in Section 3 of this act, \$2,063,000 of one-time moneys shall be expended or distributed as follows:

(1) Up to \$1,963,200 may be expended or distributed, in whole or pro rata, by the Superintendent of Public Instruction for the installation, repair, replacement and support of a wireless technology infrastructure, in each public school serving high school grades, of sufficient capacity to support utilization of mobile computing devices by all users in the following ways:

(a) Expend for any current contracts entered into by the State Department of Education for wireless technology infrastructure; or

(b) Distribute \$21.00 per student, certified staff, and administrative staff to school districts and charter schools that have wireless technology infrastructures that meet or exceed the standards established in Idaho Code and that opted, in fiscal year 2014, to not participate in the statewide contract for such services.

(2) An amount not to exceed \$100,000 may be used by the Superintendent of Public Instruction for staffing to administer the wireless technology infrastructure program.

SECTION 10. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend up to \$2,700,000 for professional development, including administrative costs, and to develop a portal to track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 11. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend an amount not to exceed \$985,000 of one-time moneys, for in-house system maintenance, staffing costs, professional development, operations, and self-hosting support of an instructional management system, to allow districts using the state-hosted system time to transition to a locally hosted system.

SECTION 12. CONTENT AND CURRICULUM -- DIGITAL CONTENT AND CREDIT RECOVERY. Of the moneys appropriated in Section 3 of this act, up to \$1,554,000 may be expended for the purchase of content and curriculum that includes up to \$904,000 for digital content and up to \$650,000 to provide a statewide approach for credit recovery and an alternative pathway to graduation.

SECTION 13. CONTENT AND CURRICULUM -- TECHNOLOGY. Of the funds appropriated in Section 3 of this act, an amount not to exceed \$1,000,000 of

one-time moneys may be expended by the Superintendent of Public Instruction to contract for services that provide technology education opportunities and/or information technology certifications to students, including faculty, that prepare students for college, career or the workplace. Funding shall be awarded based on a request for proposal process administered by the Superintendent of Public Instruction that includes three or more of the following components:

- (1) Certification of skills and competencies;
- (2) Professional development for teachers;
- (3) Integration with curriculum standards;
- (4) Online access to research-based content and curriculum; or
- (5) Instructional software for classroom use.

The Superintendent of Public Instruction shall provide a progress report to the Joint Finance-Appropriations Committee, the Senate Education Committee and the House Education Committee by February 1, 2016, and a final report by February 1, 2017.

SECTION 14. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs. The term "expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools or students, or pay for the State Department of Education's cost of administering the programs for which the moneys are allocated.

SECTION 15. If the funds that are appropriated and transferred to the Public School Income Fund and the funds appropriated from the General Fund in Section 1 of this act exceed the actual expenditures for the specified purposes, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any laws to the contrary. If the funding amounts specified in Section 7 and Section 9 of this act are insufficient to meet the actual expenditures, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any laws to the contrary.

Approved April 10, 2015

CHAPTER 326
(H.B. No. 319)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2016; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2016, 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, 2015, 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, 2016, 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-third Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2016, 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-third 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, 2016, pursuant to Sections 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code, and subject to submission to the Legislature for approval. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of any administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect have been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

SECTION 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved April 10, 2015

CHAPTER 327
(H.B. No. 321)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2016.

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

SECTION 1. In addition to the appropriation made in Section 1, of Senate Bill No. 1171, as enacted by the First Regular Session of the Sixty-third Idaho Legislature, there is hereby appropriated from the General Fund to the Superintendent of Public Instruction \$121,000 in personnel costs for the period July 1, 2015, through June 30, 2016.

Approved April 10, 2015

CHAPTER 328
(H.B. No. 326)

AN ACT

APPROPRIATING MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the STEM Action Center the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$229,800	\$309,500	\$8,000	\$547,300
Miscellaneous Revenue				
Fund	<u>0</u>	<u>100,000</u>	<u>0</u>	<u>100,000</u>
TOTAL	\$229,800	\$409,500	\$8,000	\$647,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the STEM Action Center is authorized no more than two (2) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, 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 to promote the expansion of student engagement in science, technology, engineering and math (STEM) within Idaho schools, the STEM Action Center will strive to coordinate with other agencies that receive moneys for STEM education, and where practicable, administer those moneys. Additionally, the STEM Action Center will encourage financial contributions from industry and other potential sources to accomplish its goals as outlined in Section 67-823, Idaho Code.

Approved April 10, 2015

CHAPTER 329
(H.B. No. 328)

AN ACT

RELATING TO PUBLICATION OF THE SESSION LAWS; REPEALING SECTIONS 67-904, 67-905, 67-906, 67-907 AND 67-908, IDAHO CODE, RELATING TO PUBLICATION AND DISTRIBUTION OF LAWS, THE JOINT PRINTING COMMITTEE, DISTRIBUTION OF SESSION LAWS AND JOURNALS, BOOKS DISTRIBUTED TO OFFICERS AND PROPERTY OF THE STATE AND TO EXPENSES OF DISTRIBUTION OF THE SESSION LAWS; AMENDING CHAPTER 9, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-904, IDAHO CODE, TO PROVIDE FOR A JOINT PUBLISHING COMMITTEE AND TO PROVIDE FOR PUBLICATION AND DISTRIBUTION OF SESSION LAWS; AMENDING

CHAPTER 9, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-905, IDAHO CODE, TO PROVIDE FOR REPORTS OF THE JOINT PUBLISHING COMMITTEE; AND AMENDING SECTION 67-909, IDAHO CODE, TO REVISE DUTIES OF THE SECRETARY OF STATE REGARDING SESSION LAWS.

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

SECTION 1. That Sections 67-904, 67-905, 67-906, 67-907 and 67-908, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 9, 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 67-904, Idaho Code, and to read as follows:

67-904. JOINT PUBLISHING COMMITTEE -- PUBLICATION AND DISTRIBUTION OF SESSION LAWS. (1) A publishing committee of the senate and house of representatives shall exist to print, publish, and distribute the session laws. The joint publishing committee will consist of the publishing committees of each house. The chairmen of the respective judiciary and rules committees, or their designee, will chair their house's publishing committee and co-chair the joint publishing committee.

(2) Prior to the final adjournment of a regular legislative session, the joint publishing committee must meet and determine the proper method of printing and preserving the session laws of that legislative session. The joint publishing committee must give consideration to the cost, accessibility, and preservation of the session laws. The joint publishing committee will provide sufficient physical copies of session laws.

(3) The published session laws must include the bills, concurrent resolutions, joint resolutions, and memorials enacted or adopted during the legislative session. In addition, the session laws must include amendments to the constitution adopted at the preceding general election, and bills, concurrent resolutions, joint resolutions, and memorials enacted or adopted during an intervening extraordinary session of the legislature.

(4) The published session laws must include a title page, a table of contents, certificate pages, tables of amended and repealed statutes, an index of contents, and a list of each member of the senate and house of representatives.

SECTION 3. That Chapter 9, 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 67-905, Idaho Code, and to read as follows:

67-905. REPORT OF JOINT PUBLISHING COMMITTEE. (1) Prior to the final adjournment of a regular legislative session, the publishing committee of each house must meet jointly to consider the proper method to print and preserve the session laws. The joint publishing committee will prepare a brief written report of its recommendations, which written report must be delivered to the judiciary and rules committees of the senate and the house of representatives.

(2) The written report must include the projected cost to implement its recommendation, together with a distribution list of persons that will be provided printed volume(s) of the session laws. If the written or amended report is rejected by the legislature by concurrent resolution, the joint publishing committee will meet to reconsider its recommendations.

(3) If the written or amended report is not rejected, the joint publishing committee will enter into an agreement(s) that is substantially consistent with its written or amended report to print, publish, and deliver the session laws, which costs will be paid from the legislative account.

SECTION 4. That Section 67-909, Idaho Code, be, and the same is hereby amended to read as follows:

67-909. ~~DISTRIBUTION OF SESSION LAWS AND STATUTES TO MEMBERS OF LEGISLATURE.~~ The secretary of state is hereby empowered and directed to distribute ~~certified copies of the session laws and the bound volumes and current pocket parts of the compiled statutes of Idaho to members of any legislature, when called for by proper action taken by either house, or by joint action of both; such copies shall be free from any mark or marks indicating that they are the property of the state and shall become the property of the member to whom delivered. Not more than one (1) set of bound volumes of the compiled statutes shall ever be distributed at state expense to any member of the legislature. All costs incurred in providing bound volumes of the compiled statutes to members of the legislature shall be a proper charge against the legislative fund, unless an appropriation for such purpose has been made. Sets of pocket parts shall be provided to currently serving members of the legislature, and such sets shall be provided from the sets made available by the provisions of section 73-212, Idaho Code.~~

Approved April 10, 2015

CHAPTER 330
(S.B. No. 1190)

AN ACT

APPROPRIATING AND TRANSFERRING MONEYS TO THE FIRE SUPPRESSION DEFICIENCY FUND IN FISCAL YEAR 2016; APPROPRIATING AND TRANSFERRING MONEYS TO THE ECONOMIC RECOVERY RESERVE FUND FOR THE 27TH PAYROLL IN FISCAL YEAR 2016; APPROPRIATING AND TRANSFERRING MONEYS TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND IN FISCAL YEAR 2016; APPROPRIATING AND TRANSFERRING MONEYS TO THE LEGISLATIVE LEGAL DEFENSE FUND IN FISCAL YEAR 2015; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$27,000,000 from the General Fund to the Fire Suppression Deficiency Fund on July 1, 2015, or as soon thereafter as is practicable. Such moneys shall be used to reimburse costs incurred by the Range and Forest Fire Protection Program in the Department of Lands pursuant to Sections 38-131 and 38-131A, Idaho Code.

SECTION 2. There is hereby appropriated and the State Controller shall transfer a total of \$20,000,000 from the General Fund to the Economic Recovery Reserve Fund in fiscal year 2016, to be set aside for expenditures relating to the 27th Payroll in fiscal year 2017. The State Controller shall make the transfers in four equal amounts of \$5,000,000 during September, December, March and June of fiscal year 2016.

SECTION 3. There is hereby appropriated to the Department of Water Resources for the Idaho Water Resource Board and the State Controller shall transfer \$500,000 from the General Fund to the Secondary Aquifer Planning, Management and Implementation Fund on July 1, 2015, or as soon thereafter as is practicable. Such moneys shall be used for aquifer recharge pursuant to Section 42-1780(2), Idaho Code.

SECTION 4. There is hereby appropriated and the State Controller shall transfer \$1,050,000 from the General Fund to the Legislative Legal Defense

Fund as soon as practicable. Of the total amount, \$1,000,000 shall be available to pay for legal expenses of the Legislature including, but not limited to, the costs to defend against the potential endangered species listing of the greater sage-grouse, and \$50,000 shall be available to serve as the state of Idaho's contribution toward a regional study regarding the potential economic impact of listing the greater sage-grouse as an endangered species. Such moneys shall be used pursuant to Section 67-451A, Idaho Code.

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

Approved April 10, 2015

CHAPTER 331
(S.B. No. 1192)

AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE WORKFORCE DEVELOPMENT TRAINING FUND; PROVIDING LEGISLATIVE INTENT FOR LOCAL DEPARTMENT OF LABOR OFFICES; PROVIDING LEGISLATIVE INTENT ON ACTIVITIES OF THE WORKFORCE DEVELOPMENT TRAINING FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Labor, for the Employment Services Program in Section 1, Chapter 301, Laws of 2014, from the Employment Security Special Administration Fund, is hereby reduced by \$3,000,000 for operating expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 301, Laws of 2014, and any other appropriation provided for by law, there is hereby appropriated to the Department of Labor, for the Employment Services Program, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Unemployment Penalty and Interest			
Fund	\$6,000,000		\$6,000,000
Employment Security Special Administration			
Fund	0	\$190,000	190,000
TOTAL	\$6,000,000	\$190,000	\$6,190,000

SECTION 3. 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, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. UNEMPLOYMENT INSURANCE ADMINISTRATION:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$1,807,300	\$7,538,200			\$9,345,500
Employment Security Special Administration					
Fund			\$98,800		98,800
Federal Grant					
Fund	<u>18,960,200</u>	<u>1,858,600</u>	<u>487,000</u>		<u>21,305,800</u>
TOTAL	\$20,767,500	\$9,396,800	\$585,800		\$30,750,100
II. EMPLOYMENT SERVICES:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$1,226,600	\$474,000			\$1,700,600
Employment Security Special Administration					
Fund	339,300	4,318,600	\$497,700		5,155,600
Workforce Development Training					
Fund	936,600	379,900		\$5,684,500	7,001,000
Miscellaneous Revenue					
Fund	140,300	158,700			299,000
Federal Grant					
Fund	<u>22,824,100</u>	<u>8,870,100</u>	<u>0</u>	<u>11,000,000</u>	<u>42,694,200</u>
TOTAL	\$25,466,900	\$14,201,300	\$497,700	\$16,684,500	\$56,850,400
III. WAGE AND HOUR:					
FROM:					
General					
Fund	\$255,900	\$64,800			\$320,700
Unemployment Penalty and Interest					
Fund	164,800	64,700			229,500
Miscellaneous Revenue					
Fund	<u>0</u>	<u>10,600</u>			<u>10,600</u>
TOTAL	\$420,700	\$140,100			\$560,800
IV. CAREER INFORMATION SERVICES:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$270,300	\$207,200			\$477,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Employment Security Special Administration					
Fund	76,700	46,000			122,700
Miscellaneous Revenue					
Fund	<u>100,300</u>	<u>72,900</u>			<u>173,200</u>
TOTAL	\$447,300	\$326,100			\$773,400
V. HUMAN RIGHTS COMMISSION:					
FROM:					
Unemployment Penalty and Interest					
Fund		\$187,300			\$187,300
Employment Security Special Administration					
Fund	\$692,000				692,000
Miscellaneous Revenue					
Fund		700			700
Federal Grant					
Fund	<u>0</u>	<u>139,900</u>			<u>139,900</u>
TOTAL	\$692,000	\$327,900			\$1,019,900
VI. SERVE IDAHO:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$39,700	\$36,700			\$76,400
Miscellaneous Revenue					
Fund		56,400			56,400
Federal Grant					
Fund	<u>193,200</u>	<u>248,300</u>		<u>\$2,050,000</u>	<u>2,491,500</u>
TOTAL	\$232,900	\$341,400		\$2,050,000	\$2,624,300
GRAND TOTAL	\$48,027,300	\$24,733,600	\$1,083,500	\$18,734,500	\$92,578,900

SECTION 4. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than seven hundred (700) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 5. Notwithstanding Section 72-519, Idaho Code, on July 1, 2015, or as soon thereafter as is practicable, the State Controller shall transfer the sum of ~~*three million dollars (\$3,000,000)~~ from the Industrial Administration Fund to the Workforce Development Training Fund for the purpose of providing Industry Sector grants.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature that during the time period July 1, 2015, to June 30, 2016, the Department of Labor shall maintain the same number of local offices in the same communities as provided on July 1, 2014. Further, the Department of Labor shall report

to the Joint Finance-Appropriations Committee, at the committee's 2015 fall interim meeting, regarding the implementation of the department realignment and detail any gap between expected funding and resources needed to maintain the same number of local offices.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature that during the Second Regular Session of the Sixty-third Idaho Legislature, the Department of Labor shall report to the Joint Finance-Appropriations Committee on activities of the Workforce Development Training Fund. The report shall include results of employment for enrollees in the program, their wages before and after training, duration of employment, relation of training to field of employment, and detail how the money was expended.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval.

Approved April 16, 2015

* The item in Section 5 was line item vetoed as indicated.

CHAPTER 332
(S.B. No. 1168)

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~~ January 1, 2016, 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);

(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, 2015:

(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, 2015, any insurer making any payment into the industrial administration fund under the provisions of subsection (3) of this section, shall be entitled to deduct fifty percent (50%) of the 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.

(5) In arriving at net premiums written, dividends paid, declared or payable shall not be deducted.

(6) 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 16, 2015

CHAPTER 333
(H.B. No. 318)

AN ACT

RELATING TO LIQUOR LICENSES; AMENDING SECTION 23-903, IDAHO CODE, TO PROVIDE FOR ISSUANCE OF A LICENSE TO RETAIL LIQUOR TO THE OWNER, OPERATOR OR LESSEE OF A CONFERENCE AND EVENT CENTER THAT IS WITHIN THE CITY LIMITS OF A RESORT CITY, TO PROVIDE CONDITIONS THE OWNER MUST MEET AND TO MAKE TECHNICAL CORRECTIONS.

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

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

23-903. LICENSE TO RETAIL LIQUOR. (1) The director of the Idaho state police is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules promulgated by the director and the provisions of this chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this chapter and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census or by an estimate that is statistically valid including adding the number of new residential utility connections or including adding the population of areas annexed into the city after the last census or special census was conducted, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of

sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided however, that any license heretofore issued may be renewed from year to year without regard to the population or status of the city for which such license is issued. Any license issued and which has remained in effect at its location for a consecutive period of ten (10) years or more shall be deemed to have been validly issued and may be renewed from year to year provided however, that the applicant for the renewal of such license is not otherwise disqualified for licensure pursuant to section 23-910, Idaho Code, and, if the premises required special characteristics for original licensure, other than being either within or without the incorporated limits of a city, that said premises continue to have such special characteristics at the time of the application for renewal.

(2) Nothing herein contained shall prohibit the issuance of a license to the owner, operator or lessee of an actual bona fide golf course whether located within or without the limits of any city, or located on premises also operated as a winery or ski resort, or to the lessee of any premises situate thereon, whether located within or without the limits of any city. For the purpose of this section, a golf course shall comprise an actual bona fide golf course, which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways and greens laid out and used in the usual and regular manner of a golf course. Nine (9) hole courses must have a total yardage of at least one thousand (1,000) yards, and eighteen (18) hole courses must have a total yardage of at least two thousand (2,000) yards as measured by totaling the tee-to-green distance of all holes. The course must be planted in grass except that it may provide artificial tee mats. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof.

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

(4) Nothing herein contained shall prohibit the issuance of a license to the owner, operator or lessee of an actual bona fide equestrian facility located on not less than forty (40) contiguous acres, with permanently erected seating of not less than six thousand (6,000) seats, no part of which

equestrian facility or the premises thereon is situate within the incorporated limits of any city, and which facility shall have at least three (3) days per year of a professionally sanctioned rodeo. Not more than one (1) licensed premises shall be permitted at any equestrian facility or within an area comprising such a facility. The fees for licenses granted to equestrian facilities shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code.

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

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

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

corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as herein defined.

(8) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, beverage and/or lodging facility that has been in continuous operation in the same location for at least seventy-five (75) years, except for temporary closings for refurbishing or reconstruction, or a food, beverage and lodging facility serving the public by reservation only, having a minimum of five (5) rooms operating in a structure that has been in existence for at least seventy-five (75) years and has been on the historic register for a minimum of ten (10) years, is situated within five hundred (500) yards of a natural lake containing a minimum of thirty-six thousand (36,000) acre feet of water when full with a minimum of thirty-two (32) miles of shoreline, and is located in a county with a minimum population of sixty-five thousand (65,000). The provisions of section 23-910, Idaho Code, shall apply to licenses issued to continuous operation facilities. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code.

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

(10) Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of the lodging, dining and entertainment facilities owned by a gondola resort complex and operated in conjunction with the other public services provided by a gondola resort complex located within the ownership/leasehold boundaries of a gondola resort complex.

A gondola resort complex means an actual bona fide gondola capable of transporting people for recreational and/or entertainment purposes at least three (3) miles in length with a vertical rise of three thousand (3,000) feet, portions of which may be located within or over the limits of one (1) or more cities.

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

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

(13) Nothing contained in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a conference and event center that is within the city limits of a resort city as defined in section 50-1044, Idaho Code, that has enacted local option nonproperty taxes in accordance with section 50-1046, Idaho Code, including, at the time of issuance, a resort city tax on sales of liquor by the drink, wine and beer sold at retail for consumption on the licensed premises. There shall be only one (1) conference and event center license to sell liquor by the drink issued per resort city pursuant to this subsection. For the purposes of this section, a conference and event center means facilities situated on premises consisting of a building or buildings and the contiguous property owned or leased and under common ownership or control by the licensee. Such facilities must provide not less than four thousand (4,000) square feet of enclosed space for confer-

ence and event purposes, exclusive of space dedicated by the licensee to the commercial kitchen. The commercial kitchen must include a type 1 commercial hood and cooking equipment, exclusive of microwave ovens and grills. The fee for any license issued to a qualifying licensee shall be as prescribed in section 23-904(1), (2) or (3), Idaho Code, depending on the population of the resort city in which the conference and event center is located and as prescribed in section 23-916, Idaho Code. A license issued pursuant to this section may be renewed without regard to the population or status of the city for which the license was issued and without regard for the continuation of local option nonproperty taxes by the city, provided the applicant for renewal is not otherwise disqualified from licensure pursuant to section 23-910, Idaho Code. Not more than one (1) license shall be issued to a conference and event center. A conference and event center license shall not be transferable and may not be sold. For the purpose of issuance and maintenance of a license under this subsection, such facilities may serve liquor only while such facilities are hosting a conference or event. Nothing in this subsection shall excuse a conference and event center from complying with actual use standards in title 23, Idaho Code, or administrative rules promulgated pursuant to statutory authority granted under this title.

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

Approved April 16, 2015

CHAPTER 334
(H.B. No. 320)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2015; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 197, Laws of 2014, and any other appropriation provided for by law, there is hereby appropriated to the Department of Fish and Game, the following amounts to be expended for the designated programs for operating expenditures, from the listed funds for the period July 1, 2014, through June 30, 2015:

I. FISHERIES:

FROM:

Fish and Game (Other) Fund	\$100,000
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II. WILDLIFE MITIGATION AND HABITAT CONSERVATION:

FROM:

Fish and Game (Federal) Fund	\$1,500,000
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GRAND TOTAL	\$1,600,000
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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 20, 2015

CHAPTER 335
(S.B. No. 1098, As Amended in the House)

AN ACT

RELATING TO THE PARKS AND RECREATION BOARD; AMENDING SECTION 67-4223, IDAHO CODE, TO AUTHORIZE THE BOARD TO ENTER INTO CERTAIN AGREEMENTS TO ASSIST IN ITS EFFORTS TO SECURE LONG-TERM FUNDING SOURCES, TO AUTHORIZE THE RECOGNITION OF SPONSORS, TO PROVIDE FOR THE DEPOSIT OF CERTAIN REVENUE RECEIVED AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-4223, Idaho Code, be, and the same is hereby amended to read as follows:

67-4223. POWERS OF BOARD. The park and recreation board shall:

(1) Adopt, amend or rescind rules as may be necessary for the proper administration of the provisions of sections 67-4218, et seq., Idaho Code, and the use and protection of park and recreational areas subject to its jurisdiction. A violation of any rule promulgated by the board pursuant to this provision ~~which~~ that concerns the use and protection of park and recreation areas is an infraction.

(2) Make expenditures for the acquisition, leasing, care, control, supervision, improvement, development, extension and maintenance of all lands under the control of the department and to make arrangements, agreements, contracts or commitments, which may or may not involve expenditures or transfer of funds, with the head of any state institution, department or agency for the improvement or development of lands or properties under the control of the board, or any other department or agency of the state of Idaho.

(3) Appoint advisory, local and regional park and recreational councils, to consider, study and advise in the work of the department for the extension, development, use and maintenance of any areas which are to be considered as future park or recreational sites or which are designated as park recreational areas.

(4) Appoint a six (6) member recreational vehicle advisory committee, who shall be compensated as provided in section 59-509(f), Idaho Code, and act in an advisory capacity to the board on matters relating to the development and improvement of recreational vehicle related facilities and services as provided in subsection (5) of this section. Each member of the advisory committee shall be representative of recreational vehicle users with one (1) from each of the districts described in section 67-4221, Idaho Code. The terms of appointment shall be three (3) years, except that the initial appointees shall commence on the date of appointment and shall be of staggered lengths so that the term of two (2) members will expire annually.

(5) Administer the funds derived from the state recreational vehicle ~~account~~ fund established in section 49-448, Idaho Code, to provide financial assistance in the form of grants to public entities for the acquisition, lease, development, improvement, operations and maintenance of facilities and services designed to promote the health, safety and enjoyment of recreational vehicle users. Up to fifteen percent (15%) of the recreational vehicle ~~account~~ fund generated each year may be used by the department to defray recreational vehicle program administrative costs. Any moneys unused at the

end of the fiscal year shall be returned to the state treasurer for deposit in the recreational vehicle ~~account~~ fund.

(6) Cooperate with the United States and its agencies and local governments of the state for the purpose of acquiring, leasing, supervising, improving, developing, extending or maintaining lands which are designated as state parks, state monuments or state recreational areas and to secure agreements or contracts with the United States and its agencies or local governments of the state for the accomplishment of the purposes of sections 67-4218, et seq., Idaho Code.

(7) Construct, lease or otherwise establish public park or recreational privileges, facilities and conveniences and to operate said recreational services and to make and collect reasonable charges for their use or to enter into contracts for their operation. The board may discount fees in order to offer use incentives to generate additional revenue for operation of the state park system. The net proceeds derived shall be credited to the park and recreation ~~account~~ fund established in section 67-4225, Idaho Code, and are hereby specifically appropriated to defray the cost of the public park or recreational services. The department is specifically authorized to enter into contracts with the United States and its agencies which require that the state expend any excess of revenue above expenses for improvements of the recreational or park area from which the excess was derived.

(a) The board may provide for waiver of fees to any resident of Idaho who is a disabled veteran and whose disability is rated at one hundred percent (100%) or higher, permanent and total.

(b) The board may provide for a reduction of no more than fifty percent (50%) of the fee charged for recreational vehicle camping, effective Monday night through Thursday night, for any senior citizen who possesses a valid federal "golden age passport" or other equivalent successor, as issued by a ~~federally-operated~~ federally operated facility where an entrance fee is charged.

(c) If any state recognizes senior citizens by offering a special park pass for use in that state, the board may provide for a reduction of no more than fifty percent (50%) of the fee charged for recreational vehicle camping, effective Monday night through Thursday night, for any person who possesses such a state park pass.

(8) Prepare, maintain and keep ~~up-to-date~~ up to date a comprehensive plan for the provision of the outdoor recreational resources of the state; to develop, operate and maintain or enter into leases or agreements with local governments for the operation and maintenance of outdoor recreational areas and facilities of the state, and to acquire lands, waters and interests in lands and waters for such areas and facilities.

(9) Apply to any appropriate agency or officer of the United States for participation by the department or a political subdivision of the state or the receipt of aid from any federal program respecting outdoor recreation. It may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto and furnish to appropriate officials and agencies of the United States reports and information as may be reasonably necessary to enable officials and agencies to perform their duties under such programs. In connection with obtaining the benefits of any program, the park and recreation board shall coordinate its activities with and represent the interests of all agencies and subdivisions of the state having interests in the planning, development and maintenance of outdoor recreational resources and facilities.

(10) Obligate the state regarding the responsible management of any federal funds transferred to it for the purpose of any federal enactment and, in accordance with the exercise of this responsibility, the state hereby consents to be sued in any United States district court for the recovery of any federal funds that the responsible federal official, department or

agency finds have been misused or disposed of contrary to the agreement with the federal official, department or agency or contrary to the provisions of federal enactment or applicable federal regulations.

(11) Cooperate and contract with and receive and expend aid, donations and matching funds from the government of the United States, receive and expend funds from the STORE and to receive and expend donations from other sources to acquire, develop, operate and maintain outdoor recreational areas and facilities of the state and, when authorized or directed by any act of congress or any rule or regulation of any agency of the government of the United States, to expend funds donated or granted to the state of Idaho by the federal government for such purposes.

Provided, however, the park and recreation board shall make no commitment or enter into any agreement pursuant to an exercise of authority under sections 67-4218, et seq., Idaho Code, until it has determined that sufficient funds are available to it for meeting the state's share, if any, of project costs. It is legislative intent that, to the extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of sections 67-4218, et seq., Idaho Code, such areas and facilities shall be publicly maintained for outdoor recreational purposes. The park and recreation board may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal-aid funds or state funds on behalf of any subdivision or subdivisions of this state. Provided, that the subdivision or subdivisions give necessary assurances to the park and recreation board that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of the subdivision or subdivisions for public outdoor recreational use.

(12) Establish, develop, supervise and maintain through cooperative agreement, lease, purchase or other arrangement the Idaho recreation trail system, with the advice of the coordinator created in section 67-4233, Idaho Code, and consistent with the goals of recreation, transportation and public access to outdoor areas.

(13) Enter into agreements with cities, counties, recreation districts or other political subdivisions of the state to cost-effectively provide recreational facilities, opportunities and services to the citizens of the state.

(14) Have the authority to regulate firearm discharges in state parks for the protection of the public. However, this subsection ~~(14)~~ shall not apply to or affect a person discharging a firearm in the lawful defense of person, persons or property or to a person discharging a firearm in the course of lawful hunting. The possession or carrying of firearms is otherwise regulated by chapter 33, title 18, Idaho Code.

(15) Enter into agreements with private, nonprofit public benefit corporations and other persons, corporations and entities, as may be appropriate, to assist the department in its efforts to secure long-term funding sources for the state park and recreation system to ensure state parks are preserved and open for public use and enjoyment. Such agreements may include, but shall not be limited to, memberships, corporate and individual sponsorships, the sale of advertising, and marketing agreements to fund or promote, in whole or in part, state park and recreation events, programs and facilities. The board may encourage sponsorships by providing appropriate recognition to sponsors consistent with the mission of the department of parks and recreation as set forth in section 67-4219, Idaho Code. All revenue received from such agreements shall be deposited into the park and recreation fund pursuant to section 67-4225, Idaho Code.

CHAPTER 336
(S.B. No. 1155)

AN ACT

RELATING TO FLAGS FLOWN AT HALF-STAFF; AMENDING SECTION 67-820, IDAHO CODE, TO PROVIDE THAT THE GOVERNOR, UNLESS PROHIBITED BY THE UNITED STATES FLAG CODE, MAY DIRECT THAT THE FLAG OF THE UNITED STATES BE FLOWN AT HALF-STAFF AT CERTAIN MONUMENTS, TO PROVIDE FOR THE DURATION AND RENEWAL OF THE DIRECTIVE AND TO PROVIDE THAT THE GOVERNOR MAY REQUEST THE TIME, MANNER AND CONDITION OF SUCH DIRECTION IN KEEPING WITH THE TRADITIONS OF THE UNITED STATES FLAG CODE.

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

SECTION 1. That Section 67-820, Idaho Code, be, and the same is hereby amended to read as follows:

67-820. FLAGS FLOWN AT HALF-STAFF -- DEATH IN LINE OF DUTY FOR POLICE, FIREFIGHTERS, PARAMEDICS OR EMTS. (1) The governor, upon timely notification and verification of the death of a federal, state or local law enforcement officer, firefighter, paramedic or emergency medical technician who is employed or volunteering for an agency in the state of Idaho and who died in the line of duty, shall direct that the flag of the United States and the state flag be flown at half-staff, from the time of notification to the governor until the day following the memorial service, at the state capitol building and at other state and local government buildings. The flags shall be flown upon an existing flagstaff or flagstaffs or, at the option of the governor, a flagstaff or flagstaffs erected at an appropriate site, after consultation with organizations representing law enforcement officers, firefighters, paramedics or emergency medical technicians regarding the location and design of the flagstaff or flagstaffs. The flag flown over the capitol building in honor of the deceased shall be presented to the family.

(2) Except as prohibited by the United States flag code, the governor may direct that the flag of the United States be flown at half-staff at a monument honoring fallen service members, which directive shall be effective for a period of one (1) year and may be renewed by the governor annually. The governor may request the time, manner and condition of such direction in keeping with the traditions of the United States flag code.

Approved April 20, 2015

CHAPTER 337
(S.B. No. 1182)

AN ACT

RELATING TO THE IDAHO UNIFORM BUSINESS ORGANIZATIONS CODE; AMENDING SECTION 30-30-1201, IDAHO CODE, AS ADDED IN SECTION 85 OF SENATE BILL NO. 1025, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE, TO REVISE THE DATE OF APPLICABILITY; AMENDING SECTION 30-30-1202, IDAHO CODE, AS ADDED IN SECTION 85 OF SENATE BILL NO. 1025, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE, TO REVISE THE DATE OF APPLICABILITY; REPEALING CHAPTER 3, TITLE 30, IDAHO CODE, RELATING TO THE IDAHO NONPROFIT CORPORATION ACT; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 30-30-1201, Idaho Code, as added in Section 85 of Senate Bill No. 1025, as enacted by the First Regular Session of the Sixty-third Idaho Legislature, be, and the same is hereby amended to read as follows:

30-30-1201. APPLICATION TO EXISTING DOMESTIC NONPROFIT CORPORATIONS. This chapter applies to all domestic nonprofit corporations in existence on July 1, 1993 2015, that were incorporated under the laws of this state.

SECTION 2. That Section 30-30-1202, Idaho Code, as added in Section 85 of Senate Bill No. 1025, as enacted by the First Regular Session of the Sixty-third Idaho Legislature, be, and the same is hereby amended to read as follows:

30-30-1202. APPLICATION TO QUALIFIED FOREIGN NONPROFIT CORPORATION. A foreign nonprofit corporation authorized to transact business in this state on July 1, 1993 2015, is subject to this chapter but is not required to obtain a new certificate of authority to transact business under this chapter.

SECTION 3. That Chapter 3, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 4. The provisions of Sections 2, 4 and 5 of Senate Bill No. 1025, as enacted by the First Regular Session of the Sixty-third Idaho Legislature, shall be in full force and effect on and after July 1, 2017.

Approved April 20, 2015

CHAPTER 338
(S.B. No. 1112)

AN ACT

RELATING TO VACANCIES IN STATE OFFICE; AMENDING SECTION 59-904, IDAHO CODE, TO PROVIDE WHENEVER AN APPOINTEE'S TERM HAS EXPIRED AS PRESCRIBED BY LAW, THE GOVERNOR OR OTHER APPOINTING AUTHORITY SHALL REAPPOINT THE APPOINTEE TO THE POSITION WITHIN TWELVE MONTHS OF SUCH EXPIRATION OF TERM, OR SUCH OFFICE WILL BE DECLARED VACANT IF CERTAIN EVENTS OCCUR BY THE GOVERNOR OR THE APPOINTING AUTHORITY, TO PROVIDE FOR DOCUMENTATION TO ACCOMPANY APPOINTMENTS, TO PROVIDE PROCEDURES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 59-904, Idaho Code, be, and the same is hereby amended to read as follows:

59-904. STATE OFFICES -- VACANCIES, HOW FILLED AND CONFIRMED. (a) All vacancies in any state office, and in the supreme and district courts, unless otherwise provided for by law, shall be filled by appointment by the governor. Appointments to fill vacancies pursuant to this section shall be made as provided in subsections (b), (c), (d), (e), and (f) and (g) of this section, subject to the limitations prescribed in those subsections.

(b) Nominations and appointments to fill vacancies occurring in the office of lieutenant governor, state controller, state treasurer, superintendent of public instruction, attorney general and secretary of state shall be made by the governor, subject to the advice and consent of the senate, for

the balance of the term of office to which the predecessor of the person appointed was elected.

(c) Nominations and appointments to and vacancies in the following listed offices shall be made or filled by the governor subject to the advice and consent of the senate for the terms prescribed by law, or in case such terms are not prescribed by law, then to serve at the pleasure of the governor:

- Director of the department of administration,
- Director of the department of finance,
- Director of the department of insurance,
- Director, department of agriculture,
- Director of the department of water resources,
- Director of the Idaho state police,
- Director of the department of commerce,
- Director of the department of labor,
- Director of the department of environmental quality,
- Director of the department of juvenile corrections,
- Executive director of the commission of pardons and parole,
- The state historic preservation officer,
- The administrator of the division of human resources,
- Member of the state tax commission,
- Members of the board of regents of the university of Idaho and the state board of education,
- Members of the Idaho water resources board,
- Members of the state fish and game commission,
- Members of the Idaho transportation board,
- Voting members of the state board of health and welfare,
- Members of the board of environmental quality,
- Members of the board of directors of state parks and recreation,
- Members of the board of correction,
- Members of the industrial commission,
- Members of the Idaho public utilities commission,
- Members of the Idaho personnel commission,
- Members of the board of directors of the Idaho state retirement system,
- Members of the board of directors of the state insurance fund,
- Members of the commission of pardons and parole.

(d) Appointments made by the state board of land commissioners to the office of director, department of lands, and appointments to fill vacancies occurring in those offices shall be submitted by the president of the state board of land commissioners to the senate for the advice and consent of the senate in accordance with the procedure prescribed in this section.

(e) Appointments made pursuant to this section while the senate is in session shall be submitted along with the letter of appointment to the senate forthwith for the advice and consent of that body. Appointments made pursuant to this section while the senate is not in session shall be submitted along with the letter of appointment to the senate pursuant to section 67-803, Idaho Code. Should the senate adjourn without granting its consent to an appointment the appointment shall thereupon become void and a vacancy in the office to which the appointment was made shall exist, and the office shall be deemed vacant upon the date of adjournment. It is the duty of the appointing authority to supply the senate with the letter of appointment. The appointee shall supply the senate with the documentation it requests.

All appointments made pursuant to subsection (c) of this section, except those appointments for which a term of office is fixed by law, shall terminate at the expiration of any gubernatorial term. Appointments to fill the vacancies thus created by the expiration of the term of office of the governor shall be forthwith submitted to the senate for the advice and consent of that body, and when so submitted shall be as expeditiously considered as possible.

Upon receipt of an appointment along with the letter of appointment in the senate for the purpose of securing the advice and consent of the senate, the appointment shall be referred by the presiding officer to the appropriate committee of the senate for consideration and report prior to action thereon by the full senate.

(f) Excepting the appointments made pursuant to subsection (c) of this section, whenever an appointee's term has expired as prescribed by law, the governor or the authorized appointing authority must fill the position within twelve (12) months of the expiration of the term. However, an office will be vacant if the governor or the authorized appointing authority: (i) fails to timely appoint a qualified person at the earlier of the time required by law or required in this subsection; or (ii) fails to provide the senate with an appropriate letter or document of appointment by the thirty-sixth legislative day of the subsequent legislative session. All letters or documents of appointment must, as reasonably possible, accompany the additional documentation required by the senate. At the request of the secretary of the senate, the governor or the authorized appointing authority must provide the additional documentation.

(g) It is the intent of the legislature that the provisions of this section as amended by this chapter shall not apply to appointments which have been made prior to the effective date of this chapter. It is the further intent of the legislature that the provisions of this section shall apply to the offices listed in this section and to any office created by law or executive order which succeeds to the powers, duties, responsibilities and authorities of any of the offices listed in subsections (c) and (d) of this section.

Approved April 21, 2015

CHAPTER 339
(S.B. No. 1135, As Amended)

AN ACT

RELATING TO LIENS; AMENDING SECTION 45-507, IDAHO CODE, TO PROVIDE THAT FOR A CLAIM OF LIEN AN OWNER OR REPUTED OWNER DOES NOT INCLUDE A TRUSTEE OF A DEED OF TRUST; AND AMENDING SECTION 45-510, IDAHO CODE, TO PROVIDE THAT A TRUSTEE OF A DEED OF TRUST SHALL NOT BE INCLUDED IN A CLAIM OF LIEN, FORECLOSURE OR JUDGMENT.

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

SECTION 1. That Section 45-507, Idaho Code, be, and the same is hereby amended to read as follows:

45-507. CLAIM OF LIEN. (1) Any person claiming a lien pursuant to the provisions of this chapter must file a claim for record with the county recorder for the county in which such property or some part thereof is situated.

(2) The claim shall be filed within ninety (90) days after the completion of the labor or services, or furnishing of materials.

(3) The claim shall contain:

(a) A statement of his demand, after deducting all just credits and offsets;

(b) The name of the owner, or reputed owner, if known;

(c) The name of the person by whom he was employed or to whom he furnished the materials; and

(d) A description of the property to be charged with the lien, sufficient for identification.

(4) Such claim must be verified by the oath of the claimant, his agent or attorney, to the effect that the affiant believes the same to be just.

(5) A true and correct copy of the claim of lien shall be served on the owner or reputed owner of the property either by delivering a copy thereof to the owner or reputed owner personally or by mailing a copy thereof by certified mail to the owner or reputed owner at his last known address. Such delivery or mailing shall be made no later than five (5) business days following the filing of said claim of lien.

(6) For purposes of this chapter, owner or reputed owner does not include a trustee of a deed of trust as defined and required by section 45-1502 et seq., Idaho Code.

SECTION 2. That Section 45-510, Idaho Code, be, and the same is hereby amended to read as follows:

45-510. DURATION OF LIEN. (1) No lien provided for in this chapter binds any building, mining claim, improvement or structure for a longer period than six (6) months after the claim has been filed, unless proceedings be commenced in a proper court within that time to enforce such lien; or unless a payment on account is made, or extension of credit given with expiration date thereof, and such payment or credit and expiration date, is endorsed on the record of the lien, then six (6) months after the date of such payment or expiration of extension. The lien of a final judgment obtained on any lien provided for in this chapter shall cease five (5) years from the date the judgment becomes final, but if such period of five (5) years has expired or will expire before September 1, 1947, the owner of such judgment lien shall have until September 1, 1947, within which to levy execution under such judgment.

(2) Nothing in this chapter requires that a trustee of a deed of trust as defined and required by section 45-1502 et seq., Idaho Code, be included in a claim of lien or foreclosure or judgment under this chapter.

Approved April 21, 2015

CHAPTER 340
(S.B. No. 1174)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN MONEYS BEING CONTINUOUSLY APPROPRIATED; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; PROVIDING REAPPROPRIATION FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; PROVIDING REAPPROPRIATION FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT MONEYS; AND AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Department, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. TRANSPORTATION SERVICES:					
A. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$15,074,000	\$8,027,700	\$566,600		\$23,668,300
State Highway (Billing)					
Fund	44,000	108,700			152,700
State Highway (Federal)					
Fund	<u>376,100</u>	<u>129,100</u>	<u>0</u>	<u>\$330,000</u>	<u>835,200</u>
TOTAL	\$15,494,100	\$8,265,500	\$566,600	\$330,000	\$24,656,200
B. CAPITAL FACILITIES:					
FROM:					
State Aeronautics (Dedicated)					
Fund			\$50,000		\$50,000
State Highway (Dedicated)					
Fund		<u>\$30,000</u>	<u>3,265,000</u>		<u>3,295,000</u>
TOTAL		\$30,000	\$3,315,000		\$3,345,000
C. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated)					
Fund	\$941,200	\$504,600	\$76,200	\$550,000	\$2,072,000
State Aeronautics (Billing)					
Fund	83,100	142,800			225,900
State Highway (Dedicated)					
Fund			11,400		11,400
State Aeronautics (Federal)					
Fund	<u>60,000</u>	<u>260,700</u>	<u>0</u>	<u>0</u>	<u>320,700</u>
TOTAL	\$1,084,300	\$908,100	\$87,600	\$550,000	\$2,630,000
DIVISION					
TOTAL	\$16,578,400	\$9,203,600	\$3,969,200	\$880,000	\$30,631,200
II. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$13,955,200	\$17,110,900	\$265,500		\$31,331,600
State Highway (Billing)					
Fund	16,000	117,800			133,800
State Highway (Federal)					
Fund	<u>0</u>	<u>2,600,000</u>	<u>0</u>		<u>2,600,000</u>
TOTAL	\$13,971,200	\$19,828,700	\$265,500		\$34,065,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$80,395,700	\$52,371,300	\$23,975,600	\$462,000	\$157,204,600
State Highway (Billing)					
Fund	39,200	86,500			125,700
State Highway (Local)					
Fund	212,400	92,000			304,400
State Highway (Federal)					
Fund	<u>11,217,300</u>	<u>3,977,900</u>	<u>0</u>	<u>15,073,200</u>	<u>30,268,400</u>
TOTAL	\$91,864,600	\$56,527,700	\$23,975,600	\$15,535,200	\$187,903,100
IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Dedicated)					
Fund		\$5,664,500	\$28,782,100	\$308,000	\$34,754,600
State Highway (Local)					
Fund		705,200	2,419,300	541,000	3,665,500
State Highway (Federal)					
Fund		<u>12,153,000</u>	<u>190,565,100</u>	<u>2,904,000</u>	<u>205,622,100</u>
TOTAL		\$18,522,700	\$221,766,500	\$3,753,000	\$244,042,200
GRAND TOTAL	\$122,414,200	\$104,082,700	\$249,976,800	\$20,168,200	\$496,641,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand six hundred ninety-eight and seven-tenths (1,698.7) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUSLY APPROPRIATED MONEYS. It is legislative intent that all moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purposes of those funds.

SECTION 4. TOURISM AND PROMOTION FUND. There is hereby appropriated and the State Controller is directed to transfer \$25,000 from the State Highway Fund to the Tourism and Promotion Fund in the Department of Commerce during fiscal year 2016. This transfer will provide the matching fund support for the Gateway Visitor Centers.

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of

money categorized as the State Highway Fund for the Contract Construction and Right-of-Way Acquisition Division as appropriated or reappropriated for fiscal year 2015, to be used for nonrecurring expenditures, for the period July 1, 2015, through June 30, 2016.

SECTION 6. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of money categorized as the State Aeronautics Fund as appropriated or reappropriated for trustee and benefit payments to be used for Airport Development Grants for fiscal year 2015, to be used for nonrecurring expenditures, for the period July 1, 2015, through June 30, 2016.

SECTION 7. REAPPROPRIATION AUTHORITY FOR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of money categorized as Title XII of the American Recovery and Reinvestment Act as appropriated or reappropriated for fiscal year 2015, to be used for nonrecurring expenditures, according to all the requirements of the federal act for the period July 1, 2015, through June 30, 2016.

SECTION 8. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2016 is approximately \$54,132,000. The Idaho Transportation Board is hereby authorized to transfer up to \$4,800,000 from the State Highway Account to the GARVEE Debt Service Fund to pay the state match as required for federal funds committed to pay the annual scheduled debt service for fiscal year 2016.

Approved April 21, 2015

CHAPTER 341

(H.B. No. 312, As Amended in the Senate, As Amended in the Senate)

AN ACT

RELATING TO TRANSPORTATION; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE REGISTRATION FEES; AMENDING SECTION 49-434, IDAHO CODE, TO PROVIDE FOR ADDITIONAL REGISTRATION FEES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-457, IDAHO CODE, TO PROVIDE A FEE FOR ELECTRIC AND HYBRID VEHICLES, TO PROVIDE FOR THE DEPOSIT OF FEES AND TO DEFINE TERMS; AMENDING SECTION 63-2402, IDAHO CODE, TO REVISE THE TAX IMPOSED ON MOTOR FUEL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-2412, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF TAX IMPOSED ON MOTOR FUEL; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-719, IDAHO CODE, TO PROVIDE FOR THE STRATEGIC INITIATIVES PROGRAM, TO ESTABLISH THE STRATEGIC INITIATIVES PROGRAM FUND, TO PROVIDE FOR THE DEPOSIT OF CERTAIN MONEYS INTO THE FUND AND TO PROVIDE FOR USE OF MONEYS IN THE FUND; AMENDING SECTION 57-814, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TRANSFERS OF MONEYS INTO THE BUDGET STABILIZATION FUND, TO PROVIDE FOR THE TRANSFER OF CERTAIN EXCESS CASH BALANCES INTO THE BUDGET STABILIZATION FUND AND TO REMOVE PROVISIONS RELATING TO THE MAXIMUM FUND BALANCE; REPEALING SECTION 57-814, IDAHO CODE, RELATING TO THE BUDGET STABILIZATION FUND; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-814, IDAHO CODE, TO PROVIDE FOR

THE BUDGET STABILIZATION FUND; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 40-701, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF CERTAIN MON- EYS; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

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

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

Vehicles one (1) and two (2) years old	\$4869.00
Vehicles three (3) and four (4) years old	\$3657.00
Vehicles five (5) and six (6) years old	\$3657.00
Vehicles seven (7) and eight (8) years old	\$2445.00
Vehicles over eight (8) years old	\$2445.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered registration system for the purpose of reregistration and notice of expiration.

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

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

(3) For all motorcycles and motor-driven cycles which comply with the federal motor vehicle safety standards, operated upon the public highways, the annual fee shall be nine nineteen dollars (\$919.00) and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

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

used for the purposes described in subsection (2) of section 49-426, Idaho Code. Nonresidents shall be allowed to purchase a restricted vehicle license plate and sticker for an all-terrain vehicle, utility type vehicle or motorbike.

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

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

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

(8) A wrecker or towing business engaged in the process of towing motorized vehicles, which have been wrecked, abandoned, salvaged or may be disabled, may apply for a wrecker plate to be displayed on those vehicles being towed, provided the power unit is properly registered under this chapter. The registration fees for wrecker plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

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

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

(11) In addition to annual registration fees as provided in this section, registrants may pay a fee to purchase an Idaho state parks passport authorizing resident motor vehicle entry into all Idaho state parks. Registrants may pay the fee for a one (1) year or two (2) year period of time. The fee shall be ten dollars (\$10.00) for one (1) year and twenty dollars

(\$20.00) for two (2) years. All fees collected pursuant to this subsection shall be deposited into the park and recreation fund and shall be subject to appropriation. Fees collected pursuant to this subsection shall not be considered a motor vehicle registration fee as provided in section 17, article VII, of the constitution of the state of Idaho.

SECTION 2. That Section 49-434, Idaho Code, be, and the same is hereby amended to read as follows:

49-434. OPERATING FEES. (1) There shall be paid on all commercial vehicles, noncommercial vehicles, and on all farm vehicles having a maximum gross weight not in excess of sixty thousand (60,000) pounds, an annual registration fee or a staggered registration fee for the purpose of reregistration and notice of expiration in accordance with the following schedule.

Unladen Weight for Wreckers Maximum Gross Weight For Other Vehicles (Pounds)	Annual Registration Fee	
	Noncommercial and Farm Vehicles	Commercial Vehicles and Wreckers
8,001-16,000 inc.	\$ 48.00	\$ 48.00
16,001-26,000 inc.	61.08	143.40
26,001-30,000 inc.	91.68	223.80
30,001-40,000 inc.	130.08	291.60
40,001-50,000 inc.	188.28	360.00
50,001-60,000 inc.	311.88	515.40

In addition to the registration fees provided for in this subsection, there shall be an additional registration fee imposed of twenty-five dollars (\$25.00).

(2) There shall be paid on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee in the amount prescribed by subsection (8) of this section, as applicable.

(3) In addition, the annual registration fee for trailers shall be:

- (a) Trailer or semitrailer in a combination of vehicles\$15.00
- (b) Rental utility trailer with a gross weight of two thousand (2,000) pounds or less\$8.00
- (c) Rental utility trailer with a gross weight over two thousand (2,000) pounds\$15.00

(4) As an option to the trailer and semitrailer and rental utility trailer annual registrations issued pursuant to subsection (3) of this section, the department may provide a nonexpiring plate and registration for trailers and semitrailers, and an optional, extended registration for rental utility trailers.

(a) For trailers and semitrailers, the nonexpiring registration fee shall be ninety-nine dollars (\$99.00). The license plate shall remain on the trailer or semitrailer until the registration is canceled or revoked. No part of the fee is subject to refund. However, the registrant may transfer the nonexpiring plate and registration to another trailer or semitrailer titled to the registrant if the original registration date is prior to July 1, 2009. The registration document shall be the official record of the status of the nonexpiring registration and no registration fee shall be required after the initial registration is paid. No validation sticker shall be required or issued for such nonexpiring license plate.

(i) Registration of a trailer or semitrailer based in another jurisdiction may be issued when the registrant provides a valid ju-

risdiction title or ownership document and certification statement, and no title transfer will be required.

(ii) Periodic verification will be made to confirm ownership status. Failure of the owner to comply with the verification request to confirm ownership within thirty (30) days, shall result in cancellation of the permanent plate registration.

(b) Idaho based trailer manufacturers may purchase trailer and semi-trailer registration from the department. The manufacturer may issue the annual registration to foreign-based purchasers utilizing a manufacturer's certificate of origin or manufacturer's statement of origin as proof of ownership. If the foreign-based purchaser subsequently obtains an Idaho nonexpiring registration as provided in paragraph (a) of this subsection prior to annual registration expiration, the amount of the annual registration fee shall be applied to the nonexpiring registration fee provided that the customer acquires a title for such vehicle.

(c) For rental utility trailers, the registrant may prepay the annual registration for an additional one (1), two (2), three (3) or four (4) years, but in no event shall the optional registration period extend beyond five (5) years. The fee shall be as specified in subsection (3) (b) or (c) of this section. A pressure-sensitive sticker shall be used to validate the license plate. The license plate shall become void if the owner's interest in the rental utility trailer changes during the five (5) year period. If the owner fails to enter the rental utility trailer on the annual renewal application during the five (5) year period, the registration record shall be purged. Any unrenewed plate shall be returned to the department if it is not entered on the renewal application.

(5) A fleet registration option is available to owners who have twenty-five (25) or more commercial or farm vehicles or any combination thereof. Such owners may register all of their company vehicles with the department in lieu of registering with a county assessor. To qualify the fleet must be owned and operated under the unified control of one (1) person and the vehicles must be physically garaged and maintained in two (2) or more counties. Fleet registration shall not include fleets of rental vehicles. The department shall provide a registration application to the owner and the owner shall provide all information that the department determines is necessary. The department shall devise a special license plate numbering system for fleet-registered vehicles as an alternative to county license plates. The fleet registration application and all subsequent registration renewals shall include the physical address where a vehicle is principally used, garaged and maintained. The fleet owner shall report the physical address to the department upon initial registration, on each renewal, and at any time a vehicle registered under this option is permanently transferred to another location.

(6) If the ownership of a vehicle changes during the registration period, the original owner may transfer the plate to another vehicle. The remaining fee shall be credited against the cost of the new registration. Refunds may be given for any unexpired portion of the vehicle registration fee if the plate is not transferred by the owner to another vehicle. Any request for refund shall include surrender of the license plate, validation sticker and registration document. Owners of vehicles registered under the international registration plan may request a refund of the unexpired portion of the Idaho vehicle registration fee by presenting evidence from the base jurisdiction that the license plate, validation sticker and registration document have been surrendered. A license plate shall not be transferred to another owner when the ownership of a vehicle changes. The owner shall obtain a replacement plate, validation sticker if required, and a registration document when a plate is lost, destroyed or becomes illegible.

(7) An administrative fee of four dollars (\$4.00) shall be paid and deposited to the state highway account on all registrations completed by the department under subsection (1) or (8) (a) of this section. Vehicles registered under subsection (8) (b) of this section shall pay the fee provided in section 49-435(2), Idaho Code.

(8) There shall be paid on all commercial and farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, a registration fee based upon the maximum gross weight of a vehicle as declared by the owner and the total number of miles driven on roads and highways in the state, county, city and highway district systems in Idaho, and if registered under the international registration plan (IRP), in all other jurisdictions. The appropriate registration fee shall be determined as follows:

(a) If the owner registers vehicles under the international registration plan (IRP), the appropriate mileage column shall be determined by the total miles an owner operated a fleet of vehicles on roads and highways in the state, county, city and highway district systems in Idaho and in all other jurisdictions in the preceding year, as defined in section 49-117, Idaho Code, and by the maximum gross weight of each vehicle within a fleet.

(b) If the owner registers vehicles under the international registration plan and determines that the average international registration plan fleet miles, calculated by dividing the total IRP fleet miles in all jurisdictions by the number of registered vehicles, is less than fifty thousand one (50,001) miles, the owner may apply to the department for refund of a portion of the registration fees paid, consistent with the fee schedules set forth in this section. The department shall provide an application for the refund. An owner making application for refund under this section shall be subject to auditing as provided in section 49-439, Idaho Code.

(c) If the owner is not registering vehicles under the international registration plan, the appropriate mileage column shall be determined by the total miles the owner operated each of the vehicles to be registered on roads and highways in the state, county, city and highway district systems in Idaho in the preceding year and by the maximum gross weight of each vehicle.

Maximum Gross
Weight of Vehicle
(Pounds)

Total Miles Driven

	1 to 7,500	7,501 to 20,000	20,001 to 35,000	35,001 to 50,000	Over 50,000
60,001-62,000	\$223	\$ 511	\$ 789	\$1,068	\$1,560
62,001-64,000	\$251	\$ 576	\$ 890	\$1,205	\$1,760
64,001-66,000	\$280	\$ 642	\$ 992	\$1,342	\$1,960
66,001-68,000	\$309	\$ 707	\$1,093	\$1,479	\$2,160
68,001-70,000	\$337	\$ 773	\$1,194	\$1,615	\$2,360
70,001-72,000	\$366	\$ 838	\$1,295	\$1,752	\$2,560
72,001-74,000	\$394	\$ 904	\$1,396	\$1,889	\$2,760
74,001-76,000	\$423	\$ 969	\$1,498	\$2,026	\$2,960
76,001-78,000	\$451	\$1,035	\$1,599	\$2,163	\$3,160
78,001-80,000	\$480	\$1,100	\$1,700	\$2,300	\$3,360
80,001-82,000	\$494	\$1,133	\$1,751	\$2,368	\$3,460
82,001-84,000	\$509	\$1,165	\$1,801	\$2,437	\$3,560
84,001-86,000	\$523	\$1,198	\$1,852	\$2,505	\$3,660

Maximum Gross Weight of Vehicle (Pounds)	Total Miles Driven				
	1 to 7,500	7,501 to 20,000	20,001 to 35,000	35,001 to 50,000	Over 50,000
86,001-88,000	\$537	\$1,231	\$1,902	\$2,574	\$3,760
88,001-90,000	\$551	\$1,264	\$1,953	\$2,642	\$3,860
90,001-92,000	\$566	\$1,296	\$2,004	\$2,711	\$3,960
92,001-94,000	\$580	\$1,329	\$2,054	\$2,779	\$4,060
94,001-96,000	\$594	\$1,362	\$2,105	\$2,848	\$4,160
96,001-98,000	\$609	\$1,395	\$2,155	\$2,916	\$4,260
98,001-100,000	\$623	\$1,427	\$2,206	\$2,985	\$4,360
100,001-102,000	\$637	\$1,460	\$2,257	\$3,053	\$4,460
102,001-104,000	\$651	\$1,493	\$2,307	\$3,121	\$4,560
104,001-106,000	\$666	\$1,526	\$2,358	\$3,190	\$4,660
106,001-108,000	\$680	\$1,558	\$2,408	\$3,258	\$4,760
108,001-110,000	\$694	\$1,591	\$2,459	\$3,327	\$4,860
110,001-112,000	\$709	\$1,624	\$2,510	\$3,395	\$4,960
112,001-114,000	\$723	\$1,657	\$2,560	\$3,464	\$5,060
114,001-116,000	\$737	\$1,689	\$2,611	\$3,532	\$5,160
116,001-118,000	\$751	\$1,722	\$2,661	\$3,601	\$5,260
118,001-120,000	\$766	\$1,755	\$2,712	\$3,669	\$5,360
120,001-122,000	\$780	\$1,788	\$2,763	\$3,738	\$5,460
122,001-124,000	\$794	\$1,820	\$2,813	\$3,806	\$5,560
124,001-126,000	\$809	\$1,853	\$2,864	\$3,874	\$5,660
126,001-128,000	\$823	\$1,886	\$2,914	\$3,943	\$5,760
128,001-129,000	\$837	\$1,918	\$2,965	\$4,011	\$5,860

In addition to the registration fees provided for in this subsection, there shall be an additional registration fee imposed of twenty-five dollars (\$25.00).

(d) In addition to the fees set forth in paragraphs (a) and (c) of this subsection (8), an owner or operator may purchase a temporary permit as provided in section 49-432(2), Idaho Code, for operation of a vehicle at a weight in excess of the current, valid, registered maximum gross vehicle weight. The permit so issued shall be specific to the motor vehicle to which it is issued. No permit or fee shall be transferable or apportionable to any other vehicle, nor shall any such fee be refundable.

(e) Any commercial or farm vehicle registered for more than sixty thousand (60,000) pounds up to one hundred six thousand (106,000) pounds traveling fewer than two thousand five hundred (2,500) miles annually on roads and highways in the state, county, city and highway district systems in Idaho shall pay an annual registration fee of two hundred fifty-five dollars (\$255). The provisions of section 49-437(2), Idaho Code, shall not apply to vehicles registered under this subsection (8) (e).

(9) (a) During the first registration year that the fee schedule in subsection (8) (c) of this section is in use, an owner shall use the mileage data from the records used to report the mileage use fee in the immediately preceding year as the basis for determining the appropriate registration fee schedule.

(b) Any owner who registers a motor vehicle for the first time and who has no mileage history for the vehicle shall estimate the miles to de-

termine the appropriate fee schedule in subsection (8) (c) of this section. When estimating the miles, the owner shall provide a statement on the application of the method used to arrive at the estimated miles.

(c) Any owner using any fee schedule other than the highest fee schedule under subsection (8) (c) of this section, shall certify at the time of registration that the miles operated in the preceding year do not exceed the schedule applied for. Any owner using a fee schedule under subsection (8) (c) of this section that is less than the highest schedule shall maintain records to substantiate the use of the schedule as required by section 49-439, Idaho Code.

(10) An owner registering under subsection (8) (a) or (8) (c) of this section may elect to pay the full annual registration fee at the time of registration or renewal of registration, or an owner may pay at least one-quarter (1/4) of the annual registration fee due. The remainder of the annual Idaho registration fee shall be paid in three (3) equal installments on dates as billed by the department.

(11) An owner registering or renewing a registration under subsection (8) (a) of this section electing to use installment payments as provided in subsection (10) of this section, shall pay all of the fees due to other IRP jurisdictions in addition to one-quarter (1/4) of the Idaho fee due at the time of registration or reregistration. The remainder of the annual Idaho registration fee shall be paid in three (3) equal installments on dates as billed by the department.

(12) If any vehicle or combinations of vehicles haul nonreducible loads, as authorized under the provisions of section 49-1004, Idaho Code, and weigh less than the starting weights per axle configuration listed in column 1 of subsection (2), section 49-1004, Idaho Code, then and in that event there shall be paid for that vehicle, in addition to the other fees required in this section, an additional use fee of 2.1 mills per mile for each two thousand (2,000) pounds or fraction thereof of the maximum gross weight in excess of those set forth in section 49-1001, Idaho Code.

SECTION 3. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-457, Idaho Code, and to read as follows:

49-457. **ELECTRIC VEHICLE FEE -- HYBRID VEHICLE FEE.** (1) An electric vehicle fee of one hundred forty dollars (\$140) shall be collected in addition to all other registration fees assessed pursuant to this chapter on each electric vehicle registered.

(2) A hybrid vehicle fee of seventy-five dollars (\$75.00) shall be collected in addition to all other registration fees assessed pursuant to this chapter on each hybrid vehicle registered.

(3) All fees provided for in this section shall be deposited to the highway distribution account as established in section 40-701, Idaho Code, and shall be apportioned as provided for in that section.

(4) For purposes of this chapter, "electric vehicle" means a vehicle powered only by a form of electricity and "hybrid vehicle" means a motor vehicle with a hybrid propulsion system that operates on both an alternative fuel, including electricity, and traditional fuel.

SECTION 4. That Section 63-2402, Idaho Code, be, and the same is hereby amended to read as follows:

63-2402. **IMPOSITION OF TAX UPON MOTOR FUEL.** (1) A tax is hereby imposed upon the distributor who receives motor fuel in this state. The legal incidence of the tax imposed under this section is borne by the distributor. The tax becomes due and payable upon receipt of the motor fuel in this state by the distributor unless such tax liability has previously accrued to another

distributor pursuant to this section. The tax shall be imposed without regard to whether use is on a governmental basis or otherwise, unless exempted by this chapter.

(2) The tax imposed in this section shall be at the rate of ~~twenty-five~~ thirty-two cents (25~~32~~32¢) per gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and refunds set forth in this chapter.

(3) Nothing in this chapter shall prohibit the distributor who is liable for payment of the tax imposed under subsection (1) of this section from including as part of the selling price an amount equal to such tax on motor fuels sold or delivered by such distributor; provided however, that nothing in this chapter shall be deemed to impose tax liability on any person to whom such fuel is sold or delivered except as provided in subsection (6) of this section.

(4) Any person coming into this state in a motor vehicle may transport in the manufacturer's original tank of that vehicle, for his own use only, not more than thirty (30) gallons of motor fuel for the purpose of operating that motor vehicle, without complying with the provisions of this chapter.

(5) The tax imposed in this section does not apply to:

(a) Special fuels that have been dyed at a refinery or terminal under the provisions of 26 U.S.C. section 4082 and regulations adopted thereunder, or under the clean air act and regulations adopted thereunder except as provided in section 63-2425, Idaho Code; or

(b) Special fuel dispensed into a motor vehicle which uses gaseous special fuels and which displays a valid gaseous special fuels permit under section 63-2424, Idaho Code; or

(c) Special fuels that are gaseous special fuels, as defined in section 63-2401, Idaho Code, except that part thereof that is delivered into the fuel supply tank or tanks of a motor vehicle; or

(d) Aircraft engine fuel subject to tax under section 63-2408, Idaho Code.

(6) Should the distributor of first receipt be exempt from imposition of the tax as a matter of federal law, by virtue of its status as a ~~federally-recognized~~ federally recognized Indian tribe or member of such tribe, such distributor shall not bear the tax's legal incidence and must pass the tax through as part of the selling price of the fuel. Such distributor shall retain the administrative obligation to remit the tax, and such obligation shall accrue upon receipt in accordance with subsection (1) of this section. Should a retailer otherwise subject to the tax be exempt from imposition of the tax as a matter of federal law, by virtue of its status as a ~~federally-recognized~~ federally recognized Indian tribe or member of such tribe, the retailer shall not bear the tax's legal incidence and must pass the tax through as part of the selling price of the fuel to the consumer, unless such consumer is exempt from imposition of the tax as a matter of federal law, by virtue of its status as a ~~federally-recognized~~ federally recognized Indian tribe or membership in such tribe, and the retailer shall be entitled to claim a credit against taxes otherwise due and owing under this chapter or a tax refund, together with interest, attributable to the fuel purchased by such consumer.

SECTION 5. That Section 63-2412, Idaho Code, be, and the same is hereby amended to read as follows:

63-2412. DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIRCRAFT ENGINE FUEL. (1) The revenues received from the taxes imposed by sections 63-2402 and 63-2421, Idaho Code, upon the receipt or use of gasoline, and any penalties, interest, or deficiency additions, shall be distributed periodically as follows:

(a) An amount of money equal to the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission, as determined by it shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission at the end of each fiscal year shall be distributed as listed in paragraph (f) of this subsection.

(b) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(c) As soon as possible after the beginning of each fiscal year, the sum of two hundred fifty thousand dollars (\$250,000) shall be distributed to the railroad grade crossing protection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 62-304C, Idaho Code.

(d) As soon as possible after the beginning of each fiscal year, the sum of one hundred thousand dollars (\$100,000) shall be distributed to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-703, Idaho Code.

(e) An amount of money equal to seven percent (7%) shall be distributed to the state highway account established in section 40-702, Idaho Code.

(f) From the balance remaining with the commission after distributing the amounts in paragraphs (a) through (e) of subsection (1) of this section:

1. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the waterways improvement account under the provisions of this paragraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the waterways improvement account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code;

2. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the off-road motor vehicle account, as created in section 57-1901, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the off-road motor vehicle account by this subparagraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the off-road motor vehicle account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths

percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code; and

3. Forty-four hundredths percent (.44%) shall be distributed to the park and recreation capital improvement account as created in section 57-1801, Idaho Code, to be used solely to develop, construct, maintain and repair roads, bridges and parking areas within and leading to parks and recreation areas of the state.

4. The balance remaining shall be distributed to the highway distribution account created in section 40-701, Idaho Code.

(2) Provided however, the distribution pursuant to subsection (1) of this section of revenues received from the taxes imposed pursuant to section 63-2402(2), Idaho Code, shall apply only to twenty-five cents (25¢) of every thirty-two cents (32¢) received. The remaining seven cents (7¢) of every thirty-two cents (32¢) received pursuant to the provisions of section 63-2402(2), Idaho Code, shall be distributed as follows:

(a) Sixty percent (60%) to the state highway account; and

(b) Forty percent (40%) to be distributed pursuant to the provisions of section 40-709, Idaho Code.

(3) The revenues received from the taxes imposed by section 63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics account, as provided in section 21-211, Idaho Code.

SECTION 6. That Chapter 7, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-719, Idaho Code, and to read as follows:

40-719. STRATEGIC INITIATIVES PROGRAM. (1) The Idaho transportation department shall establish and maintain a strategic initiatives program. The purpose of the program is to fund transportation projects that are proposed by the department's six (6) districts. Proposed projects shall compete for strategic initiative program selection and funding on a statewide basis based on an analysis of their return on investment in the following categories:

(a) Safety, including the projected reduction of crashes, injuries and fatalities;

(b) Mobility, including projected traffic-flow improvements for freight and passenger cars;

(c) Economic opportunity, including the projected cost-benefit ratio for users and businesses;

(d) The repair and maintenance of bridges; and

(e) The purchase of public rights-of-way.

(2) There is hereby established in the state treasury the strategic initiatives program fund to which shall be deposited:

(a) Notwithstanding the provisions of section 57-814, Idaho Code, the provisions of this paragraph shall only be in effect from the effective date of this act through May 31, 2017. The state controller shall transfer fifty percent (50%) of any excess cash balance from the general fund to the strategic initiatives program fund upon the financial close of the current fiscal year subject to the following criteria: When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to

cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature.

(b) Any other appropriated moneys for funding of the strategic initiatives program.

Interest earned on the investment of idle moneys in the fund shall be paid to the fund. All moneys in the fund shall be used for funding the strategic initiatives program.

SECTION 7. That Section 57-814, Idaho Code, be, and the same is hereby amended to read as follows:

57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the state treasury the budget stabilization fund for the purpose of meeting general fund revenue shortfalls and to meet expenses incurred as the result of a major disaster declared by the governor. All moneys in the budget reserve account at the date of approval of this act shall be transferred to the budget stabilization fund. Interest earnings from the investment of moneys in this fund by the state treasurer shall be credited to the permanent building account subject to the provisions of section 67-1210, Idaho Code.

(2) Subject to the requirements of section 63-3203, Idaho Code, the state controller shall annually transfer moneys from the general fund to the budget stabilization fund subject to the following criteria: if the state controller certifies that the receipts to the general fund for the fiscal year just ending have exceeded the receipts of the previous fiscal year by more than four percent (4%), then the state controller shall transfer all general fund collections in excess of said four percent (4%) to the budget stabilization fund, up to a maximum of one percent (1%) of the actual general fund collections of the prior fiscal year. The state controller shall make the transfer upon the financial close of the current fiscal year.

~~(a) If the state controller certifies that the receipts to the general fund for the fiscal year just ending have exceeded the receipts of the previous fiscal year by more than four percent (4%), then the state controller shall transfer all general fund collections in excess of said four percent (4%) increase to the budget stabilization fund, up to a maximum of one percent (1%) of the actual general fund collections of the fiscal year just ending. The state controller shall make the transfers in four (4) equal amounts during September, December, March and June of the next fiscal year.~~

~~(b) The amount of moneys in the budget stabilization fund shall not exceed ten percent (10%) of the total general fund receipts for the fiscal year just ending.~~

~~(c) The state controller shall transfer moneys in the budget stabilization fund in excess of the limit imposed in subsection (2)(b) of this section to the general fund.~~

(3) The state controller shall transfer fifty percent (50%) of any excess cash balance from the general fund to the budget stabilization fund upon the financial close of the current fiscal year subject to the following criteria: When calculating any excess cash balance the state controller shall first provide for the ending balance as determined by the legislative record to be carried over into the next fiscal year, plus an amount sufficient to cover encumbrances as approved by the division of financial management, and an amount sufficient to cover any reappropriation as authorized by the legislature.

(4) If a majority of the membership of each house of the legislature adopt a concurrent resolution requesting the amount of the transfer specified in subsection (2) of this section be reduced, the state controller shall reduce the amount of the transfer.

(45) Appropriations of moneys from the budget stabilization fund in any year shall be limited to fifty percent (50%) after the fund balance has reached ten percent (10%).

SECTION 8. That Section 57-814, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 8, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-814, Idaho Code, and to read as follows:

57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the state treasury the budget stabilization fund for the purpose of meeting general fund revenue shortfalls and to meet expenses incurred as the result of a major disaster declared by the governor. All moneys in the budget reserve account at the date of approval of this act shall be transferred to the budget stabilization fund. Interest earnings from the investment of moneys in this fund by the state treasurer shall be credited to the permanent building account subject to the provisions of section 67-1210, Idaho Code.

(2) Subject to the requirements of section 63-3203, Idaho Code, the state controller shall annually transfer moneys from the general fund to the budget stabilization fund subject to the following criteria:

(a) If the state controller certifies that the receipts to the general fund for the fiscal year just ending have exceeded the receipts of the previous fiscal year by more than four percent (4%), then the state controller shall transfer all general fund collections in excess of said four percent (4%) increase to the budget stabilization fund, up to a maximum of one percent (1%) of the actual general fund collections of the fiscal year just ending. The state controller shall make the transfers in four (4) equal amounts during September, December, March and June of the next fiscal year.

(b) The amount of moneys in the budget stabilization fund shall not exceed ten percent (10%) of the total general fund receipts for the fiscal year just ending.

(c) The state controller shall transfer moneys in the budget stabilization fund in excess of the limit imposed in subsection (2) (b) of this section to the general fund.

(3) If a majority of the membership of each house of the legislature adopt a concurrent resolution requesting the amount of the transfer specified in subsection (2) of this section be reduced, the state controller shall reduce the amount of the transfer.

(4) Appropriations of moneys from the budget stabilization fund in any year shall be limited to fifty percent (50%) after the fund balance has reached ten percent (10%).

SECTION 10. LEGISLATIVE INTENT. It is the intent of the Legislature that on or before January 1, 2019, there shall be imposed on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee and in addition thereto, an operating fee by weight class based on the total miles the owner operated such vehicle on roads and highways in the state, county, city and highway district systems in Idaho during each quarter of the calendar year.

SECTION 11. LEGISLATIVE INTENT. It is the intent of the Legislature that all additional funds collected under the provisions of this act, remitted to the Idaho Transportation Department or entities subject to the distribution provisions of Section 40-709, Idaho Code, shall be used exclusively for road and bridge maintenance and replacement projects both at the state and local level.

SECTION 12. LEGISLATIVE INTENT. It is the intent of the Legislature that the Idaho Transportation Department, and all local units of government receiving funds collected under the provisions of this act, shall prepare an annual report and deliver the same to the Senate Transportation Committee and the House Transportation and Defense Committee on or before the first day of each legislative session. Local units of government shall submit report information to the Local Highway Technical Assistance Council, which shall compile the reporting information into one report for submission. The reports shall include a full accounting of the additional funds collected under the provisions of this act and how such funds were expended. Such report shall also include an updated assessment of the ongoing maintenance funding needs.

SECTION 13. LEGISLATIVE INTENT. It is the intent of the Legislature that the Idaho State Police and the State Tax Commission shall, no later than the first day of the 2016 legislative session, provide recommendations to the Senate Transportation Committee and the House Transportation and Defense Committee on greater enforcement of the prohibition of dyed fuel and other untaxed fuel use on Idaho roads and highways.

SECTION 14. LEGISLATIVE INTENT. This legislation is intended to be an interconnected solution to raise revenue for Idaho's transportation infrastructure and maintenance.

SECTION 15. That Section 40-701, Idaho Code, be, and the same is hereby amended to read as follows:

40-701. HIGHWAY DISTRIBUTION ACCOUNT -- APPORTIONMENT. (1) There is established in the state treasury an account known as the "Highway Distribution Account," to which shall be credited:

(a) Moneys as provided by sections 63-2412(1)(f)4. and 63-2418(4), Idaho Code;

(b) All moneys collected by the department, their agents and vendors, and county assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise specifically provided for; and

(c) All other moneys as may be provided by law.

(2) The highway distribution account shall be apportioned as follows:

(a) Thirty-eight percent (38%) to local units of government as provided in section 40-709, Idaho Code;

(b) Fifty-seven percent (57%) to the state highway account established in section 40-702, Idaho Code; and

(c) Five percent (5%) to the law enforcement account, established in section 67-2914, Idaho Code. The state controller shall cause the remittance of the moneys apportioned to local units of government not later than January 25, April 25, July 25 and October 25 of each year, and to the state highway account and the law enforcement account as the moneys become available to the highway distribution account.

(3) All new revenues generated by increases in registration fees and fees on electric and hybrid vehicles pursuant to the provisions of House Bill No. 312, as amended in the Senate, as amended in the Senate, during the first regular session of the sixty-third Idaho legislature, shall be apportioned as follows:

(a) Forty percent (40%) to local units of government as provided in section 40-709, Idaho Code; and

(b) Sixty percent (60%) to the state highway account established in section 40-702, Idaho Code.

(4) Interest earned on the investment of idle moneys in the highway distribution account shall be paid to the highway distribution account.

(45) All idle moneys in the dedicated highway trust or asset accounts or subaccounts established from highway user revenues, reimbursements, fees or permits shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the various highway trust or asset accounts and subaccounts.

SECTION 16. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, Sections 6 and 7 of this act shall be in full force and effect on and after passage and approval. Sections 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16 of this act shall be in full force and effect on and after July 1, 2015. Section 7 of this act shall be null, void and of no force and effect on and after May 31, 2017. Sections 8 and 9 of this act shall be in full force and effect on and after May 31, 2017.

Approved April 21, 2015

CHAPTER 342

(H.B. No. 92, As Amended, As Amended in the Senate)

AN ACT

RELATING TO THE UNIFORM VOIDABLE TRANSACTIONS ACT; AMENDING SECTION 55-910, IDAHO CODE, TO REVISE TERMINOLOGY AND DEFINITIONS; AMENDING SECTION 55-911, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 55-913, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE THAT A CREDITOR MAKING A CLAIM HAS THE BURDEN OF PROOF AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-914, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE THAT A CREDITOR MAKING A CLAIM HAS THE BURDEN OF PROOF; AMENDING SECTION 55-915, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 55-916, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE A REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-917, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS RELATING TO A CREDITOR RECOVERING JUDGMENT FOR A TRANSFER THAT IS AVOIDABLE, TO REVISE A PROVISION RELATING TO WHEN A TRANSFER IS NOT VOIDABLE, TO PROVIDE APPLICATION TO A TRANSFER OF A CHARITABLE CONTRIBUTION TO A QUALIFIED RELIGIOUS OR CHARITABLE ENTITY OR ORGANIZATION AND TO PROVIDE RULES FOR DETERMINING BURDEN OF PROOF; AMENDING SECTION 55-918, IDAHO CODE, TO REMOVE REFERENCE TO FRAUD AND TO REVISE TERMINOLOGY; AMENDING CHAPTER 9, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-919, IDAHO CODE, TO PROVIDE RULES FOR DETERMINING A DEBTOR'S LOCATION AND TO PROVIDE FOR WHICH LAWS GOVERN A CLAIM; AMENDING SECTION 55-919, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 55-920, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 55-921, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY.

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

SECTION 1. That Section 55-910, Idaho Code, be, and the same is hereby amended to read as follows:

55-910. UNIFORM FRAUDULENT TRANSFER VOIDABLE TRANSACTIONS ACT -- DEFINITIONS. As used in this act:

(1) "Affiliate" means:

(a) A person ~~who~~ that directly or indirectly owns, controls, or holds with power to vote, twenty percent (20%) or more of the outstanding voting securities of the debtor, other than a person ~~who~~ that holds the securities:

1. as a fiduciary or agent without sole discretionary power to vote the securities; or
2. solely to secure a debt, if the person has not in fact exercised the power to vote;

(b) A corporation twenty percent (20%) or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person ~~who~~ that directly or indirectly owns, controls, or holds with power to vote, twenty percent (20%) or more of the outstanding voting securities of the debtor, other than a person ~~who~~ that holds the securities:

1. as a fiduciary or agent without sole discretionary power to vote the securities; or
2. solely to secure a debt, if the person has not in fact exercised the power to vote;

(c) A person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor; or

(d) A person ~~who~~ that operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

(2) "Asset" means property of a debtor, but the term does not include:

- (a) Property to the extent it is encumbered by a valid lien;
- (b) Property to the extent it is generally exempt under nonbankruptcy law.

(3) "Claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(4) "Creditor" means a person ~~who~~ that has a claim.

(5) "Debt" means liability on a claim.

(6) "Debtor" means a person ~~who~~ that is liable on a claim.

(7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(8) "Insider" includes:

(a) If the debtor is an individual:

1. a relative of the debtor or of a general partner of the debtor;
2. a partnership in which the debtor is a general partner;
3. a general partner in a partnership described in subsection (7) (a)2. of this section; or
4. a corporation of which the debtor is a director, officer, or person in control;

(b) If the debtor is a corporation:

1. a director of the debtor;
2. an officer of the debtor;
3. a person in control of the debtor;
4. a partnership in which the debtor is a general partner;
5. a general partner in a partnership described in subsection (7) (b)4. of this section; or
6. a relative of a general partner, director, officer, or person in control of the debtor;

(c) If the debtor is a partnership:

1. a general partner in the debtor;

2. a relative of a general partner in, or a general partner of, or a person in control of the debtor;
3. another partnership in which the debtor is a general partner;
4. a general partner in a partnership described in subsection (7) (c) 3. of this section; or
5. a person in control of the debtor;

(d) An affiliate, or an insider of an affiliate as if the affiliate were the debtor; and

(e) A managing agent of the debtor.

(89) "Lien" means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

(10) "Organization" means a person other than an individual.

(911) "Person" means an individual, partnership, estate, business or nonprofit entity, public corporation, association, organization, government or governmental subdivision, or agency, business trust, estate, trust or instrumentality, or any other legal or commercial entity.

(102) "Property" means anything that may be the subject of ownership.

(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(114) "Relative" means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

(15) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound or process.

(126) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, license and creation of a lien or other encumbrance.

(137) "Valid lien" means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

SECTION 2. That Section 55-911, Idaho Code, be, and the same is hereby amended to read as follows:

55-911. INSOLVENCY DEFINED. (1) A debtor is insolvent if, at a fair valuation, the sum of the debtor's debts is greater than all the sum of the debtor's assets, at a fair valuation.

(2) A debtor who that is generally not paying his ~~or her~~ the debtor's debts as they become due other than as a result of a bona fide dispute is presumed to be insolvent. The presumption imposes on the transferee or debtor the burden of proving that it is probable that the debtor was solvent at the time of the transfer.

(3) ~~A partnership is insolvent under subsection (1) of this section if the sum of the partnership's debts is greater than the aggregate of all of the partnership's assets, at a fair valuation, and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.~~

(4) Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this act.

(54) Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

SECTION 3. That Section 55-913, Idaho Code, be, and the same is hereby amended to read as follows:

55-913. TRANSFERS FRAUDULENT OR OBLIGATION VOIDABLE AS TO PRESENT AND OR FUTURE CREDITORS. (1) A transfer made or obligation incurred by a debtor is fraudulent voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

- (a) With actual intent to hinder, delay, or defraud any creditor of the debtor; or
- (b) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:
 - 1. was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or
 - 2. intended to incur, or believed or reasonably should have believed that ~~he or she~~ the debtor would incur, debts beyond ~~his or her~~ the debtor's ability to pay as they became due.
- (2) In determining actual intent under subsection (1) (a) of this section, consideration may be given, among other factors, as to whether:
 - (a) The transfer or obligation was to an insider;
 - (b) The debtor retained possession or control of the property transferred after the transfer;
 - (c) The transfer or obligation was disclosed or concealed;
 - (d) Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;
 - (e) The transfer was of substantially all the debtor's assets;
 - (f) The debtor ~~abseounded~~ absconded;
 - (g) The debtor removed or concealed assets;
 - (h) The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;
 - (i) The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;
 - (j) The transfer occurred shortly before or shortly after a substantial debt was incurred; and
 - (k) The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.
- (3) A creditor making a claim under subsection (1) of this section has the burden of proving the elements of the claim by a preponderance of the evidence.

SECTION 4. That Section 55-914, Idaho Code, be, and the same is hereby amended to read as follows:

55-914. TRANSFERS FRAUDULENT OR OBLIGATION VOIDABLE AS TO PRESENT CREDITORS. (1) A transfer made or obligation incurred by a debtor is fraudulent voidable as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

(2) A transfer made by a debtor is fraudulent voidable as to a creditor whose claim arose before the transfer was made if the transfer was made to an

insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

(3) Subject to section 55-911(2), Idaho Code, a creditor making a claim under subsection (1) or (2) of this section has the burden of proving the elements of the claim by a preponderance of the evidence.

SECTION 5. That Section 55-915, Idaho Code, be, and the same is hereby amended to read as follows:

55-915. WHEN TRANSFER IS MADE OR OBLIGATION IS INCURRED. For the purposes of this act:

(1) A transfer is made:

(a) With respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom which applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(b) With respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this act that is superior to the interest of the transferee;

(2) If applicable law permits the transfer to be perfected as provided in subsection (1) of this section and the transfer is not so perfected before the commencement of an action for relief under this act, the transfer is deemed made immediately before the commencement of the action;

(3) If applicable law does not permit the transfer to be perfected as provided in subsection (1) of this section, the transfer is made when it becomes effective between the debtor and the transferee;

(4) A transfer is not made until the debtor has acquired rights in the asset transferred; and

(5) An obligation is incurred:

(a) If oral, when it becomes effective between the parties; or

(b) If evidenced by a writing record, when the writing executed record signed by the obligor is delivered to or for the benefit of the obligee.

SECTION 6. That Section 55-916, Idaho Code, be, and the same is hereby amended to read as follows:

55-916. REMEDIES OF CREDITORS. (1) In an action for relief against a transfer or obligation under this act, a creditor, subject to the limitations in section 55-917, Idaho Code, may obtain:

(a) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(b) An attachment or other provisional remedy against the asset transferred or other property of the transferee ~~in accordance with the procedure prescribed in chapter 5, title 8, Idaho Code~~ if available under applicable law; and

(c) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure~~;~~:

1. an injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

2. appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

3. any other relief the circumstances may require.

(2) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

SECTION 7. That Section 55-917, Idaho Code, be, and the same is hereby amended to read as follows:

55-917. DEFENSES, LIABILITY, AND PROTECTION OF TRANSFEREE OR OBLIGEE. (1) A transfer or obligation is not voidable under section 55-913(1) (a), Idaho Code, against a person who that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee.

(2) To the extent a transfer is avoidable in an action by a creditor under section 55-916(1) (a), Idaho Code, the following rules apply:

(a) Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under section 55-916(1) (a), Idaho Code, the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (3) of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

(ai) The first transferee of the asset or the person for whose benefit the transfer was made; or

(bii) Any subsequent An immediate or mediate transferee of the first transferee other than:

1. Aa good-faith transferee or obligee who that took for value; or

2. from any subsequent An immediate or mediate good-faith transferee or obligee of a person described in subparagraph (ii)1. of this paragraph.

(b) Recovery pursuant to section 55-916(1) (a) or (2), Idaho Code, of or from the asset transferred or its proceeds, by levy or otherwise, is available only against a person described in paragraph (a) (i) or (ii) of this subsection.

(3) If the judgment under subsection (2) of this section is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(4) Notwithstanding voidability of a transfer or an obligation under this act, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

(a) A lien on or a right to retain any interest in the asset transferred;

(b) Enforcement of any obligation incurred; or

(c) A reduction in the amount of the liability on the judgment.

(5) A transfer is not voidable under sections 55-913(1) (b) or 55-914, Idaho Code, if the transfer results from:

(a) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or

(b) Enforcement of a security interest in compliance with chapter 9, title 28, Idaho Code, other than acceptance of collateral in full or partial satisfaction of the obligation it secures.

(6) A transfer is not voidable under section 55-914(2), Idaho Code:

(a) To the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless, except to the extent the new value was secured by a valid lien;

(b) If made in the ordinary course of business or financial affairs of the debtor and the insider; or

(c) If made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

(7) A transfer of a charitable contribution to a qualified religious or charitable entity or organization shall not be considered to be a transfer covered by this act for the amount of the contribution that does not exceed fifteen percent (15%) of the gross annual income of the debtor for the year in

which the transfer is made, and the transfer is consistent with the practices of the debtor in making charitable contributions.

(8) The following rules determine the burden of proving matters referred to in this section:

(a) A party that seeks to invoke subsection (1), (4), (5) or (6) of this section has the burden of proving the applicability of that subsection;

(b) Except as otherwise provided in paragraphs (c) and (d) of this subsection, the creditor has the burden of proving each applicable element of subsection (2) or (3) of this section;

(c) The transferee has the burden of proving the applicability to the transferee of subsection (2) (a) (ii) 1. or 2. of this section; and

(d) A party that seeks adjustment under subsection (3) of this section has the burden of proving the adjustment.

(9) Proof of matters referred to in this section is sufficient if established by a preponderance of the evidence.

SECTION 8. That Section 55-918, Idaho Code, be, and the same is hereby amended to read as follows:

55-918. **EXTINGUISHMENT OF A CAUSE OF ACTION.** A cause of action with respect to a ~~fraudulent~~ transfer or obligation under this act is extinguished unless action is brought:

(1) Under section 55-913(1) (a), Idaho Code, within not later than four (4) years after the transfer was made or the obligation was incurred or, if later, within not later than one (1) year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(2) Under section 55-913(1) (b) or 55-914(1), Idaho Code, within not later than four (4) years after the transfer was made or the obligation was incurred; or

(3) Under section 55-914(2), Idaho Code, within not later than one (1) year after the transfer was made or the obligation was incurred.

SECTION 9. That Chapter 9, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-919, Idaho Code, and to read as follows:

55-919. **GOVERNING LAW.** (1) In this section, the following rules shall determine a debtor's location:

(a) A debtor who is an individual is located at the individual's principal residence;

(b) A debtor that is an organization and has only one (1) place of business is located at its place of business; and

(c) A debtor that is an organization and has more than one (1) place of business is located at its chief executive office.

(2) A claim in the nature of a claim under this act is governed by the local law of the jurisdiction in which the debtor is located when the transfer is made or the obligation is incurred.

SECTION 10. That Section 55-919, Idaho Code, be, and the same is hereby amended to read as follows:

~~55-91920.~~ **APPLICATION OF GENERAL LAW.** Unless displaced by the provisions of this act, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement its provisions.

SECTION 11. That Section 55-920, Idaho Code, be, and the same is hereby amended to read as follows:

55-9201. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

SECTION 12. That Section 55-921, Idaho Code, be, and the same is hereby amended to read as follows:

55-9212. SHORT TITLE. This act, that was formerly cited as the "Uniform Fraudulent Transfer Act" may be cited as the "Uniform Fraudulent Transfer Voidable Transactions Act."

Approved April 21, 2015

CHAPTER 343

(H.B. No. 309, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5217, IDAHO CODE, TO CREATE THE PUBLIC CHARTER SCHOOL DEBT RESERVE, TO PROVIDE CONDITIONS TO USE THE PUBLIC CHARTER SCHOOL DEBT RESERVE, TO PROVIDE FOR APPROVAL FROM THE IDAHO HOUSING AND FINANCE ASSOCIATION, TO ESTABLISH THE PUBLIC CHARTER SCHOOL DEBT RESERVE FUND, TO PROVIDE FOR CONTINUOUS APPROPRIATION, TO PROVIDE FOR THE DEPOSIT OF CERTAIN MONEYS INTO THE FUND, TO ESTABLISH PROVISIONS CONCERNING A DEFAULT ON AN OUTSTANDING DEBT, TO PROVIDE FOR REPAYMENT OF MONEY WITHDRAWN FROM THE PUBLIC CHARTER SCHOOL DEBT RESERVE FUND; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 52, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-5217, Idaho Code, and to read as follows:

33-5217. PUBLIC CHARTER SCHOOL DEBT RESERVE. (1) There is hereby created the public charter school debt reserve to assist qualifying charter schools in obtaining favorable financing for facility improvements and construction. A public charter school seeking to use the public charter school debt reserve must receive approval from the Idaho housing and finance association pursuant to the criteria set forth in this section.

(2) A public charter school shall be qualified to use the public charter school debt reserve only upon satisfaction of the following conditions:

(a) The public charter school must demonstrate it has obtained one (1) of the following:

(i) A letter of commitment from a national or state chartered financial institution;

(ii) A letter of commitment from a nonprofit corporation;

(iii) A letter of commitment from a community development financial institution; or

(iv) A letter of commitment from a qualified underwriter or an investment firm;

(b) The public charter school must provide annual budgets and cash flow statements and must demonstrate satisfaction of each of the following criteria:

(i) Projected future budgets, cash flows and operating reserves greater than sixty (60) days of cash on hand to support a debt service coverage greater than 1.20x;

(ii) Cost to operate facility, including debt service, occupancy cost and operating expenses, not to exceed twenty percent (20%) of revenue;

(iii) Audited financial statements with unqualified opinions for the prior three (3) years; and

(iv) Certification from a school administrator that projected future budgets and cash flows are based on reasonable assumptions related to level or increasing projected enrollment or waitlist and projected total income, including any matching funds and donations contingent on receipt of a loan under this section; and

(c) The public charter school must obtain approval for issuance by the Idaho housing and finance association to act as a conduit issuer.

(3) Public charter schools that satisfy the requirements set forth in subsection (2) of this section shall receive approval from the Idaho housing and finance association to rely on the public charter school debt reserve for assistance in obtaining favorable financing for facility improvements and construction, so long as sufficient moneys exist pursuant to subsection (4) of this section. Eligible schools shall receive approval on a first-come basis according to date of completed application, in an amount not to exceed twenty-four (24) months of principal and interest payments.

(4) There is hereby established in the state treasury the public charter school debt reserve fund that shall consist of moneys made available through appropriations, fees, grants, gifts or any other source to fulfill the purposes of this section. Moneys in the fund are hereby continuously appropriated for the purposes of this section, and shall only be expended for the purposes stated herein. Qualifying schools annually shall pay an amount equal to ten (10) basis points of the principal amount of the debt for which it qualified to use the public charter school debt reserve, which shall be deposited into the public charter school debt reserve fund.

(5) Subject to the limitations of subsection (3) of this section, if a qualified public charter school defaults on an outstanding debt for which the Idaho housing and finance association has made the debt reserve available, and there is no other money available to the charter school to make the payment, money shall be withdrawn from the public charter school debt reserve fund to pay the principal, redemption price or interest on the outstanding debt. Upon certification by the Idaho housing and finance association to the superintendent of public instruction, payment shall be made from the public charter school debt reserve fund toward the outstanding debt.

(6) If money has been withdrawn from the public charter school debt reserve fund for a public charter school pursuant to subsection (5) of this section, then the superintendent of public instruction shall redirect the money from such public charter school's allocation of facilities funds pursuant to section 33-5208(5), Idaho Code. Any money redirected shall be according to a determined time and sequence of payments, over a period of years until the amount so withdrawn has been repaid to the fund so long as the redirection does not cause an event of default under the agreement(s) governing the public charter school's obligation for which the debt reserve was made available, excepting that any money withdrawn during any fiscal year shall be repaid within ten (10) years.

SECTION 2. This act shall be in full force and effect on and after July 1, 2016.

Approved April 21, 2015

CHAPTER 344
(H.B. No. 323)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE THAT CERTAIN STAFF MAY NOT BE PLACED ON A RENEWABLE CONTRACT STATUS, TO PROVIDE AN EXCEPTION AND TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 33-515, Idaho Code, be, and the same is hereby amended to read as follows:

33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection ~~(1624)~~ of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, and upon signing and timely returning a contract for a fourth full year, be placed on a renewable contract status with said school district entitling such individual to the right to automatic renewal of contract, subject to the provisions included in this chapter, provided that instructional staff who have not obtained a professional endorsement under section 33-1201A, Idaho Code, may not be placed on a renewable contract status provided however, if the career ladder pursuant to section 33-1004B, Idaho Code, is not funded, then a professional endorsement shall not be required.

(2) At least once annually, the performance of each renewable contract certificated employee, school nurse, or school librarian shall be evaluated according to criteria and procedures established by the board of trustees in accordance with general guidelines approved by the state board of education. Such an evaluation shall be completed no later than May 1 of each year. The evaluation shall include a minimum of two (2) documented observations, one (1) of which shall be completed prior to January 1 of each year.

(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 stated in the current contract and at a greater, lesser or equal salary as that stated in the current contract. Absent the board's application of a formal reduction in force, renewals of standard teacher contracts may be for a shorter term, longer term or the same length of term as stated in the current standard teacher contract and at a greater, lesser or equal salary, and shall be uniformly applied to all employees based upon the district's adopted salary schedule to the extent allowable in section 33-1004E, Idaho Code.

(a) Contracts issued pursuant to this section shall be issued on or before the first day of July each year.

(b) At the discretion of the board, the district may issue letters of intent for employment for the next ensuing school year to renewable contract status employees during May of each school year. Such letter of intent shall not state a specific duration of the contract or salary/benefits term for the next ensuing school year.

(c) Unless otherwise negotiated and ratified by both parties pursuant to sections 33-1271, et seq., Idaho Code, standard teacher renewals for terms shorter in length than that stated in the current standard contract of renewable certificated employees, should be considered and implemented only after the district has determined that the salary-based apportionment reimbursement that it estimates it will receive for the

ensuing school year is less than the sum the district would otherwise be paying for salaries for certificated professional employees.

(4) Nothing in this section shall prevent the board of trustees from offering a renewed contract increasing the salary of any certificated person, or from reassigning an administrative employee to a nonadministrative position with appropriate reduction of salary from the preexisting salary level. In the event 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 local board of trustees.

(5) Before a board of trustees can determine not to renew for reasons of an unsatisfactory report of the performance of any certificated person whose contract would otherwise be automatically renewed, such person shall be entitled to a reasonable period of probation. This period of probation shall be preceded by a written notice from the board of trustees 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 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 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, and furthermore, the board shall notify the employee in writing whether there is just and reasonable cause not to renew the contract or to reduce the salary of the affected employee, and if so, what reasons it relied upon in that determination.

(7) If the board of trustees takes action after the declaration of a financial emergency pursuant to section 33-522, Idaho Code, and such action is directed at more than one (1) certificated employee, and if mutually agreed to by both parties, a single informal review shall be conducted. Without mutual consent of both parties, the board of trustees shall use the following procedure to conduct a single due process hearing within sixty-seven (67) days of the declaration of financial emergency pursuant to section 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the change in the length of the term stated in the current contract or reduce the salary of any certificated employee by filing with the board of trustees written notice specifying the purported reasons for such changes.

(b) Upon receipt of such notice, the board of trustees, acting through its duly authorized administrative official, shall give the affected employees written notice of the reductions and the recommendation of the change in the length of the term stated in the current contract or the reduction of salary, along with written notice of a hearing before the board of trustees prior to any determination by the board of trustees.

(c) The hearing shall be scheduled to take place not less than six (6) days nor more than fourteen (14) days after receipt of the notice by the employees. The date provided for the hearing may be changed by mutual consent.

- (d) The hearing shall be open to the public.
- (e) All testimony at the hearing shall be given under oath or affirmation. Any member of the board, or the clerk of the board of trustees, may administer oaths to witnesses or affirmations by witnesses.
- (f) The employees may be represented by legal counsel and/or by a representative of a local or state education association.
- (g) The chairman of the board of trustees or the designee of the chairman shall conduct the hearing.
- (h) The board of trustees 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 of trustees upon request of the employee.
- (i) At the hearing, the superintendent or other duly authorized administrative officer shall present evidence to substantiate the reduction contained in such notice.
- (j) The employees may produce evidence to refute the reduction. Any witness presented by the superintendent or by the employees shall be subject to cross-examination. The board of trustees may also examine witnesses and be represented by counsel.
- (k) The affected employees may file written briefs and arguments with the board of trustees within three (3) days after the close of the hearing or such other time as may be agreed upon by the affected employees and the board of trustees.
- (l) Within seven (7) days following the close of the hearing, the board of trustees shall determine and, acting through its duly authorized administrative official, shall notify the employees in writing whether the evidence presented at the hearing established the need for the action taken.

The due process hearing pursuant to this subsection shall not be required if the board of trustees and the local education association reach an agreement on issues agreed upon pursuant to section 33-522(3), Idaho Code.

(8) If the board of trustees, for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract, reduce the salary or not renew the contract of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require a probationary period.

(9) If the board of trustees, for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract or reduce the salary of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require any individualized due process proceeding. In such circumstance, the board shall hold a single informal review for all impacted employees. The process and procedure for the single informal review shall be determined by the local board of trustees.

Approved April 21, 2015

CHAPTER 345
(H.B. No. 324)

AN ACT

RELATING TO THE OPEN MEETING LAW; AMENDING SECTION 74-208, IDAHO CODE, AS ADDED IN SECTION 5, HOUSE BILL NO. 90, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-THIRD IDAHO LEGISLATURE, TO INCREASE MONETARY CIVIL PENALTIES FOR VIOLATIONS OF THE OPEN MEETING LAW.

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

SECTION 1. That Section 74-208, Idaho Code, as added in Section 5, House Bill No. 90, as enacted by the First Regular Session of the Sixty-third Idaho Legislature, be, and the same is hereby amended to read as follows:

74-208. VIOLATIONS. (1) If an action, or any deliberation or decision-making that leads to an action, occurs at any meeting which fails to comply with the provisions of this chapter, such action shall be null and void.

(2) Any member of the governing body governed by the provisions of this chapter, who conducts or participates in a meeting which violates the provisions of this act shall be subject to a civil penalty not to exceed two hundred fifty dollars (~~\$250.00~~).

(3) Any member of a governing body who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars (~~\$1,500~~).

(4) Any member of a governing body who knowingly violates any provision of this act chapter and who has previously admitted to committing or has been previously determined to have committed a violation pursuant to subsection (3) of this act section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars (~~\$2,500~~).

(5) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this act in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this act, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose as provided in section 31-2603, Idaho Code.

(6) Any person affected by a violation of the provisions of this chapter may commence a civil action in the magistrate division of the district court of the county in which the public agency ordinarily meets, for the purpose of requiring compliance with provisions of this act. No private action brought pursuant to this subsection shall result in the assessment of a civil penalty against any member of a public agency and there shall be no private right of action for damages arising out of any violation of the provisions of this chapter. Any suit brought for the purpose of having an action declared or determined to be null and void pursuant to subsection (1) of this section shall be commenced within thirty (30) days of the time of the decision or action that results, in whole or in part, from a meeting that failed to comply with the provisions of this act. Any other suit brought under the provisions of this section shall be commenced within one hundred eighty (180) days of the time of the violation or alleged violation of the provisions of this act.

(7) (a) A violation may be cured by a public agency upon:

(i) The agency's self-recognition of a violation; or

(ii) Receipt by the secretary or clerk of the public agency of written notice of an alleged violation. A complaint filed and served upon the public agency may be substituted for other forms of written notice. Upon notice of an alleged open meeting violation, the governing body shall have fourteen (14) days to respond publicly and either acknowledge the open meeting violation and state an intent to cure the violation or state that the public agency has determined that no violation has occurred and that no cure is necessary. Failure to respond shall be treated as a denial of any violation for purposes of proceeding with any enforcement action.

(b) Following the public agency's acknowledgment of a violation pursuant to paragraph (a)(i) or (a)(ii) of this subsection, the public agency shall have fourteen (14) days to cure the violation by declaring

that all actions taken at or resulting from the meeting in violation of this act void.

(c) All enforcement actions shall be stayed during the response and cure period but may recommence at the discretion of the complainant after the cure period has expired.

(d) A cure as provided in this section shall act as a bar to the imposition of the civil penalty provided in subsection (2) of this section. A cure of a violation as provided in subsection (7) (a) (i) of this section shall act as a bar to the imposition of any civil penalty provided in subsection (4) of this section.

Approved April 21, 2015

CHAPTER 346
(S.B. No. 1175)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A DEDICATED FUND CASH TRANSFER; PROVIDING FOR NOTIFICATION OF CONTRACT RENEWALS OR EXTENSIONS; DIRECTING CONTINUATION OF THE HEALTH INSURANCE PREMIUM FOR STATE EMPLOYEES; PROVIDING LEGISLATIVE INTENT REGARDING BROADBAND CONNECTIVITY; PROVIDING LEGISLATIVE INTENT REGARDING ISSUANCE OF CONTRACTS RELATING TO THE IDAHO EDUCATION NETWORK; PROVIDING LEGISLATIVE INTENT REGARDING ISSUANCE OF CONTRACTS RELATING TO BROADBAND FOR STATE AGENCIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 227, Laws of 2014, and any other appropriation provided for by law, there is hereby appropriated \$100,000 from the Federal Surplus Property Revolving Fund to the Department of Administration, for the Purchasing Program to be expended for operating expenditures, for the period July 1, 2014, through June 30, 2015.

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, 2015, through June 30, 2016:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$156,300	\$48,500		\$204,800
Permanent Building				
Fund	135,800	100		135,900
Administration and Accounting Services				
Fund	399,100	9,500		408,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Federal Surplus Property Revolving				
Fund	18,000			18,000
Employee Group Insurance				
Fund	70,700	100		70,800
Retained Risk				
Fund	52,500			52,500
Administrative Code				
Fund	16,600			16,600
Industrial Special Indemnity				
Fund	<u>188,100</u>	<u>98,700</u>		<u>286,800</u>
TOTAL	\$1,037,100	\$156,900		\$1,194,000

II. ADMINISTRATIVE RULES:

FROM:

Administrative Code

Fund	\$225,800	\$173,900		\$399,700
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III. INFORMATION TECHNOLOGY:

FROM:

General

Fund	\$686,900	\$451,500		\$1,138,400
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Permanent Building

Fund	107,500			107,500
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Administration and Accounting Services

Fund	1,361,200	777,900		2,139,100
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Federal Surplus Property Revolving

Fund	10,800			10,800
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Employee Group Insurance

Fund	22,500			22,500
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Retained Risk

Fund	24,400			24,400
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Administrative Code

Fund	10,800			10,800
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Industrial Special Indemnity

Fund	<u>8,800</u>	<u>0</u>		<u>8,800</u>
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TOTAL	\$2,232,900	\$1,229,400		\$3,462,300
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IV. PUBLIC WORKS:

FROM:

General

Fund		\$1,293,100		\$1,293,100
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Permanent Building

Fund	\$1,897,000	414,600	\$250,000	2,561,600
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Administration and Accounting Services				
Fund	<u>1,693,100</u>	<u>4,445,800</u>	<u>0</u>	<u>6,138,900</u>
TOTAL	\$3,590,100	\$6,153,500	\$250,000	\$9,993,600
V. PURCHASING:				
FROM:				
General				
Fund	\$757,400			\$757,400
Administration and Accounting Services				
Fund	1,000,100	\$775,900	\$21,300	1,797,300
Federal Surplus Property Revolving				
Fund	<u>170,400</u>	<u>417,400</u>	<u>0</u>	<u>587,800</u>
TOTAL	\$1,927,900	\$1,193,300	\$21,300	\$3,142,500
VI. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance				
Fund	\$457,700	\$392,100		\$849,800
Retained Risk				
Fund	<u>446,900</u>	<u>113,700</u>		<u>560,600</u>
TOTAL	\$904,600	\$505,800		\$1,410,400
GRAND TOTAL	\$9,918,400	\$9,412,800	\$271,300	\$19,602,500

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred thirty-nine and one-half (139.5) full-time equivalent positions at any point during the period July 1, 2015, through June 30, 2016, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. CASH TRANSFER. There is hereby appropriated to the Department of Administration and the State Controller shall transfer \$1,737,500 from the Permanent Building Fund to the Administrative and Accounting Services Fund on July 1, 2015, or as soon thereafter as necessary, for the Public Officials' Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2016.

SECTION 5. NOTIFICATION OF CONTRACT RENEWALS OR EXTENSIONS. The director of the department shall notify the Legislature prior to any contract extensions or renewals in excess of \$1,000,000. As part of the budget submission process, the department shall submit a list of contracts due for renewal in the upcoming fiscal year that exceed \$1,000,000 on an annual basis. Further, the director shall notify the members of legislative leadership, the JFAC chairmen and the germane committee chairmen, in writing, of any proposed early contract renewal or extension at least 90 days prior to signing the contract.

SECTION 6. HEALTH INSURANCE PREMIUM. The Office of Group Insurance shall maintain the current health insurance program structure and benefit package for state employees. The office shall also maintain the employer and employee cost-sharing split recommended by the Governor and the Legislature's Joint Change in Employee Compensation Committee.

SECTION 7. LEGISLATIVE INTENT REGARDING BROADBAND CONNECTIVITY. Notwithstanding Sections 67-5745D and 67-5745E, Idaho Code, money for broadband services for schools is provided for in the appropriation made to the Superintendent of Public Instruction for the period July 1, 2015, through June 30, 2016.

SECTION 8. LEGISLATIVE INTENT REGARDING ISSUANCE OF CONTRACTS RELATING TO THE IDAHO EDUCATION NETWORK. Notwithstanding Sections 67-5745D and 67-5745E, Idaho Code, the Department of Administration shall not enter into any contracts relating to educational services previously provided under the Idaho Education Network until a longer-term policy direction is established by this Legislature in concert with the Governor.

SECTION 9. LEGISLATIVE INTENT REGARDING ISSUANCE OF CONTRACTS RELATING TO BROADBAND FOR STATE AGENCIES. It is the intent of the Legislature that, prior to the expiration of the six-month emergency contract currently in place for broadband-related services at state agencies, the Department of Administration shall analyze and justify the cost, benefits, and flexibility of a statewide contract, as compared to individual contracts issued by state agencies, for the purchase of broadband and related services for state agencies. Said analysis and justification may include, but is not limited to, issuance of a Request for Information or Request for Proposal and the Department of Administration is hereby directed to issue contracts based on the results of said analysis. In addition, the Department of Administration shall not enter into any contract with an initial term, or a renewal option, that is longer than one year until a longer-term policy direction is established by this Legislature in concert with the Governor.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 8 of this act shall be in full force and effect on and after passage and approval.

Law without signature.

SENATE JOINT MEMORIAL

(S.J.M. No. 101)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES SECRETARY OF THE INTERIOR, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, maintaining a healthy suite of economic, environmental and social ecosystem services in aquatic systems is integral to the quality of life in the State of Idaho; and

WHEREAS, healthy aquatic habitats provide clean drinking water, flood control, transportation, recreation, purification of human and industrial wastes, power generation, habitat for native plants and animals, production of fish and other foods, marketable goods, and cultural benefits; and

WHEREAS, aquatic invasive species, including mussels such as dreissenids, cause irreparable ecological damage to many waters in the United States; and

WHEREAS, dreissenids have not yet been detected in the Pacific Northwest. The estimated cost to address established populations of dreissenids in the Pacific Northwest Economic Region is almost \$500 million annually; and

WHEREAS, the Water Resources Reform and Development Act was signed in June 2014 and authorizes \$20 million for Columbia River Basin dreissenid efforts through the Secretary of the Army.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request Congress expedite appropriation of these funds to significantly enhance monitoring and prevention efforts and to implement the intent of the Act.

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 Barack Obama, the United States Secretary of the Interior Sally Jewell, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 18, 2015

Adopted by the House March 9, 2015

HOUSE JOINT MEMORIALS

(H.J.M. No. 2)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE INTERIOR, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Caldera area of the Island Park region in eastern Idaho has been suggested as a potential national monument that could be established under the provisions of the 1906 Antiquities Act; and

WHEREAS, the current multiple use and private land protections policies governing the management of this area generally have served the interests of local residents; and

WHEREAS, cattle ranching and agriculture, the main economic drivers in this area, will be substantially impacted by any land management decisions regarding this landscape. Agriculture is the single biggest economic contributor to the State of Idaho. Idaho's farms and ranches represent 11.7 million acres in rural Idaho and the sales of farm and ranch projects contribute nearly \$7.6 billion to Idaho's economy. Ranching and farming play a substantial role in the state's heritage and identity and should be preserved; and

WHEREAS, a national monument designation affects land use by imposing restrictions on development, resource extraction and land swaps with resulting local impacts such as diminished economic possibilities and restrictions on access; and

WHEREAS, the designation suggestion was made without the use of any local collaborative process; and

WHEREAS, the Idaho Roadless Rule, is Idaho's 2006 plan that provides a framework for use and protection for more than nine million acres of federal public backcountry. The rule is held to be a nationwide model of collaboration among groups and individuals with divergent interests and concerns. The Roadless Rule specifically prescribes protective management under the "Wildland/Recreation" theme. It is feared that utilization of the Antiquities Act would overturn the agreement reached in the formulation of the Idaho Roadless Rule with no effort to reach consensus through collaboration; and

WHEREAS, national monument designation would impact local wildlife managers as well as impact the right to hunt and fish in the area, a place where Idaho residents, families and visitors can enjoy these Idaho traditions; and

WHEREAS, in the November 2014 election, an advisory vote relating to the suggested national monument designation was taken in Fremont County, which contains the area of suggested designation. The results were that about 93 percent of the 3,798 voting opposed any such designation.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we oppose any national monument designation in the Caldera area of the Island Park region in eastern Idaho.

BE IT FURTHER RESOLVED any efforts to reach decisions regarding lands of Idaho administered by federal agencies be made by local collaboration, rather than by unilateral administrative processes that exclude the residents of 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 United States, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 12, 2015

Adopted by the Senate February 27, 2015

(H.J.M. No. 5)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE INTERIOR, THE SECRETARY OF AGRICULTURE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Boulder-White Clouds area of Central Idaho has been suggested as a potential national monument that could be established under the provisions of the Antiquities Act of 1906; and

WHEREAS, the current multiple use and private land protection policies governing the management of this area generally have served the interests of local residents; and

WHEREAS, cattle ranching and agriculture, the main economic drivers in Central Idaho, will be substantially impacted by any land management decisions regarding this landscape. Agriculture is the single biggest economic contributor to the state. Idaho's farms and ranches represent 11.7 million acres in rural Idaho and the sales of farm and ranch products contribute nearly \$7.6 billion to Idaho's economy. Ranching and farming play a substantial role in the state's heritage and identity and should be preserved; and

WHEREAS, the 2006 Idaho Roadless Rule has proven to be a model for coordination among groups and individuals to resolve issues surrounding the management of 9.3 million acres of undeveloped national forestlands, providing protection for unique and sensitive areas, while simultaneously allowing for limited road construction, vegetation management and minerals development; and

WHEREAS, there has been no local collaborative process coordinated by the administration in association with the designation; and

WHEREAS, Custer County is the place most impacted by the creation of the Boulder-White Clouds National Monument and the people of Custer County were given the opportunity to vote for or against the creation of the national monument. Sixty-five percent of registered voters came to the polls in the 2014 midterm election, and of those ninety-five percent voted against the creation of a national monument solely by exercising the authority of the Antiquities Act of 1906, in part, because it precludes the collaborative process, and there has been no assurance from the administration that a collaborative process would be exercised; and

WHEREAS, a national monument designation would impact local wildlife management as well as hunting, fishing and other recreational opportunities in Central Idaho, a place where Idaho residents, families and visitors can enjoy these Idaho traditions.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that it is understood that the President of the United States has full authority under the Antiquities Act of 1906 to designate the Boulder-White Clouds as a national monument. However, there should be a collaborative effort to secure local and state support prior to the exercise of that presidential authority. Any effort to reach a decision regarding lands of Idaho administered by federal agencies should be made with local collaboration rather than by unilateral administrative processes that exclude the citizens of 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 United States, the Secretary of the Interior, the Secretary of Agriculture, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 5, 2015

Adopted by the Senate March 13, 2015

(H.J.M. No. 6)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, for purposes of this House Joint Memorial, the term "genetically engineered" (GE) is used; although the terms biogenetic organism (BIO), genetically modified organism (GMO) and genetically engineered (GE) are often used interchangeably; and

WHEREAS, foods produced with GE ingredients are as safe to eat and grow as foods produced without GE ingredients as found by many of the most influential regulatory agencies and organizations in the world that study the safety of food products, including the U.S. Food and Drug Administration, the American Medical Association, the World Health Organization, Health Canada, the U.S. Department of Agriculture, the National Academy of Sciences, United Nations Food and Agriculture Organization and the European Food Safety Authority; and

WHEREAS, GE technology adds desirable traits from nature, establishing the potential for nutritional, health, agronomic and environmental benefits; and

WHEREAS, genetic modification of crops has existed since man began cultivating crops for food and GE technology has been safely used to produce food products for the past 25 years; and

WHEREAS, roughly 70% to 80% of the foods consumed in the United States, both at home and away from home, contain GE ingredients or are genetically engineered as a whole product; and

WHEREAS, GE crops are produced on a sustainable basis, using less water, providing more yield per acre, reducing carbon footprints and adapting rapidly to disease pressures for long-term sustainable production of an adequate, wholesome and economical food supply; and

WHEREAS, a patchwork of local and state mandatory labeling laws and regulations will force costly changes to manufacturing, labeling, warehousing, inventory and distribution channels. Manufacturers and retailers will have to make immediate and consequential changes to their businesses to comply with new labeling requirements. Testing to determine if products are exempt, relabeling or reformulating products with specially handled, higher-priced ingredients, and having separate production runs, state-specific tracking units (SKUs), segregated warehousing, trucking and other logistical complexities would all result in higher food prices; and

WHEREAS, a national solution is needed that will protect consumers by eliminating confusion and advancing food safety and that will allow for the free trade of commerce among the states; and

WHEREAS, a national solution will eliminate the confusion and uncertainty of a 50-state patchwork of GE safety and labeling laws and affirm the Food and Drug Administration (FDA) as the nation's authority for the use and labeling of genetically modified food ingredients; and

WHEREAS, a national solution will require the FDA to conduct a safety review of all new GE traits before they are introduced into commerce. The FDA will be empowered to mandate the labeling of GE food ingredients if the agency determines there is a health, safety or nutrition issue with GE technology; and

WHEREAS, a national solution will inform consumers by the FDA establishing federal standards for companies that want to voluntarily label their product for the absence or presence of GE food ingredients so that consumers clearly understand their choices in the marketplace; and

WHEREAS, a national solution will provide consistency in that the FDA will define the term "natural" for its use on food and beverage products so that food and beverage companies and consumers have a consistent legal framework that will guide food labels and inform consumer choice.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the United States enact bipartisan legislation that reaffirms the FDA as the primary authority in uniform food labeling related to genetic engineering, based on scientific standards regarding health, safety and nutrition.

BE IT FURTHER RESOLVED that existing FDA labeling rules and guidance, as well as the U.S. Department of Agriculture's National Organic Program, provide sufficient standards to address consumer interest in food production practices through the use of truthful and non-misleading voluntary labeling.

BE IT FURTHER RESOLVED that the Commissioner of the FDA adopt policies, regulations and rules setting standards to address consumer interest in food production practices through voluntary labeling.

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 Repre-

sentatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and to the Commissioner of the FDA.

Adopted by the House March 5, 2015

Adopted by the Senate March 13, 2015

(H.J.M. No. 7)

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 ENERGY OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, at the direction of the United States government, since 1949 the Idaho National Laboratory (INL) has been a research and technology leader and has made key contributions in energy research, development, demonstration and deployment; and

WHEREAS, INL's strategic location within today's Western Inland Energy Corridor enables its researchers to most effectively and efficiently identify, assess and integrate the region's unmatched wind, biomass, hydropower, geothermal, conventional and unconventional fossil and uranium resources; and

WHEREAS, it is in the best interest of Idaho and the United States to increase energy self-sufficiency and supply diversity, while moderating the environmental impacts of energy exploration, production, distribution and end use; and

WHEREAS, conventional geothermal power plants, such as Raft River in Cassia County, are located in favorable geothermal regions where high-temperature groundwater is accessible in the relatively shallow subsurface and coincides with naturally occurring high-permeability pathways; and

WHEREAS, Idaho's high-temperature gradients, abundant groundwater and favorable seismic conditions in the Eastern Snake River Plain make it an ideal location to develop enhanced geothermal system technologies and techniques to access resources in the high heat zones of deeper, low-permeability geologic formations; potentially creating a breakthrough for geothermal in the region and the nation; and

WHEREAS, a dedicated and nationally recognized, multi-institutional scientific team, known as the Snake River Geothermal Consortium, has been assembled to lead this effort; and

WHEREAS, successful research and development of enhanced geothermal systems will lead to commercialization of this technology to provide baseload electricity production, jobs and significant investment in the region.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature supports Idaho's hosting of an enhanced geothermal system test site and encourages the Department of Energy, the Administration and Congress to join Idaho in exploring the favorable geologic conditions of the Geothermal Resource Research Area on the western edge of INL.

BE IT FURTHER RESOLVED that the Legislature respectfully requests that the Department of Energy, the Administration and Congress join Idaho in rec-

ognizing Idaho National Laboratory's research and technology development leadership and recommending establishment of a field laboratory at Idaho National Laboratory to develop enhanced geothermal system production.

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 Secretary of Energy 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 House March 5, 2015

Adopted by the Senate March 13, 2015

(H.J.M. No. 8)

A JOINT MEMORIAL

TO THE PRESIDENT 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.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho is examining methods of providing more efficient and productive means of freight transport; and

WHEREAS, the Idaho State Legislature created a 10-year pilot project in 2003 to allow vehicle combinations weighing up to 129,000 pounds on designated routes within the state highway system to test the impacts of such vehicles on bridges, roadways and highway safety; and

WHEREAS, in its 2013 final report on the results of the pilot project to the Idaho State Legislature, the Idaho Transportation Department concluded that there were no negative impacts to highway safety, pavement or bridges as a result of 129,000-pound vehicles using the state highway system; and

WHEREAS, to date, as a result of this pilot project and subsequent designation of additional routes allowing 129,000-pound vehicles to use the state highway system, Idaho has realized additional substantial economic benefits resulting from the utilization of these routes; and

WHEREAS, current federal law precludes the State of Idaho from designating any portion of the federal Interstate highway system in Idaho to allow vehicle combinations weighing up to 129,000 pounds; and

WHEREAS, interconnecting the designated routes on the state highway system with the federal Interstate highway system in Idaho will provide substantial additional economic benefits; and

WHEREAS, due to its configuration, the federal Interstate highway system in Idaho allows vehicles to operate more safely than on the state highway system, thus further enhancing highway safety; and

WHEREAS, Idaho's neighboring states of Montana, Nevada, Utah and Wyoming have higher load limits on their federal highways due to grandfathered rights, thus putting Idaho at a distinct competitive disadvantage and slowing the free flow of freight between neighboring states; and

WHEREAS, the Idaho congressional delegation has introduced legislation in the present Congress providing legal authority to the State of Idaho to determine whether to allow vehicles weighing up to 129,000 pounds on the federal Interstate highway system in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and

the Senate concurring therein, that we urge and petition the Congress of the United States to enact the pending legislation introduced by the Idaho congressional delegation providing legal authority to the State of Idaho to determine whether to allow 129,000-pound vehicles on the federal Interstate highway system 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 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 House March 5, 2015

Adopted by the Senate March 12, 2015

(H.J.M. No. 9)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho is committed to the conservation of greater sage-grouse (*Centrocercus urophasianus*) and its present habitat located within the state; and

WHEREAS, the state has produced a statewide sage-grouse conservation plan in support of this commitment; and

WHEREAS, Idaho's Department of Fish and Game and Office of Species Conservation possess significant expertise in the management of greater sage-grouse and its habitat and whose experts have been working extensively in full cooperation with the federal agencies managing federal lands within the borders of the state; and

WHEREAS, the Endangered Species Act requires the Secretary of the Interior to take into account the State of Idaho's efforts to protect greater sage-grouse prior to the Secretary's determination that the species is endangered or threatened; and

WHEREAS, implementation of the state's conservation plan will produce scientific data related to disease or predation of the species, the adequacy of existing regulatory mechanisms, and other natural or manmade factors affecting the species' existence, all of which must be considered by the U.S. Fish and Wildlife Service in making a determination whether to list greater sage-grouse as threatened or endangered under the Endangered Species Act; and

WHEREAS, categorical exclusions from the National Environmental Policy Act are necessary to allow the federal land management agencies to remove Pinyon-Juniper trees that are harmful to greater sage-grouse habitat; and

WHEREAS, the State of Idaho wishes to continue its collaboration with other states possessing current habitat for greater sage-grouse; and

WHEREAS, the Congress and the President are to be commended for recognizing the unprecedented collaboration among the various states regarding greater sage-grouse conservation and the need to continue on-the-ground conservation and monitoring activities as recognized through the enactment of Section 122 of the Consolidated and Further Continuing Appropriations Act of 2015; and

WHEREAS, time is needed to continue to implement the state conservation plan over a period of multiple, consecutive sage-grouse life cycles to determine the efficacy of the plan and the need for modification, if any.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, urging that Congress should continue to make no funds available for use by the Secretary of the Interior to consider, prepare, write, or issue pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. Section 1533) a petition finding or proposed regulation for greater sage-grouse for a period of 10 years through and including fiscal year 2025.

BE IT FURTHER RESOLVED that during this period, the State of Idaho will continue to implement its sage-grouse conservation plan, thereby establishing and enhancing its efficacy over time.

BE IT FURTHER RESOLVED that Congress should by legislation recognize and encourage state primacy in the long-term management of sage-grouse and its habitat to ensure an effective and balanced approach that seeks to recover and protect sage-grouse populations while protecting state economic interests, educational funding from state lands, and valid existing rights including private property rights.

BE IT FURTHER RESOLVED that 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.

Adopted by the House March 25, 2015

Adopted by the Senate March 31, 2015

(H. J. M. No. 10)

A JOINT MEMORIAL

TO THE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, THE UNITED STATES SECRETARY OF THE INTERIOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF CONGRESS, AND THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the purpose of a comprehensive conservation plan for a national wildlife refuge is to specify a management direction for the refuge that takes many considerations, including recreational opportunities, into account; and

WHEREAS, the Deer Flat National Wildlife Refuge, including Lake Lowell, has been an important source of outdoor recreational opportunities for the people of Idaho since the refuge's creation more than 100 years ago; and

WHEREAS, the comprehensive conservation plan proposed for the Deer Flat National Wildlife Refuge by the United States Fish and Wildlife Service imposes certain restrictions on recreational activities that are of great concern to the people of Idaho; and

WHEREAS, such restrictions will have a profoundly negative impact on boating, hiking and hunting opportunities in the refuge; and

WHEREAS, the Legislature recognizes the importance of conservation and preservation of habitat and wildlife and supports the United States Fish and Wildlife Service in its conservation and preservation efforts; and

WHEREAS, the Legislature believes that the goals of conservation and preservation can still be met while considering and respecting the importance of outdoor recreational opportunities held sacred by the people of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the United States Fish and Wildlife Service reconsider the excessive boating, hunting and hiking restrictions in the proposed Deer Flat National Wildlife Refuge comprehensive conservation plan.

BE IT FURTHER RESOLVED that future comprehensive conservation plans and other federal efforts at wildlife management that affect Idaho be developed in cooperation with Idaho stakeholders.

BE IT FURTHER RESOLVED that the House of Representatives and the Senate of Idaho request that our congressional delegates urge the United States Fish and Wildlife Service to address the concerns discussed in this Memorial and to develop future plans and efforts in cooperation with Idaho stakeholders.

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 Director of the United States Fish and Wildlife Service, the United States Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 24, 2015

Adopted by the Senate March 31, 2015

(H. J. M. No. 11)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Legislature of the State of Idaho recognizes the Columbia-Snake River System as part of the United States Marine Highway network; and

WHEREAS, the Legislature of the State of Idaho recognizes the Columbia-Snake River System and its tributaries, collectively and in its entirety, as a multiuse system providing navigation, transportation, fish and wildlife habitat, recreation, hydropower generation, flood control and irrigation to the citizens and industry of the Pacific Northwest; and

WHEREAS, the Legislature of the State of Idaho recognizes the vital contribution the Columbia-Snake River System and its tributaries, functioning collectively and in its entirety, make to the state's economic well-being and to the quality of life of our citizens; and

WHEREAS, the State of Idaho asserts sovereign control over all water resources within the state; and

WHEREAS, the Legislature of the State of Idaho recognizes that the anadromous fish decline is due to many factors, including increased predation, unfavorable ocean conditions and harvest; and

WHEREAS, the Legislature of the State of Idaho recognizes the efforts by Northwest families, farmers, ranchers, organizations and businesses in-

vesting billions in fish passage and habitat improvements resulting in 97.5 percent average survival for juvenile Chinook and 99.5 percent for juvenile steelhead migrating downstream through the Lower Snake River dams; and

WHEREAS, the Legislature of the State of Idaho recognizes the legal priority that agriculture irrigation and industrial applications of water have within the state; and

WHEREAS, the Legislature of the State of Idaho recognizes the Port of Lewiston, Idaho's only seaport, is part of the collective Columbia-Snake River System and is an asset of the State of Idaho and to the Inland Northwest region, providing global competitiveness and connectivity for regional products, economic development investment and multimodal transportation; and

WHEREAS, the Legislature of the State of Idaho recognizes the Columbia-Snake River System as the top wheat export gateway in the United States, with approximately 16 percent of all U.S. wheat exports barged through at least one of the Snake River dams; and

WHEREAS, the Legislature of the State of Idaho recognizes barging as the most fuel efficient mode of transportation; and

WHEREAS, the Legislature of the State of Idaho recognizes hydropower as the most efficient, environmentally favorable form of electrical generation, combatting global warming by offsetting at least 3 million metric tons of CO2 emissions per year through use of the Lower Snake River dams while producing 1,000 megawatts of carbon-free, renewable energy annually, and 3,000 megawatts for peak power emergencies; and

WHEREAS, the Legislature of the State of Idaho believes that any actions to degrade the functionality, in whole or in part, to remove or breach dams on the Columbia-Snake River System or its tributaries, or take water from the state for anadromous fish enhancement efforts, would inflict on the citizenry of the state a loss in economic and trade opportunities, a loss of recharge waters for the state's aquifers, a loss of navigation and transportation, an increased risk for floods, an increase in electrical rates, a shortfall in power generation, a loss of recreational opportunities and a threatened quality of life for Idaho citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that Idaho opposes the removal or breaching of the dams on the Columbia-Snake River System and its tributaries, has sovereignty of its water resources, prohibits contributions of water from Idaho's reservoirs for flow augmentation except those expressly authorized by state law, that efforts for further recovery of anadromous fish must be undertaken in a manner based on sound science, and supports maintenance and multiple use benefits of the Columbia-Snake River System. Additionally, the Idaho Legislature recognizes and supports the international competitiveness, multimodal transportation and economic development benefits provided by the Port of Lewiston.

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.

Adopted by the House March 31, 2015

Adopted by the Senate April 7, 2015

(H.J.M. No. 12)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES AMBASSADOR TO THE REPUBLIC OF TURKEY, THE AMBASSADOR OF THE REPUBLIC OF TURKEY TO THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than two million members in the United States; and

WHEREAS, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

WHEREAS, this religious coexistence is important because the Orthodox Christian Church is a recognized religion by the Turkish Government; and

WHEREAS, fewer than 3,000 of the Ecumenical Patriarch's flock live in Turkey today; and

WHEREAS, Orthodox Christians in Idaho and throughout the United States support their spiritual leader; and

WHEREAS, where there have been difficulties in the past with the relationship of the Orthodox Christian Church and the Turkish Government, recent actions by the Turkish Government demonstrate an interest in improving its relationship with and treatment of the Orthodox Christian Church, which actions are acknowledged and welcomed; and

WHEREAS, the people of Idaho desire to encourage the continued dialogue and communication of the leadership of the Turkish Government and the Orthodox Christian Church, as demonstrated by recent high-level meetings between Turkish officials and the Ecumenical Patriarchate.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the government of Turkey to: uphold and safeguard religious and human rights of all its citizens without compromise; grant the Ecumenical Patriarch appropriate ecclesiastical succession and the right to train clergy of all nationalities; and respect the property rights and human rights of the Ecumenical Patriarchate and all religious and faith traditions.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States, 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.

Adopted by the House April 1, 2015

Adopted by the Senate April 8, 2015

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 101)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING GARY STEVENS, A NATIVE IDAHOAN, FOR HIS LONG AND OUTSTANDING CAREER AND ACCOMPLISHMENTS IN HORSE RACING.

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

WHEREAS, American Thoroughbred horse racing jockey, actor and sports analyst Gary Stevens was born and raised in Caldwell, Idaho; and

WHEREAS, Gary Stevens won his first race at Les Bois Park in Boise, Idaho, at the age of sixteen on Little Star, a horse trained by his father; and

WHEREAS, Gary Stevens has been one of the most successful jockeys in history, reaching his 5,000th career victory in October 2005 at Belmont Park, where he rode three-year-old filly Joint Aspiration to a two-length victory in the Gaviola Stakes. He is one of twenty jockeys to reach such a milestone; and

WHEREAS, Gary Stevens was bestowed the honor of receiving the George Woolf Memorial Jockey Award in 1996, an award voted on by peers and given to the rider whose personal character, leadership and career achievement bring affirmative attention to the sport of horse racing. Gary Stevens later went on to portray George Woolf in the 2003 Oscar nominated movie "Seabiscuit";

WHEREAS, Gary Stevens was inducted into the U.S. Racing Hall of Fame in 1997 at the age of 34 and won the Eclipse Award as North America's Outstanding Jockey in 1998; and

WHEREAS, Gary Stevens won his first Kentucky Derby in 1988, riding Winning Colors to victory and into the history books as only the third filly to win the fabled race; and

WHEREAS, in addition to three wins in the Kentucky Derby, Gary Stevens has won three Preakness Stakes, three Belmont Stakes, ten Breeders' Cup races and a record nine Santa Anita Derbys; and

WHEREAS, Gary Stevens retired in 2005 to join NBC Sports and the TVG Network as an on-air racing analyst. In 2008 he joined horse racing's HRTV network while continuing to work with NBC Sports and acting in the TV series "Luck"; and

WHEREAS, in 2013 Gary Stevens came out of retirement, returning to the track and winning 69 of 383 races, including the Breeders' Cup Classic and the prestigious Preakness Stakes atop Oxbow, becoming the oldest jockey at the age of 50 to win the race.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor Gary Stevens,

a native Idahoan, for his long and outstanding career and accomplishments in horse racing.

Adopted by the Senate February 9, 2015

Adopted by the House February 26, 2015

(S.C.R. No. 103)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF POTENTIAL APPROACHES TO PUBLIC DEFENSE REFORM.

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

WHEREAS, the Public Defense Reform Interim Committee was authorized by the Legislative Council at the recommendation of the members of the Second Regular Session of the Sixty-second Idaho Legislature for the purpose of undertaking and completing a study of potential approaches to the public defense system; and

WHEREAS, the Public Defense Reform Interim Committee committed itself to the task of identifying potential necessary improvements in Idaho's public defense system and developing recommendations for public defense reform; and

WHEREAS, the Public Defense Reform Interim Committee identified areas that need to be addressed in Idaho's public defense system. Such areas include, but are not limited to: public defense contracting practices and data reporting; caseloads and workloads; training and resources for public defense attorneys; and qualifications and experience standards for public defense attorneys; and

WHEREAS, the Public Defense Reform Interim Committee has sought to address such areas through legislation that include a public defense model where, although public defense delivery at the trial level would remain primarily funded and administered at the county level, certain oversight and administration authority would be statutorily delegated to the State Public Defense Commission authorized to promulgate certain rules with which counties are required to comply, including statewide training and continuing legal education requirements for public defense attorneys and uniform data reporting requirements. In addition, the State Public Defense Commission was statutorily required to make recommendations to the First Regular Session of the Sixty-third Idaho Legislature, and may make recommendations during the regular sessions of the Legislature thereafter as deemed necessary, for legislation relating to certain requirements for public defense contracts; standards for the qualification and experience of public defense attorneys; enforcement mechanisms; funding issues; and reclassifying certain misdemeanors as infractions; and

WHEREAS, the legislation recommended by the Public Defense Reform Interim Committee also provided for a public defense model where the counties' statutory duty to provide for counsel at public expense is accomplished by one of the following: (1) establish an office of public defender; (2) establish a joint office of public defender with one or more other counties; (3) contract with an existing office of public defender; or (4) contract with a defending attorney provided that no such contract shall include a flat fee pricing structure; and

WHEREAS, during the course of its study, the Public Defense Reform Interim Committee identified additional issues in need of further study. Such issues include: reclassifying certain misdemeanors as infractions; funding

issues; and effective mechanisms to ensure compliance with public defense system standards and requirements.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to continue the efforts to undertake and complete a study of potential approaches to public defense reform including, but not limited to: funding issues; public defense contracting practices; data reporting; standards for training and experience of public defense attorneys; and effective enforcement mechanisms to ensure compliance with public defense system standards and requirements. 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 cochairmen of the committee are authorized to appoint advisors with technical expertise in the area of public defense and are expected to receive input from stakeholders in the criminal justice system of Idaho.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges.

BE IT FURTHER RESOLVED that the commission shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixty-third Idaho Legislature.

Adopted by the Senate February 16, 2015

Adopted by the House April 1, 2015

(S.C.R. No. 104)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE HEALTH QUALITY PLANNING COMMISSION TO PREPARE A PLAN FOR A COMPREHENSIVE SUICIDE PREVENTION PROGRAM IN IDAHO.

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

WHEREAS, suicide is a leading cause of death among Idahoans; and
 WHEREAS, Idaho has one of the highest suicide rates in the nation; and
 WHEREAS, the difference between Idaho deaths by suicide and the national average continues to increase; and

WHEREAS, certain suicide risk factors have been identified by the Centers for Disease Control and Prevention; and

WHEREAS, the members of certain population groups in Idaho are at high risk of suicide; and

WHEREAS, the Health Quality Planning Commission is tasked with promoting the health and safety of Idahoans; and

WHEREAS, the Health Quality Planning Commission is tasked with making recommendations to the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Health Quality Planning Commission prepare an implementation plan for a comprehensive suicide prevention program such as the Idaho Suicide Prevention Plan published by the Idaho Council on Suicide Prevention.

BE IT FURTHER RESOLVED that the plan include the involvement of the Idaho Council on Suicide Prevention and other stakeholders, and that it

give special consideration to the institutional changes necessary to better prevent suicide, to training for state, educational, health care and public safety personnel and others likely to be able to prevent suicide through their interaction with persons at risk, and to programs and policies designed to serve those most at risk of suicide.

BE IT FURTHER RESOLVED that the commission report its findings and recommendations, including proposals for policy or statutory changes, to the Second Regular Session of the Sixty-third Idaho Legislature.

Adopted by the Senate February 17, 2015

Adopted by the House March 9, 2015

(S.C.R. No. 107)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING AND URGING THE STATE BOARD OF LAND COMMISSIONERS, WHEN IN THE STATE'S BEST INTEREST, TO EXERCISE ITS AUTHORITY IN ENTERING INTO LAND EXCHANGES, INCLUDING MULTIPARTY EXCHANGES.

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

WHEREAS, pursuant to the provisions of Section 8, Article IX, of the Constitution of the State of Idaho, the Legislature has the power to authorize the State Board of Land Commissioners to exchange granted or acquired lands of the state on an equal value basis for other lands under agreement with the United States, local units of government, corporations, companies, individuals or combinations thereof; and

WHEREAS, pursuant to the provisions of Section 58-138, Idaho Code, the state has, subject to specified conditions, authorized the State Board of Land Commissioners, in its discretion, when in the state's best interest, to exchange state lands for lands of equal value, public or private; and

WHEREAS, land exchanges are not limited to two-way exchanges and afford the state the opportunity to enter into multiparty land exchanges; and

WHEREAS, Section 8, Article IX, of the Constitution of the State of Idaho provides that no more than one hundred sections of state lands shall be sold in any one year and that no more than three hundred and twenty acres of land shall be sold to any one individual, company or corporation; and

WHEREAS, due to such limitations relating to sales, without land exchanges, the interests of the endowments are being harmed; and

WHEREAS, the Legislature encourages and urges the State Board of Land Commissioners, when in the state's best interest, to exercise its authority in entering into land exchanges, including multiparty exchanges; and

WHEREAS, the Legislature supports exploring the potential of devoting a specific division within the Idaho Department of Lands that would be dedicated to efforts associated with all land exchanges, including multiparty land exchanges.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we encourage and urge the State Board of Land Commissioners, when in the state's best interest, to exercise its authority in entering into land exchanges, including multiparty exchanges.

Adopted by the Senate February 27, 2015

Adopted by the House March 17, 2015

(S.C.R. No. 109)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING MUSIC THERAPY AS A VALID
AND IMPORTANT THERAPEUTIC HEALTH CARE SERVICE.

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

WHEREAS, music therapy is the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy program; and

WHEREAS, music therapy is a field that offers benefits across all developmental domains and supports individuals of all ages and ability levels, including children, adolescents, adults and the elderly, with mental health needs, developmental and learning disabilities, Alzheimer's disease and other aging-related conditions, substance abuse problems, brain injuries, physical disabilities, and acute and chronic pain; and

WHEREAS, music therapists work in psychiatric hospitals, rehabilitative facilities, medical hospitals, outpatient clinics, day care treatment centers, agencies serving persons with developmental disabilities, community mental health centers, drug and alcohol programs, senior centers, nursing homes, hospice programs, correctional facilities, halfway houses, schools and private practice; and

WHEREAS, music therapists: assess emotional well-being, physical health, social functioning, communication abilities, and cognitive skills through musical responses; design music sessions for individuals and groups based on client needs using music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, and learning through music; participate in interdisciplinary treatment planning and ongoing evaluation; and

WHEREAS, a board-certified music therapist must earn a degree in music therapy at a college or a university approved by the American Music Therapy Association (AMTA) and must be certified by the Certification Board for Music Therapists; and

WHEREAS, there are approximately 6,000 board-certified music therapists in the United States; and

WHEREAS, many Idahoans receive music therapy each year.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that music therapy is a valid and important therapeutic health care service for Idahoans.

Adopted by the Senate March 2, 2015

Adopted by the House March 17, 2015

(S.C.R. No. 110)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING NATIONAL DIAPER NEED
AWARENESS WEEK.

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

WHEREAS, diaper need, the condition of not having a sufficient supply of clean diapers to ensure that infants and toddlers are clean, healthy and dry, can adversely affect the health and welfare of infants, toddlers and their families; and

WHEREAS, national surveys report that more than thirty percent of mothers will experience diaper need at some point while their children are small, and forty-eight percent of families will delay changing diapers to extend their supply; and

WHEREAS, the average infant or toddler requires fifty diaper changes per week over three years; and

WHEREAS, diapers cannot be bought with food stamps or WIC vouchers, and obtaining a sufficient supply of diapers can therefore cause economic hardship to families; and

WHEREAS, a supply of diapers is generally an eligibility requirement for infants and toddlers to participate in child care programs and quality early education programs; and

WHEREAS, the people of Idaho recognize that addressing diaper need can lead to economic opportunity and improved health for the state's low-income families and their communities; and

WHEREAS, Idaho is proud to be home to various community organizations that assist families in need by distributing diapers through various channels.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the week of September 28 through October 4, 2015, be recognized throughout the state as National Diaper Need Awareness Week.

BE IT FURTHER RESOLVED that the citizens of Idaho are encouraged, both during National Diaper Need Awareness Week and throughout the year, to donate generously to diaper banks and diaper drives and to those organizations that distribute diapers to families in need in order to alleviate diaper need in Idaho.

Adopted by the Senate March 2, 2015

Adopted by the House March 17, 2015

(S.C.R. No. 112)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND CONGRATULATING BOUNDARY COUNTY AND ITS RESIDENTS ON ITS CENTENNIAL ANNIVERSARY.

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

WHEREAS, Boundary County is celebrating its Centennial Anniversary during 2015; and

WHEREAS, in 1915, during the Thirteenth Idaho Legislature, the Legislature passed House Bill No. 1, creating Boundary County. The bill was signed by Governor Moses Alexander on January 25, 1915. The bill declared the village of Bonners Ferry to be the county seat and ordered the county commissioners to meet in the village of Bonners Ferry on the first Monday of July 1915. Governor Alexander appointed H. L. Shively, James Deyoe, and Donald C. McColl as the first Board of Boundary County Commissioners who first met in Boundary County on July 5, 1915; and

WHEREAS, Boundary County was so named because it borders Canada on the north, Washington on the west and Montana on the east. It is the only county in Idaho with an international border. The county consists of 1,278 square miles, with 9.3 square miles of water; and

WHEREAS, the Kootenai Valley is the ancestral home of the Kootenai Tribe of Idaho. They were not represented when other tribes ceded their land to the United States in the Treaty of July 16, 1855, in exchange for reservations, and so therefore were left landless. On September 20, 1974, following years

of loss of their aboriginal lands, the 67 remaining Kootenais declared war on the United States of America. The peaceful war ended with the tribe being deeded 12.5 acres of land and the tribe remains an integral partner in Boundary County today; and

WHEREAS, the Boundary County Courthouse was under construction from 1935 to 1937 and was listed on the National Register of Historic Places on September 27, 1987. The front of the courthouse bears carvings depicting county resources of farming, mining and logging; and

WHEREAS, on May 1, 1989, the Boundary County seal was adopted. In the center of the seal is the head of a deer surrounded by pine trees, with the Moyie Dam depicted below, along with drawings setting forth the county resources of farming, mining and logging, and depictions of hops are presented to the left and right; and

WHEREAS, mining was once a major resource in Boundary County. On December 22, 1864, the second session of the Idaho Territorial Legislature convened at Lewiston and granted Edwin L. Bonner and his party the right to build and operate a ferry across the Kootenai River. Bonners Ferry became a major shipping and supply point for Canadian mines; and

WHEREAS, the timber industry was once a major employer of the area with over 10 sawmills. Logging and farming are still major resources in Boundary County; and

WHEREAS, the Northern Pacific Railroad and the Great Northern Railroad lines were completed in Boundary County in 1882 and 1892, respectively; and

WHEREAS, the first fire department in Boundary County was established in 1904, electricity came to Boundary County in 1905, and Boundary County's first hospital was opened in 1907; and

WHEREAS, the Moyie River and the Kootenai River run through Boundary County, and there are more than 60 lakes in the county. Major floods on the Kootenai River plagued the valley until the Libby Dam was completed in July 1973. Prior to the dam, drainage districts were constructed to retain the high water in an attempt to prevent flooding of farmland. The highest water stage at Bonners Ferry was recorded in 1961 at 37.28 feet; and

WHEREAS, Boundary County is also home to portions of the Idaho Panhandle National Forests, the Kaniksu National Forest, the Selkirk, Cabinet and Purcell mountain ranges, the Wild Horse Trail, the Kootenai River White Sturgeon, and the Kootenai National Wildlife Refuge.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we hereby recognize and congratulate Boundary County and its residents on its Centennial Anniversary.

Adopted by the Senate March 2, 2015

Adopted by the House April 2, 2015

(S.C.R. No. 113)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING LIVESTOCK DEALERS, BUYING STATIONS, AND LIVESTOCK TRADER LOTS.

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 docket of the Idaho State Department of Agriculture relating to Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 02.04.28, the Idaho State Department of Agriculture, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots, adopted as a pending rule under Docket Number 02-0428-1401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate March 3, 2015

Adopted by the House March 17, 2015

(S.C.R. No. 117)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING JOHN J. GROSSENBACHER FOR HIS YEARS OF SERVICE TO THE STATE OF IDAHO AS DIRECTOR OF IDAHO NATIONAL LABORATORY.

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

WHEREAS, John Grossenbacher came to Idaho in 2005 to merge elements of the Idaho National Engineering and Environmental Laboratory with Argonne National Laboratory-West to create Idaho National Laboratory (INL); and

WHEREAS, serving as laboratory director, John Grossenbacher confirmed and enhanced INL's credibility and reputation as the national nuclear laboratory; and

WHEREAS, John Grossenbacher dramatically expanded and improved INL's nuclear technology, national and homeland security, and nonnuclear energy and environmental capabilities; and

WHEREAS, these investments in capabilities resulted in INL winning 18 Research and Development 100 Awards, achieving a breakthrough in gas reactor fuel development, conducting extraordinary demonstrations in control systems cybersecurity, producing four space batteries to power the Mars Science Laboratory and other NASA missions, converting 49 research reactors to a more proliferation-resistant nuclear fuel, removing or securing 17 tons of highly enriched uranium and plutonium from the former Soviet Union, and supporting the U.S. Navy and nuclear researchers throughout the United States by conducting 44 experiment cycles of the Advanced Test Reactor; and

WHEREAS, under John Grossenbacher's leadership, INL created three national scientific user facilities, making the lab's capabilities accessible to researchers around the world; and

WHEREAS, John Grossenbacher was instrumental in the creation and shaping of Idaho's Leadership in Nuclear Energy (LINE) Commission, which has demonstrated to Idahoans that INL is an institution of great importance to the state, as the INL Site Environmental Cleanup nears completion and creates a framework focused on a positive INL future; and

WHEREAS, John Grossenbacher has been a trusted advisor to three governors, three U.S. senators, five congressmen, the Idaho Legislature, the Attorney General, the State Department of Environmental Quality and State Office of Energy Resources; and

WHEREAS, John Grossenbacher has led and managed INL with distinction, investing in its people and developing their skills at INL, representing those people and their work candidly and transparently, and strengthening

public trust and confidence in the performance of the high-hazard work at INL; and

WHEREAS, John Grossenbacher has been steadfast in his commitment and tireless in his energy for 10 years, building an institution at INL of which the State of Idaho and the nation can be proud.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor John J. Grossenbacher for his work as director of Idaho National Laboratory and the significance of his work to the State of Idaho.

Adopted by the Senate March 11, 2015

Adopted by the House April 1, 2015

(S.C.R. No. 118)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DECLARING MARCH 20 OF EACH YEAR AS "YMCA DAY" TO RECOGNIZE THE CONTRIBUTIONS OF THE YMCA TO THE CITIZENS OF IDAHO.

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

WHEREAS, the Idaho State Alliance of YMCAs has strengthened the foundations of local communities through programs and services that foster youth development, healthy living and social responsibility since the first Idaho YMCA was established in 1891; and

WHEREAS, more than 110,000 people of all ages, races, faiths, abilities and economic backgrounds benefit each year from the YMCA's extensive programming designed to nurture the potential of children, to improve health and well-being and to provide support for those in need; and

WHEREAS, no one is turned away for inability to pay, the Idaho YMCAs provide more than \$6 million in financial assistance to enable individuals, children and families to participate in programming that enhances educational opportunities and health and well-being; and

WHEREAS, over 60,000 youth in Idaho are involved in afterschool enrichment programs, early learning child care with an emphasis on numeracy and literacy, resident summer camps, engineering and robotics, youth sports focusing on character development, child abuse prevention, summer learning loss, swim lessons and water safety, teen leadership development, arts education, Youth Government and college advising; and

WHEREAS, programs such as arthritis aquatics, physical therapy, "Moving for Better Balance," "Artist in Residence," disease prevention, "Delay the Disease Parkinson's Program" and cancer survivorship are available to the community; and

WHEREAS, YMCAs are charitable organizations and community assets whose ability to accomplish their objectives depends on the more than 6,500 volunteers, making the Idaho State Alliance of YMCAs the largest volunteer led and driven organizations in the state, with each YMCA governed by a local volunteer board of directors who generously give of their time, expertise and resources to strengthen our communities by addressing local needs; and

WHEREAS, the YMCA's programs are made possible because of community support through partnerships with local city and county officials, local school districts, the United Way, St. Luke's Health System, Saint Alphonsus Regional Medical Center, Healthwise, the Lee Pesky Learning Center and the Idaho Children's Trust Fund.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Rep-

representatives concurring therein, that we declare March 20 of each year as "YMCA Day" for the purpose of recognizing the Idaho State Alliance of YMCAs for their contributions to the citizens of Idaho.

Adopted by the Senate March 13, 2015

Adopted by the House April 1, 2015

(S.C.R. No. 119)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING UNIFORMITY.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Uniformity 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.02, the State Board of and State Department of Education, Rules Governing Uniformity, adopted as a pending rule under Docket Number 08-0202-1401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate March 18, 2015

Adopted by the House April 1, 2015

(S.C.R. No. 121)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the State Board of and State Department of Education relating to Rules Governing Thoroughness 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, the State Board of and State Department of Education, Rules Governing Thoroughness, Section 105., Subsection 06., only, adopted as a pending rule under Docket Number 08-0203-

1401, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate March 18, 2015

Adopted by the House April 1, 2015

(S.C.R. No. 126)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE REGARDING FEDERAL LANDS REQUESTING THE DEPARTMENT OF LANDS TO PERFORM CERTAIN DUTIES WITH THE FEDERAL GOVERNMENT REGARDING FEDERAL LANDS AND TO PROVIDE FOR PERIODIC REPORTS.

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

WHEREAS, the First Regular Session of the Sixty-second Idaho Legislature adopted House Concurrent Resolutions 21 and 22, which authorized the formation of an interim study committee to study the feasibility of the transfer of certain federal lands within the State of Idaho to the State of Idaho; and

WHEREAS, the interim study committee met frequently in 2013 and 2014 and heard testimony throughout the state on this topic; and

WHEREAS, the committee prepared and approved a committee report on this topic incorporating various ideas and testimony; and

WHEREAS, that committee report includes various recommendations.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature recommends the following:

The Legislature seeks the assistance of Idaho's congressional delegation in asking the federal government to develop a model to sustain and increase funding for the management of federal lands within Idaho to adequately support current uses and the best interests of Idaho;

That in the event of a transfer or land exchange, such land parcels specifically exclude national parks, national monuments, federally designated recreational areas, wilderness and roadless areas, federal electric power generation facilities, national wildlife refuges, and Department of Energy, Department of Defense, Indian reservations and Indian trust lands;

That public access be maintained and, where possible, expanded on lands managed by the state under any state-federal cooperative land management agreement;

That the State of Idaho, through the Department of Lands, develop agreements with federal agencies based on the Good Neighbor Authority, as authorized by Section 8206 of the Healthy Forest Restoration Act, to carry out forest, rangeland and watershed restoration services on appropriate federal lands within Idaho.

BE IT FURTHER RESOLVED that the Department of Lands is requested to establish an internal working group to meet with federal land management agencies and to identify specific parcels of federal lands suitable for use of the Good Neighbor Authority.

BE IT FURTHER RESOLVED that in considering parcels for possible use of the Good Neighbor Authority, the working group shall consider such factors as proximity to communities, natural resources production, economic viability, minimization of environmental impact and other factors.

BE IT FURTHER RESOLVED that the parcels agreed upon for use of the Good Neighbor Authority shall, to the extent practical, maximize benefits to local communities.

BE IT FURTHER RESOLVED that the Department of Lands shall report to the Legislature and to the federal agencies, as appropriate, at least annually, as to the status and performance of any proposed or executed agreements under the Good Neighbor Authority.

Adopted by the Senate March 25, 2015

Adopted by the House April 8, 2015

(S.C.R. No. 127)

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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of the Administrative Rules Coordinator for review during the 2015 legislative session, be, and the same are 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-third Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2015 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Sixty-third Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 31, 2015

Adopted by the House April 6, 2015

(S.C.R. No. 128)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE
A FEE OR CHARGE, WITH AN EXCEPTION, AND REJECTING A CERTAIN AGENCY RULE
DOCKET THAT IS NOT APPROVED.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Insurance governing Schedule of Fees, Licenses, and Miscellaneous Charges is 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2015 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rule:

IDAPA 18.01.44, the Department of Insurance, Rules Governing the Schedule of Fees, Licenses, and Miscellaneous Charges, adopted as a pending fee rule under Docket Number 18-0144-1401, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 18.01.44, the Department of Insurance, Rules Governing the Schedule of Fees, Licenses, and Miscellaneous Charges, adopted as a pending fee rule under Docket Number 18-0144-1401, the entire rulemaking docket is hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, is declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of the Administrative Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

Adopted by the Senate March 31, 2015

Adopted by the House April 6, 2015

(S.C.R. No. 129)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ADMINISTRATION RELATING TO RULES OF THE DIVISION OF PURCHASING.

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 Administration relating to Rules of the Division of Purchasing 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 38.05.01, Department of Administration, Rules of the Division of Purchasing, Sections 011., 021., 032., 033., 039., 040., 041., 042., 043., 044., 045., 046., 051., 052., 053., 054., 070., 073., 074. Subsection 03., 081., 082., 083., 084., 085., 086., 091., 092., 102., 103., 111., and 125., only, adopted as pending rules under Docket Number 38-0501-1401, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate March 31, 2015

Adopted by the House April 6, 2015

(S.C.R. No. 130)

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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, in accordance with a written contract duly made and entered into by the President Pro Tempore of the Senate and the Speaker of the House of Representatives and the Senate Judiciary and Rules Committee and the House Judiciary, Rules and Administration 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 Regular Session and any Extraordinary Sessions of the Sixty-third 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 8th day of April, 2015, by and between the President Pro Tempore of the Senate and the Speaker of the House of Representatives 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 REGULAR SESSION
AND ANY EXTRAORDINARY SESSIONS

SIXTY-THIRD LEGISLATURE

As outlined in the April 6, 2015, quote of the party of the second part, the Session Laws will be printed and charged at a price per hard bound volume not to exceed forty-six dollars and sixty cents (\$46.60) based on incremental numbers of copies ordered, except that if the total number of pages exceeds the page count or quantity count or the quantity of copies ordered from the 2014 Session Laws, then such other appropriate incremental adjustment as approved by the parties thereto. The number of copies to be supplied under this contract shall be specified at the time of order. 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 (\$50.00) for single volumes and sixty-three dollars (\$63.00) per set of two volumes if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 2015, shall be included in the Session Laws of the First 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 April 6, 2015, 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/ Brent Hill

BRENT HILL, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Patti Anne Lodge

PATTI ANNE LODGE, Chairman

By /s/ Scott Bedke

SCOTT BEDKE, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Rich Wills

RICH WILLS, Chairman

Party of the Second Part

THE CAXTON PRINTERS, LTD.

By /s/ Dave Gipson

DAVE GIPSON, President

Adopted by the Senate April 8, 2015

Adopted by the House April 9, 2015

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-THIRD 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-third Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 12, 2015.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third 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 12, 2015, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 12, 2015

Adopted by the Senate January 12, 2015

(H.C.R. No. 2)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE BUILDING OF THE EAGLE ROCK BRIDGE, THE FIRST BRIDGE EVER TO CROSS THE SNAKE RIVER, WHICH BEGAN THE FOUNDING OF A SETTLEMENT WHICH WOULD BECOME THE CITY OF IDAHO FALLS.

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

WHEREAS, in 1865 Matt Taylor, a Montana Trail freighter, built a toll bridge across a narrow black basaltic gorge of the Snake River that succeeded a ferry seven miles upstream by a few years; and

WHEREAS, Taylor's bridge served the new tide of westward migration and travel in the region for settlers moving north and west and for miners, freighters and others seeking riches in the gold fields of Idaho and Montana, especially the boom towns of Bannack and Virginia City in western Montana; and

WHEREAS, mail service postmarks indicate by 1866 the emerging town had become known as Eagle Rock, which was derived from an isolated basalt island

in the Snake River, seven miles upstream in the Snake River that was the nesting site for eagles; and

WHEREAS, previous to Taylor's bridge, in 1864, Harry Ricketts built and operated a ferry at this location and so this area of crossing at the Snake River was already known as Eagle Rock to those who did business or traveled on the Montana Trail. A private bank (the fourth in Idaho), a small hotel, a livery stable, and an eating house also sprang up near the bridge in 1865, along with the post office and stage station; and

WHEREAS, large-scale settlement ensued and in the next twenty-five years there appeared roads, bridges, dams and irrigation canals that brought much of the Upper Snake River Valley under cultivation and in 1887, following construction of the Oregon Short Line, most of the railroad facilities were removed to Pocatello where the new line branched off, but Eagle Rock was fast becoming the commercial center of an agricultural empire; and

WHEREAS, in 1891 the town voted to change its name to Idaho Falls in reference to rapids below the bridge. Some years later, construction of a retaining wall for a hydroelectric power plant enhanced the rapids into falls. In 1895 the largest irrigation canal in the world, the Great Feeder, began diverting water from the Snake River and aided in converting tens of thousands of acres of desert into green farmland in the vicinity of Idaho Falls; and

WHEREAS, the area grew sugar beets, potatoes, peas, grains, and alfalfa and became one of the most productive regions of the United States; and

WHEREAS, in 1949, the Atomic Energy Commission opened the National Reactor Testing Station in the desert west of the city. On December 20, 1951, a nuclear reactor produced useful electricity for the first time in history and there have been more than fifty unique nuclear reactors built at the facility for testing, though all but three are shut down now; and

WHEREAS, the Idaho National Laboratory (INL), as it is now known, remains a major economic engine for the city of Idaho Falls, employing more than 8,000 people and functioning as an internationally renowned research center. INL operates and manages the world-famous Advanced Test Reactor (ATR); and

WHEREAS, Idaho Falls serves as a regional hub for health care, retail business, culture, tourism and recreation in eastern Idaho; and

WHEREAS, Idaho Falls was named by *Business Week* as one of the 2010 "Best Places to Raise Kids." In addition, *Forbes.com* selected Idaho Falls as one of the "2010 Best Small Places for Business & Careers" and *Money.CNN.com* included Idaho Falls as one of its "Top 100 Cities in 2010."

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we honor and recognize the one hundred fiftieth anniversary of the building of the Eagle Rock bridge in 1865, the first bridge ever to span the Snake River and which started the settlement that would become the modern city of Idaho Falls.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Rebecca Casper, Mayor of the City of Idaho Falls.

Adopted by the House February 5, 2015

Adopted by the Senate February 19, 2015

(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 THE STATE'S
 ELEMENTARY, SECONDARY AND POSTSECONDARY LONGITUDINAL DATA SYSTEMS.

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

WHEREAS, the members of the Second Regular Session of the Sixty-second Idaho Legislature passed the Student Data Accessibility, Transparency and Accountability Act of 2014 to ensure that student information is protected and expectations of privacy are honored; and

WHEREAS, in passing the Act, the Legislature acknowledged that student information is a vital resource for teachers and school staff in planning responsive education programs and services, scheduling students into appropriate classes and completing reports for educational agencies; and

WHEREAS, the Legislature also affirmed that while student information is important for educational purposes, it is also critically important to ensure that student information is protected, safeguarded and kept private and used only by appropriate educational authorities and then, only to serve the best interests of the student; and

WHEREAS, Idaho citizens have expressed concerns about the Act and whether implementation of its provisions do serve the best interests of the students; and

WHEREAS, the concerns expressed include the privacy and security policies and procedures required to be developed under the Act; the efficacy of the technology used to collect and report student data, and to interface with private and public entities; the costs associated with the data system; and the federal government's mandated student data collection and reporting requirements, which intrude upon Idaho's state sovereignty and student privacy.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third 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 state's elementary, secondary and postsecondary longitudinal data systems including, but not necessarily limited to, determining: (1) which data points are necessary for tracking student academic progress; (2) which data points must be collected and reported at the aggregate level; (3) which data points should be personally identifiable and why; (4) the extent to which federal funding is contingent upon the collection and reporting of student data to the federal government and the cost to the state of declining such funding; and (5) recommendations on: (a) simplifying and minimizing the collection of student data without compromising essential evaluation of educational efficacy; (b) protecting student privacy by limiting the collection of personally identifiable data; and (c) the cost/benefit of declining federal funds to save local funds, protect privacy and maintain local control of education as they relate to data collection. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixty-third Idaho Legislature.

Adopted by the House February 13, 2015

Adopted by the Senate March 3, 2015

(H.C.R. No. 4)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE STATE TAX COMMISSION RELATING TO IDAHO SALES AND USE TAX ADMINISTRATIVE RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Idaho Sales and Use Tax Administrative Rules 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 35.01.02, State Tax Commission, Idaho Sales and Use Tax Administrative Rules, Sections 102 and 128, only, adopted as pending rules under Docket Number 35-0102-1403, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 10, 2015

Adopted by the Senate February 27, 2015

(H.C.R. No. 5)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AMERICAN DIABETES MONTH IN NOVEMBER AND SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH.

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

WHEREAS, an estimated 100,000 Idaho adults or 8.4% of the adult population live with diabetes; and

WHEREAS, an estimated 84,000 Idaho adults or 7.5% of the adult population live with prediabetes; and

WHEREAS, an estimated 1,500 mothers in Idaho, or 8% of mothers annually, live with gestational diabetes during pregnancy; and

WHEREAS, diabetes is the seventh leading cause of death in Idaho; and

WHEREAS, about one-third of Idaho adults living with diabetes do not know they have the disease; and

WHEREAS, the direct medical cost of diagnosed cases of diabetes in Idaho is estimated at more than \$172 million annually; and

WHEREAS, improperly managed diabetes often leads to costly diabetes-related complications; and

WHEREAS, once identified, these diabetes-related complications have a tremendous impact and exact a substantial toll on Idaho's Medicaid program and on Idaho health insurers; and

WHEREAS, with affordable access to appropriate medications, supplies and services, patients' lives are improved by a reduced risk of diabetes-related complications, including a decreased risk of heart disease, lower-extremity amputation rates, fewer cases of blindness, reduced need for additional costly medical interventions, and fewer emergency room visits and hospitalizations; and

WHEREAS, most diabetes can be prevented or delayed if a range of risk factors is eliminated, particularly physical inactivity, unhealthy diets, tobacco use and alcohol misuse; and

WHEREAS, numerous studies demonstrate that diabetes treatments and therapies improve diabetes control and reduce the incidence of complications due to diabetes, while significantly reducing the costs to public and private health insurance programs; and

WHEREAS, with affordable access to evidence-based, community-based diabetes prevention programs, several large randomized controlled clinical trials have proven conclusively that many people with prediabetes can prevent or significantly delay the onset of type 2 diabetes; and

WHEREAS, with proper management and treatment, individuals with diabetes live healthy, productive lives; and

WHEREAS, collaboration between diabetes educators in accredited and recognized programs and the patients continues to demonstrate positive clinical quality outcomes and cost savings; and

WHEREAS, repeated Diabetes Self-Management Education encounters over time result in a dose-response effect on positive outcomes; and

WHEREAS, the Idaho Diabetes Prevention and Control Program works with the Diabetes Alliance of Idaho and partners across health care and public health to raise awareness of prediabetes, help improve the quality of care for people with diabetes, and promote diabetes prevention and self-management education; and

WHEREAS, individuals in the United States celebrate American Diabetes Month in November.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the goals and ideals of American Diabetes Month, including encouraging individuals in the United States to fight diabetes through public awareness of prevention and treatment options; and enhancing diabetes education; and we recognize the importance of early detection, awareness of the symptoms, and understanding the risk factors of diabetes, including being over the age of forty-five; having a specific racial and ethnic background; being overweight; having a low level of physical activity; having high blood pressure; and having a family history of diabetes or a history of diabetes during pregnancy; and we support decreasing the prevalence of type 1, type 2, and gestational diabetes in Idaho and the United States through increased research, treatment and prevention.

BE IT FURTHER RESOLVED that people with diabetes, their families and friends and health care professionals in Idaho be urged to utilize the month of November to increase awareness and understanding of diabetes so that in the future, people with diabetes will be better able to care for their own needs and others will be better prepared to serve the needs of people with diabetes.

Adopted by the House February 24, 2015

Adopted by the Senate March 2, 2015

(H.C.R. No. 6)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE PERSI (PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO) RELATING TO PERSI CONTRIBUTION RULES.

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 docket of the PERSI (Public Employee Retirement System of Idaho) relating to PERSI Contribution Rules 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 59.01.03, PERSI (Public Employee Retirement System of Idaho), PERSI Contribution Rules, adopted as a pending rule under Docket Number 59-0103-1401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 23, 2015

Adopted by the Senate March 13, 2015

(H.C.R. No. 7)

A CONCURRENT RESOLUTION

PROVIDING LEGISLATIVE FINDINGS, STATING AN INVITATION BY THE LEGISLATURE TO THE BIENNIAL OUTDOOR RETAILER SHOW, AND EXPRESSING THE IMPORTANCE OF OUTDOOR RECREATION TO THE ECONOMY OF IDAHO AND TO THE LIVES OF IDAHOANS.

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

WHEREAS, Idaho's recreation industry generates \$6.3 billion in consumer spending, \$1.8 billion in wages and salaries, \$461 million in state and local tax revenue and 77,000 direct jobs; and

WHEREAS, at least seventy-four percent of Idaho residents participate in outdoor recreation each year; and

WHEREAS, 162,000 Idahoans and 85,000 nonresidents hunt in Idaho, combining for 3.2 million days of hunting; and

WHEREAS, 238,000 Idahoans and 208,000 nonresidents fish in Idaho's waters, combining for 5.5 million days of fishing; and

WHEREAS, eighteen ski areas operate in Idaho; and

WHEREAS, more than 38,000 people participate in wildlife-related recreation in Idaho annually; and

WHEREAS, Idaho contains the largest contiguous wilderness area in the lower forty-eight states; and

WHEREAS, Idaho has 3,100 river miles, more than any other state in the lower forty-eight states; and

WHEREAS, Idaho has 32,496,000 acres of federal public lands; and

WHEREAS, an Idaho interim legislative committee recommends state officials work cooperatively and collaboratively with federal land managers to resolve public land conflicts; and

WHEREAS, that committee is not recommending litigation concerning the transfer of public lands at this time; and

WHEREAS, the State of Idaho values its public lands and the outdoor recreation opportunities those lands provide to all Americans; and

WHEREAS, Outdoor Retailer's present contract ends in 2016; and

WHEREAS, Outdoor Retailer would bring \$40 million to Idaho's economy.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature invites Outdoor Retailer to host its biennial shows in Idaho.

BE IT FURTHER RESOLVED that the outdoor recreation industry is important to the lives and livelihoods of all Idahoans.

Adopted by the House February 23, 2015

Adopted by the Senate March 11, 2015

(H.C.R. No. 8)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF NATURAL RESOURCE ISSUES.

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

WHEREAS, the First Regular Session of the Sixty-second Idaho Legislature adopted House Concurrent Resolution No. 31, 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, 2014, 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 and wildlife.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a two-year committee to undertake and complete a study of natural resource issues of importance to the State of Idaho. The committee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is authorized to also appoint ad hoc legislative members to serve on the committee.

BE IT FURTHER RESOLVED that the 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-third Idaho Legislature and shall make a report detailing its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fourth Idaho Legislature.

Adopted by the House February 24, 2015

Adopted by the Senate March 31, 2015

(H.C.R. No. 9)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROCLAIMING THE MONTH OF MARCH 2015 AS SOCIAL WORK RECOGNITION MONTH AND CALLING UPON ALL CITIZENS TO JOIN WITH THE NATIONAL ASSOCIATION OF SOCIAL WORKERS IN CELEBRATION AND SUPPORT OF THE SOCIAL WORK PROFESSION.

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

WHEREAS, the primary mission of the social work profession is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable in society; and

WHEREAS, social work pioneers helped lead America's struggle for a better life for all citizens; and

WHEREAS, social workers attempt to reduce poverty and trauma that can create lifelong social and economic disadvantages; and

WHEREAS, social workers support all families in every community; and

WHEREAS, social workers help people in every stage of life function better in their environments, improve their relationships with others and solve personal and family problems; and

WHEREAS, social workers strive for a safe environment and the best educational possibilities available for all children; and

WHEREAS, dignity and caregiving for older adults help define a nation's character; and

WHEREAS, veterans and their families need community support to ensure successful transitions after service; and

WHEREAS, access to mental health treatment and health care services saves millions of lives; and

WHEREAS, social workers believe in prosperity and opportunity for everyone; and

WHEREAS, social work research and advocacy identify community needs; and

WHEREAS, social workers celebrate the courage, hope and strength of the human spirit throughout their careers.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that in recognition of the numerous contributions made by America's 600,000 social workers and the almost 4,000 licensed social workers in Idaho, we proclaim the month of March 2015 as Social Work Recognition Month in Idaho and call upon all citizens of Idaho to join with the National Association of Social Workers in celebration and support of the social work profession and National Social Work Month.

Adopted by the House February 24, 2015

Adopted by the Senate March 13, 2015

(H.C.R. No. 10)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE DEPARTMENT OF WATER RESOURCES RELATING TO RULES FOR CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER RESOURCES.

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 docket of the Department of Water Resources relating to Rules for Conjunctive Management of Surface and Ground Water Resources 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 37.03.11, Department of Water Resources, Rules for Conjunctive Management of Surface and Ground Water Resources, adopted as a pending rule under Docket Number 37-0311-1101, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 24, 2015

Adopted by the Senate March 11, 2015

(H.C.R. No. 11)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE OFFICE OF THE GOVERNOR RELATING TO THE IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED.

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 docket of the Office of the Governor relating to the Idaho Commission for the Blind and Visually Impaired 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 15.02.02, Office of the Governor, Rules Governing the Idaho Commission for the Blind and Visually Impaired, adopted as a pending rule under Docket Number 15-0202-1401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 26, 2015

Adopted by the Senate March 16, 2015

(H.C.R. No. 13)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO STATE POLICE RELATING TO RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL.

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 Idaho State Police relating to Rules of the Idaho Peace Officer Standards and Training Council 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 11.11.01, Idaho State Police, Rules of the Idaho Peace Officer Standards and Training Council, Section 052., Subsection 02., only, adopted as a pending rule under Docket Number 11-1101-1403, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 6, 2015

Adopted by the Senate March 18, 2015

(H.C.R. No. 14)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING THE IDAHO FARM BUREAU FEDERATION FOR ITS SEVENTY-FIVE YEARS OF REPRESENTING IDAHO AGRICULTURE AND ESTABLISHING IDAHO'S LARGEST VOLUNTARY, MEMBERSHIP-BASED FARM ADVOCACY ORGANIZATION TO WORK FOR THE WELL-BEING OF IDAHO FARM AND RANCH FAMILIES.

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

WHEREAS, the Idaho Farm Bureau Federation was organized 75 years ago on September 15, 1939, in Murtaugh, Idaho, by 13 farmers and ranchers who saw a need for active representation promoting Idaho's agricultural industry; and

WHEREAS, Idaho Farm Bureau Federation's dedicated members continue to direct the organization's grassroots policy development process to improve the financial well-being and quality of life for farmers, ranchers and all Idahoans who depend upon agricultural products; and

WHEREAS, the organization provides and supports educational programs enabling Idaho farmers and ranchers to educate students and the general public about the importance of agriculture to the citizens of Idaho; and

WHEREAS, the organization now provides insurance, financial and commodity marketing services to Idaho farmers and ranchers so they may better manage the risks associated with agriculture; and

WHEREAS, the Idaho Farm Bureau Federation has grown to be the largest general farm organization in our state and is comprised of 37 county Farm Bureau organizations with over 72,300 member families throughout Idaho and is known as "The Voice of Idaho Agriculture"; and

WHEREAS, the Idaho Farm Bureau Federation remains a voluntary organization dedicated to strengthening agriculture and protecting the rights, values and property of federation member families and their neighbors; and

WHEREAS, Idaho Governor C.L. "Butch" Otter recognized and proclaimed September 15, 2014, to be Idaho Farm Bureau Federation Day.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor the Idaho Farm Bureau Federation for 75 years of accomplishments and service to Idaho agriculture.

Adopted by the House March 5, 2015

Adopted by the Senate March 13, 2015

(H.C.R. No. 15)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND CELEBRATING THE ONE HUNDRED TWENTY-FIFTH ANNIVERSARY OF STATEHOOD FOR THE STATE OF IDAHO.

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

WHEREAS, political maneuverings finally resulted in the creation of the Territory of Idaho on March 4, 1863, with its western border along Oregon and Washington unchanged today; however, it encompassed all of Montana and most of Wyoming in an area larger than the state of Texas. The three mining regions of this enormous territory were hundreds of miles from each other and separated by great mountain ranges. As a result, Montana territory was stripped off with its present boundaries in 1864 and, when the Territory of Wyoming was created in 1868, Idaho's present boundaries were permanently fixed; and

WHEREAS, on July 3, 1890, Idaho became the nation's 43rd state when President Benjamin Harrison signed the Idaho Admission Act; and

WHEREAS, Idaho convened a Constitutional Convention on July 4, 1889, to adopt a State Constitution later ratified by the people of our great Gem State; and

WHEREAS, on July 3, 2015, Idaho will celebrate its one hundred twenty-fifth anniversary of statehood; and

WHEREAS, the people of Idaho share an abiding pride in the state's pioneer heritage, and the one hundred twenty-fifth anniversary of Idaho's admission to the Union offers all Idahoans an opportunity to renew that spirit of independence and self-reliance as we look to the future; and

WHEREAS, Idaho's 82,413 square miles vary geographically from high desert in the south to beautiful forests and rugged mountains in the north; and

WHEREAS, Idaho's state seal was designed by a woman, Emma Edwards Green, and adopted in 1907; Idaho is the No. 1 national producer of potatoes, trout, Austrian winter peas and lentils; Idaho's Hells Canyon is the deepest river gorge in North America, deeper than the Grand Canyon; Sun Valley was created in 1936 as America's first destination ski resort; and Idaho's Morley Nelson Snake River Birds of Prey National Conservation Area is home to the world's most dense population of nesting eagles, hawks and falcons; and

WHEREAS, with over one million acres of wilderness area, Idaho has more wilderness than any other state in the lower 48 states, with many national forests that are great for fishing, hiking and hunting, and its backcountry is filled with mountain trails for backpacking and exploring wildlife; and

WHEREAS, the Salmon River, internationally known, bisects the rugged Frank Church-River of No Return Wilderness and provides some of the best whitewater kayaking and rafting in the world; and

WHEREAS, Idaho is one of only two places in the world where star garnets can be found in any significant quantity, the other being India; and

WHEREAS, the network of dams and locks on the Columbia River and Snake River makes the city of Lewiston the farthest inland seaport on the Pacific Coast of the contiguous United States; and

WHEREAS, Idaho is home to the Idaho National Laboratory, which is 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 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 Site between that time and the end of 2010; and

WHEREAS, Idaho is home to two persons who have won Gold Medals in recent Olympics - Kristin Armstrong and Picabo Street.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commend and celebrate Idaho and its people on the state's one hundred twenty-fifth anniversary of statehood.

BE IT FURTHER RESOLVED that the State Historical Society, cities and county historical societies are authorized and encouraged to perform appropriate ceremonies and celebrations on July 3, 2015.

Adopted by the House March 4, 2015

Adopted by the Senate March 26, 2015

(H.C.R. No. 16)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND CONGRATULATING BENEWAH COUNTY AND ITS RESIDENTS FOR THE COUNTY'S CENTENNIAL ANNIVERSARY ON JANUARY 23, 2015.

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

WHEREAS, by act of the Idaho Legislature, on January 23, 1915, Benewah County was created, named after Coeur d'Alene Chief Benewah and its county seat was placed at St. Maries; and

WHEREAS, from 1915 to 1924 Benewah County conducted operations in a school until the community passed a bond for a courthouse in January 1924. Construction began immediately at a cost of \$87,990, and since November 1924, the courthouse in St. Maries has been in continuous use for county and court functions. With its post-World War I neoclassical styling, the Benewah County Courthouse was listed on the National Register of Historical Places in 1987; and

WHEREAS, Benewah County has three incorporated cities. The largest, St. Maries, is home to 2,400 residents and is named for the largest tributary of the St. Joe River, which converges at the city. Plummer, the largest city within the Coeur d'Alene Reservation, is home to more than 1,000 residents. Tensed, population 80, is DeSmet spelled backwards, which the post office incorrectly transcribed; and

WHEREAS, several areas of Benewah County, though unincorporated, have rich histories and vibrant communities including Chatcolet, DeSmet, Emida, Fernwood, Parkline, Renfrew and Santa; and

WHEREAS, Benewah County is part of the historic homeland of the Coeur d'Alene Indians, who in their own language call themselves Schitsu'umsh, or "those who were found here" or "the discovered people." French trappers and traders were the first Europeans to encounter the Coeur d'Alene people and found them to be great traders, hence the name which means "heart of the awl." The Coeur d'Alene Tribe ranged over lands in northern Idaho, eastern Washington and western Montana. A portion of the present-day Coeur d'Alene Reservation is within Benewah County; and

WHEREAS, Benewah County is served by the Plummer-Worley School District and the St. Maries School District, with Lakeside High School in Plummer, home of the Knights, and St. Maries High School in St. Maries, home of the Lumberjacks. The St. Maries School District was ranked in the top ten schools in Idaho by U.S. News and World Report's education rankings; and

WHEREAS, timber and mining remain an important cornerstone of the regional and state economies. Each dollar of wood and paper products sold generates an additional 60 cents of sales by other industries within the state. Mills with facilities in Benewah County include the Potlatch Corporation and

Stimson Lumber Company, and additional markets offered by Bennett Lumber and the Idaho Forest Group. Jack Buell Trucking and many owner-operated logging and trucking companies keep the industry thriving and contributing to the state's economy; and

WHEREAS, the St. Joe Ranger District of the Idaho Panhandle National Forest was formerly the St. Joe National Forest, with the ranger district office in St. Maries. With world-famous cutthroat trout streams, nationally recognized elk herds, wild and scenic rivers, and roadless and primitive areas, the St. Joe Ranger District has miles of trails for hikers, backcountry horse riders, mountain bikers and ATV riders. The Emerald Creek Garnet Area is one of only two places in the world where star garnets can be found; and

WHEREAS, Benewah County is home to the oldest state park in the Pacific Northwest, Heyburn State Park, founded in 1908 and named in honor of U. S. Senator Weldon B. Heyburn. Close by is the Mary McCroskey State Park, named after an early pioneer and dedicated to all pioneering women, it is known for its unique position between the Palouse Prairie and the Rocky Mountains and the breathtaking "Skyline Drive" that winds through cedar forest, ponderosa pine and prairie; and

WHEREAS, a corner of the rich Palouse Prairie occupies Benewah County, ensuring that farming and ranching remain traditional livelihoods. In addition to cattle, crops such as bluegrass, native grasses, wheat, barley and hay are raised; and

WHEREAS, Benewah County is naturally beautiful and bountiful: lakes and streams with trout and salmon; tree-filled forests with elk, moose, bear and deer; mountains and meadows with huckleberries and camas roots; wetlands with waterfowl and water potatoes; and

WHEREAS, Benewah County produced one governor, Charles Armington "C.A." Robins, of St. Maries, the only physician to serve as Idaho governor and the first governor elected to a four-year term, serving from 1947 to 1951. Prior to his service as governor, Governor Robins served as president pro tempore of the Idaho Senate for the Twenty-seventh Idaho Legislature; and

WHEREAS, Benewah County is home to the longest-serving county commissioner in Idaho, Jack Buell, businessman and Idaho Hall of Fame inductee of St. Maries. First elected in 1974, for more than 40 years he has worked tirelessly as a commissioner, community member and volunteer, sharing his resources and lending a helping hand.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we hereby recognize and congratulate Benewah County and its residents for the county's Centennial Anniversary in 2015.

Adopted by the House March 6, 2015

Adopted by the Senate March 25, 2015

(H.C.R. No. 17)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF URBAN RENOVATION PLANS AND ISSUES.

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

WHEREAS, in the past seven years, including this year, there have been many bills introduced in the Idaho Legislature regarding the subject of urban renewal and urban renewal agencies; and

WHEREAS, the subject of urban renewal agencies and the Local Economic Development Act has been a source of great public controversy and misunderstanding; and

WHEREAS, the Legislature desires that an interim committee be appointed to study and address the issue and subject of urban renewal to modernize the process and to provide local units of government with economic development tools.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third 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 statutes and laws regarding urban renewal agencies, revenue allocation areas and the Economic Development Act contained in Chapters 20 and 29, Title 50, Idaho Code, and make recommendations for necessary changes to those and other related statutes, and if necessary to state statutes and the state constitution. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixty-third Idaho Legislature.

Adopted by the House March 17, 2015

Adopted by the Senate March 30, 2015

(H.C.R. No. 21)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Thoroughness 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.03, the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1406, the entire rulemaking

docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 24, 2015

Adopted by the Senate March 27, 2015

(H.C.R. No. 22)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING UNIFORMITY.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the State Board of and State Department of Education relating to Rules Governing Uniformity 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.02, the State Board of and State Department of Education, Rules Governing Uniformity, Section 004., Subsection 03., only, adopted as a pending rule under Docket Number 08-0202-1402, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 24, 2015

Adopted by the Senate March 27, 2015

(H.C.R. No. 23)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE PURCHASING LAWS OF THE STATE AND TO MAKE RECOMMENDATIONS.

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

WHEREAS, the Legislature of the State of Idaho finds that the purchasing laws of the state could be strengthened and have not been fully revised, modernized or updated during the past 40 years; and

WHEREAS, with changes in technology the purchasing laws of the 1970s are antiquated; and

WHEREAS, the State of Idaho is committed to open, honest and transparent purchasing processes; and

WHEREAS, Idaho's purchasing process should include an increased respect for local business interests; and

WHEREAS, statewide purchasing solutions may not always be in the best interests of Idaho; and

WHEREAS, a thorough and complete study of our state purchasing laws should include a comprehensive review of best practices in the field; and

WHEREAS, tax moneys will likely be saved through changes in procedures used in purchasing goods and services on behalf of the state.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third 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 purchasing laws of the State of Idaho including, but not limited to, the submission and acceptance of bids for goods and services, including construction and to report and make recommendations for changes therein. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixty-third Idaho Legislature.

Adopted by the House March 26, 2015

Adopted by the Senate April 8, 2015

(H.C.R. No. 24)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENDORSING EFFORTS BY THE IDAHO CAREGIVER ALLIANCE TO CREATE A TASK FORCE TO EXPLORE INNOVATIVE MEANS TO SUPPORT UNCOMPENSATED FAMILY CAREGIVERS IN IDAHO.

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

WHEREAS, family caregivers are an essential part of Idaho's health care system, providing uncompensated support and care to ill or disabled family members or loved ones; and

WHEREAS, family caregivers are valued community members who are the backbone of Idaho's long-term care system; and

WHEREAS, the State Healthcare Innovation Plan is focused on redesigning Idaho's health care delivery system to evolve from a fee-for-service, volume-based system to a value-based system of care based on improved health outcomes; and

WHEREAS, uncompensated family caregivers in Idaho are an essential part of the medical neighborhood, the medical neighborhood being the array of services that are available to patients beyond the scope of a patient-centered medical home; and

WHEREAS, the State Healthcare Innovation Plan envisions better connection of the patient-centered medical home to the rest of the medical neighborhood in order to improve care coordination and care quality and reduce costs and duplication of services; and

WHEREAS, half of Idaho's 44 counties are frontier, with fewer than seven persons per square mile, resulting in areas that lack access to many levels of health care, including access to caregiving resources; and

WHEREAS, the population of the state that is 65 years and older is projected to reach 370,000 in 2032, a significant increase from 2012, and this demographic represents the fastest growing population in the state; and

WHEREAS, Idaho has 137,099 veterans, with an estimated 19,041 who suffer disabilities, including 1,645 who are completely disabled; and

WHEREAS, an estimated 53,280 Idaho children have a special health care need, and an estimated 18,820 have a serious emotional disorder; and

WHEREAS, providing services and support to Idahoans in their homes and communities is generally less expensive than institutional care; and

WHEREAS, individuals who receive care at home are less likely to need public assistance; and

WHEREAS, at any time during the year an estimated 307,000 adults in Idaho provide care to adult relatives or friends, which equates to an estimated value of \$2 billion per year; and

WHEREAS, approximately two-thirds of Idaho's unpaid caregivers are employed or looking for work, and their caregiving responsibilities therefore have an economic impact on families and employers in Idaho; and

WHEREAS, more than half of care recipients are under the age of 75, and almost one-third are under the age of 50, thus indicating that caregiving is a multigenerational issue in family life that also impacts a broad spectrum of individuals with chronic illnesses that necessitate family caregiving throughout the lifespan; and

WHEREAS, approximately 22,000 Idahoans are living with Alzheimer's Disease or a related disorder, and an estimated 77,000 individuals, many of whom are unpaid, provide caregiving responsibilities for people with Alzheimer's Disease or a related disorder; and

WHEREAS, to successfully address the surging population of older adults and people with disabilities who have significant needs for long-term services and support, the state must develop methods that both encourage and support individuals who assist family members and must also develop ways to recruit and retain a qualified, responsive in-home care workforce.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we endorse the efforts of the Idaho Caregiver Alliance and encourage their plans to create a task force to explore innovative means to support uncompensated family caregivers in Idaho and to provide information to those who may serve as a caregiver in the future.

BE IT FURTHER RESOLVED that we encourage the task force to explore policies, resources and programs available for family caregivers and make this information available to the State Healthcare Innovation Plan leaders as a potential resource for the medical neighborhood model.

BE IT FURTHER RESOLVED that we encourage the task force to compile an inventory of the resources available to family caregivers in Idaho.

BE IT FURTHER RESOLVED that we encourage the task force to report its findings to the Second Regular Session of the Sixty-third Idaho Legislature.

Adopted by the House March 26, 2015

Adopted by the Senate March 31, 2015

(H.C.R. No. 26)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF BROADBAND ACCESS FOR THE STATE AND TO MAKE RECOMMENDATIONS.

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

WHEREAS, the Legislature of the State of Idaho agrees with the need for consistent broadband services being available for use by the school districts and state agencies in the State of Idaho; and

WHEREAS, a set of standards for broadband functionality and interconnectivity enables the sharing of courses among school districts and equal access by students to concurrent enrollment offered by higher education; and

WHEREAS, Idaho's local school districts appear to have been able to contract for public Internet access at drastically reduced costs in the short-term; and

WHEREAS, a thorough and complete study of our state broadband service should include a comprehensive review of best practices in the field.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of and make recommendations for broadband services and governance for the State of Idaho. 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 co-chairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixty-third Idaho Legislature.

Adopted by the House April 9, 2015

Adopted by the Senate April 10, 2015

CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA)
) ss.
STATE OF IDAHO)

I, LAWRENCE DENNEY, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Sixty-third Legislature of the State of Idaho, First Regular Session thereof, which convened on January 12, 2015, and which adjourned on April 10, 2015, 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 fifteenth day of May, 2015.

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.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2014-04ESTABLISHING A PUBLIC RECORDS OMBUDSMAN WITHIN THE OFFICE OF THE GOVERNOR

WHEREAS, an open and transparent government is fundamental to the perpetual success of a republic; and

WHEREAS, 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; and

WHEREAS, our citizens, in creating the instruments of government that serve them, do not yield sovereignty to the agencies so created; and

WHEREAS, resolution of disputes through the courts between state agencies and citizens requesting public information can be time consuming and costly; and

WHEREAS, the Office of the Governor wants to lead by example in establishing a Public Records Ombudsman and encourages units of local government to evaluate and if appropriate implement a similar process;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order:

1. The creation of the "Idaho Public Records Ombudsman" ("Ombudsman") within the Office of the Governor;

2. The Governor shall appoint the public records Ombudsman, who shall be an attorney duly licensed to practice law in the state of Idaho and serve at the pleasure of the Governor;

3. The Ombudsman shall:

a. Ensure all executive branch agencies', departments' and offices' ("agency or agencies") policies and practices concerning public record disclosure are consistent;

b. Collect information concerning the number of denials by agency, reasons for denying the request, costs associated with every request received by an agency (including denials and approvals) and total costs of compliance with the public records act by agency;

c. Compile concerns and complaints from individuals about agency policies, processes and decisions denying access to public records, and maintain a repository of concerns and complaints;

d. Provide a report to the Governor on an annual basis with the information gathered under this executive order, which will be made public no later than December 30;

e. Work with agencies, stakeholders and the public to provide recommendations to the Governor for improving public record disclosure policies and laws, including but not limited to, legislation to incorporate a review process at the state and local level prior to or in lieu of litigation; and

4. This executive order shall only apply to agencies, boards, commissions, departments and offices of the executive branch of state government, including the office of the Governor. It shall not apply to other constitutional officers, their offices, the legislature or judiciary.



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 23rd day of April in the year of our Lord 2014, and of the Independence of the United States of America the two hundred thirty-eighth and of the Statehood of Idaho the one hundred twenty-fourth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2014-05

GOVERNOR'S ROADLESS RULE IMPLEMENTATION COMMISSION

WHEREAS, Idaho's 250 inventoried roadless areas comprise approximately 9.3 million acres in 12 national forests across Idaho; and

WHEREAS, Idaho has more inventoried roadless acres than any other state in the coterminous forty-eight; and

WHEREAS, Idaho's inventoried roadless areas provide pristine habitat for protected species and a significant benefit to Idaho's economy; and

WHEREAS, Idaho roadless areas provide excellent recreational opportunities for hunters, fishermen and outdoor enthusiasts, as well as a significant source for drinking and irrigation water throughout the Northwest; and

WHEREAS, Idaho counties, communities and interested parties provided input during the drafting of management recommendations for inventoried roadless areas in Idaho; and

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order:

1. The creation of the Governor's Roadless Rule Implementation Commission (Commission).
2. The members of the Commission shall be appointed by and serve at the pleasure of the Governor.
 - i. The Commission shall be composed of 15 members, representing the various geographic areas of the State.
 - ii. Commission members shall be appointed from the following three categories:
 1. Five individuals who:
 - a. Participated as a member of the Roadless Area Conservation National Advisory Committee (RACNAC); or
 - b. Represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities; or
 - c. Represent energy or mineral development interests; or
 - d. Represent the commercial timber industry; or
 - e. Hold federal a grazing permit or other federal land use permits.
 2. Five individuals representing:

- a. A nationally, regionally or locally recognized environmental organization; or
 - b. Dispersed recreational activities; or
 - c. Archaeological and historical interest; or
 - d. Nationally or regionally recognized wildlife or sportsmen's interest groups.
3. Five individuals who:
- a. Hold State elected office or their designee; or
 - b. Hold county or local elected office; or
 - c. Represent an American Indian Tribe within the State of Idaho; or
 - d. Represent the public at large.
- iii. The Chair and Vice Chair of the Commission shall be selected by a majority vote of the members. The chair and vice chair shall serve at the pleasure of the Governor. Vacancies in the chair or vice chair shall be filled by a majority vote of the commission at the next meeting.
3. The Commission shall, in partnership with the U.S. Forest Service, Department of Agriculture and Tribes of Idaho ensure the implementation of the Inventoried Roadless Area Rule for Idaho.



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 15th day of May in the year of our Lord 2014, and of the Independence of the United States of America the two hundred thirty-eighth and of the Statehood of Idaho the one hundred twenty-fourth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2014-06

ESTABLISHING THE IDAHO TAX COMMISSION STUDY TASK FORCE

WHEREAS, an open and transparent government is fundamental to the perpetual success of a republic; and

WHEREAS, regular review of the organization and process of agencies such as the Idaho Tax Commission is necessary to ensure maximum performance; and

WHEREAS, the Idaho Tax Commission's core functions include revenue collection and enforcement; collaboration with assessors, accountants, businesses and taxpayers; distribution of information, policy advocacy, and administrative rulemaking processes; and

WHEREAS, the Idaho Tax Commission must provide comprehensive and fair service to the public; and

WHEREAS, in the Governor's ongoing effort to improve service to taxpayers and business, better align resources, and make sensible structural en-

hancements, the Office of the Governor sees the potential for new or different organizational models for the Idaho Tax Commission;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in by the Constitution and laws of the State of Idaho do hereby order:

1. Creation of the Idaho Tax Commission Study Task Force (Task Force).
2. The Task Force shall include eight members, led by Dennis Lake, former chairman of the Idaho House Revenue and Taxation Committee; and including Dolores Crow, also a former House Revenue and Taxation Committee chair; Idaho Tax Commission Chairman Richard Jackson, Tax Commissioner David Langhorst; Alex LaBeau, president of the Idaho Association of Commerce and Industry; Ben Davenport, president of the Associated Taxpayers of Idaho; Dan John, retired tax policy supervisor for the Tax Commission; and Thomas Wilford, former CEO of J.A. and Kathryn Albertson Foundation.
3. The Task Force shall examine the Tax Commission's mission to ensure maximum performance, including determinations about whether operations would benefit from restructuring and how the Commission's rulemaking process can be improved.
4. The Task Force shall produce recommendations to the Governor for fostering improvement of service, communication, management, and execution of the Commission structure.
5. The Task Force shall produce a public report of its final recommendations.
6. Meetings of the Task Force shall be determined by the members, with final recommendations submitted by October 22, 2014.



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 15th day of May in the year of our Lord 2014, and of the Independence of the United States of America the two hundred thirty-eighth and of the Statehood of Idaho the one hundred twenty-fourth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2014-07

ASSIGNMENTS OF ALL-HAZARD PREVENTION, PROTECTION, MITIGATION, RESPONSE
AND RECOVERY FUNCTIONS TO STATE AGENCIES
IN SUPPORT OF LOCAL AND STATE GOVERNMENT
RELATING TO EMERGENCIES AND DISASTERS

WHEREAS, widespread property damage, personal injury and loss of life from manmade 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 manmade disaster emergency or threat that might conceivably confront the State; and

WHEREAS, local government is the principal provider of emergency services in Idaho; and

WHEREAS, the role of State government is to support and enhance local community emergency management and homeland security efforts including focusing state agency activities on supporting regional and community needs throughout Idaho; and

WHEREAS, the Legislature has directed the development of such state disaster prevention, protection, mitigation, response and recovery plans; and

WHEREAS, effective State protection, prevention, mitigation, response and recovery planning requires proactively identifying functions that would be performed during such emergencies and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State, do hereby assign emergency prevention, protection, mitigation, response and recovery functions to 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,

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 Chief, Bureau of Homeland Security.

B. Bureau of Homeland Security

1. Draw upon subject matter experts, state agencies and existing advisory committees, commissions and councils to form a Homeland Security Advisory Committee in order to exchange information, validate preparedness efforts, and enhance capabilities statewide in the five homeland security mission areas of prevention, protection, mitigation, response and recovery.
2. 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.

3. Establish and maintain the Idaho Emergency Operations Center for directing the coordination of emergency and disaster operations and information management activities.
4. Develop and coordinate the preparation and implementation of plans and programs for prevention, protection and mitigation to reduce the harmful consequences of disasters.
5. Ensure state and local prevention, protection, mitigation, response and recovery plans are consistent with national plans and programs. Ensure state agency plans are consistent with the State's emergency management goals and procedures.
6. Coordinate collaborative emergency management and homeland security efforts with other State governments and federal agencies and private-sector entities.
7. Coordinate all requests from State and local governments for disaster emergency assistance.
8. Coordinate the use of State emergency communications and warning systems. Develop and integrate the state Amateur Radio Emergency Services (ARES), Radio Amateur Civil Emergency Services (RACES), and other volunteer communications programs and organizations into a state system or network in accordance with Section 46-1013, Idaho Code and CFR Title 47, Part 97, FCC Rules of the use of Amateur Radio. Develop, maintain and exercise a communications plan within the Idaho Emergency Operations Plan (IEOP). Continue to enhance the communications capabilities and capacity of the Idaho Emergency Operations Center with current and new technologies.
9. In coordination with the Governor's Press Secretary and/or Communications Director, coordinate and administer the Public Information Emergency Response (PIER) Team program in support of State and local emergency and disaster public information prevention, protection, mitigation, response and recovery objectives.
10. Function as the State Administering Agency for federal emergency management and homeland security grant programs.

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). Agency employees expected to respond to emergencies or disasters within Idaho will have NIMS training commensurate with their expected roles in response to such emergencies or disasters.
- B. Designate a NIMS compliant agency emergency coordinator to train, exercise and participate in the State Emergency Management Program to facilitate emergency support and logistics in response to emergencies and disasters. Larger departments will, by necessity, need to appoint subdivision emergency coordinators to report to the agency emergency coordinator. Provide the names and contact information of agency emergency coordinators to the Bureau of Homeland Security.

C. Develop and maintain an agency emergency operations plan (EOP) to carry out the agency's response and recovery support functions consistent with the National Response Framework and the National Recovery Framework. Agency plans will assign emergency management duties to all subdivisions and personnel and will support the Idaho Emergency Operation Center (IDEOC), and agency specific Emergency Support Functions (ESF), as required by the Idaho Emergency Operation Plan and the National Preparedness System. Such support includes:

1. Supporting the state EOP assigned ESF role as a coordinating agency, a primary agency or a supporting agency.
2. Supporting the Idaho Emergency Operations Center (IDEOC) processes and standard operating procedures. Providing situation reports, incident action plans, resource status, financial status, geospatial data, and organization/staffing/contact information to the IDEOC and its situational awareness platforms;
3. Providing ESF personnel and resources commensurate with IDEOC assigned roles and responsibilities; and
4. Providing resources and capabilities when mission assigned by the IDEOC. This may include personnel, direct agency assistance or subject matter expertise in response to a request for assistance.

D. Develop and maintain a Continuity of Operations Plan (COOP) to (a) address how the agency will continue to perform essential functions in the event of compromised facilities or leadership, and (b) return the agency to normal operations. A copy of the current COOP plan 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 that requires activation of their COOP plan or otherwise impacts the ability of government to provide public services within the State of Idaho. The Adjutant General or Chief of the Bureau of Homeland Security will notify the Governor's Office.

F. Grant and/or use waivers in accordance with the applicable provisions of Idaho Code for necessary disaster emergency response and recovery operations.

G. Train personnel to meet State emergency prevention, protection, mitigation, response and recovery objectives as coordinated by the Bureau of Homeland Security.

H. Coordinate emergency management and homeland security training with the Idaho Bureau of Homeland Security.

I. Coordinate any agreement or memorandum of understanding that incorporates emergency or disaster prevention, protection, mitigation, 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. Participate in the state Public Information Emergency Response (PIER) program. Public Information Officers of each State agency are collaterally assigned to the State's 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 in coordination with 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.

K. Participate in the Idaho Homeland Security Advisory Committee, as requested, to exchange information, validate preparedness efforts and enhance capabilities statewide in the five homeland security mission areas of prevention, protection, mitigation, respond and recover.

L. Participate in long-term recovery planning, as requested, for the economic and community recovery of impacted areas.

III. SPECIFIC ASSIGNMENTS

A. OFFICE OF THE ATTORNEY GENERAL

1. Provide consumer protection advice and assistance in response and recovery phases of a disaster.

B. DEPARTMENT OF ADMINISTRATION

1. 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.

2. Provide personnel for damage assessment and damage survey teams in cooperation with the Idaho Transportation Department and Division of Building Safety.

3. 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 prevention, protection, mitigation, 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; coordinate dead animal removal when necessary.

4. Assist with incident response and recovery activities when chemicals -- including pesticides, chemical agents and biological agents -- are suspected or involved.

5. Provide technical assistance concerning livestock health, disease control and preventive medicine.

6. Facilitate the distribution of medical supplies, and inspect feed for livestock and other animals in the event of an actual or potential animal disease outbreak.

7. Provide toxicological and other technical data on pesticides, fertilizers, plant and soil amendments and other chemicals to response personnel and the public.

8. Assist with the disposal of unusable pesticides, fertilizers and plant or soil amendments and help coordinate the transportation of these materials.

9. Provide personnel for damage assessments of agriculture facilities.

10. Provide trained personnel for agricultural and conservation damage survey teams.

11. Serve as the primary point of contact for the federal United States Department of Agriculture (USDA) and Farm Services Agency (FSA) for USDA/FSA specific disaster/emergency assistance.

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.

E. DEPARTMENT OF COMMERCE

1. Provide primary support for 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. Serve as the primary point of contact with the federal Small Business Administration (SBA) for SBA specific disaster and emergency assistance.

F. DEPARTMENT OF LABOR

1. Report the number of unemployed individuals as a result of a disaster emergency to the Bureau of Homeland Security.

2. Provide unemployment insurance claims and re-employment assistance service for disaster victims, within the scope of eligible programs.

3. 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. Assist local school districts and other qualifying agencies to develop a policy for the use of buses in an emergency.
- b. 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.
- c. Assist in coordinating activities for damage assessments and damage surveys for school facilities.
- d. Coordinate with affected jurisdictions, State agencies and volunteer organizations regarding 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 with affected jurisdictions, State agencies and volunteer organizations regarding 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 State's 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 to include coordination with Tribal Historical Preservation Officers when tribal lands are impacted by disasters or emergencies.

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 capability support.

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, use of hospitals and other medical facilities, and coordination with the regional health districts.
2. Support implementation of the State's Individual Assistance, Crisis Counseling and Community Relations programs during a disaster declared by the President in coordination with the Bureau of Homeland Security, including the provision of available disaster welfare services.
3. Provide damage assessment and survey team personnel for Health and Welfare-related functional activities.
4. Provide staff personnel to work in Disaster Recovery Centers and Disaster Field Offices during federally declared disasters.
5. Assist in supporting citizen inquiries, increasing public awareness and disseminating disaster and emergency information via the 2-1-1 CareLine.
6. Assist in coordination, warning and notification processes through the State Communications Center in response to and during the recovery from disasters.

J. DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Assess supplies of potable water and coordinate portable water resources with other State agencies and health districts.
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. Provide radiation protection guidance, and information in support of State and local emergency responders.
 - c. Conduct radiological monitoring and coordinate radiological sample analysis with Idaho State University.
 - d. 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 Disaster Recovery Centers to assist disaster survivors in obtaining insurance related information.

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. Cooperate with federal, State and local governments in developing plans for and directing activities relating to the prevention and control of wildland and urban/wildland interface fires.
2. Provide emergency communications assistance.
3. Provide personnel for damage assessment and damage survey teams.

N. IDAHO STATE POLICE

1. Operate a statewide emergency communication system, which may be designated as a primary system during emergencies and disasters.
2. In coordination with the Bureau of Homeland Security and Idaho Criminal Intelligence Center, alert State agencies and local governments of potential or impending threats.

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 and support 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. 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.
3. Provide aviation resources for evacuation, search-and-rescue operations and aerial radiological monitoring as coordinated by the Bureau of Homeland Security.
4. Serve as primary point of contact with the Federal Highway Administration and the Emergency Relief for Federally Owned Roads (ERFO) program for FHA and ERFO assistance during disasters and emergencies.
5. 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. Advise the Bureau of Homeland Security of impending emergency conditions such as imminent failure or other conditions involving dam safety.

3. 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.
4. 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.
5. 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 and participate in the U.S. Army Corps of Engineers Silver Jackets program.
6. Provide personnel for damage assessment and damage survey teams.
7. Assist the Department of Environmental Quality in assuring adequate supplies of potable water are available.
8. Provide emergency communications as coordinated by the Bureau of Homeland Security.

S. PUBLIC UTILITIES COMMISSION

1. Assist with energy shortage and disruption reporting and restoration.

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. Expedite funding of the Disaster Emergency Account as part of the Governor's Proclamation of Disaster Emergency.

U. IDAHO GEOLOGICAL SURVEY

1. Formulate and direct the State's 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.

V. MILITARY DIVISION

1. Idaho Military Division
 - a. 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.

b. 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.

2. 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. 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.

e. Provide logistical assistance to State damage assessment and damage survey teams, as well as Joint Field Office operations.

3. 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 the prevention, protection, mitigation, response and recovery mission areas.

d. Support administration of the State's Emergency Alert System (EAS) in accordance with Section 46-1013, Idaho Code. Facilitate a viable and effective statewide alert system for impending natural or manmade disasters.

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 ensure compliance with the Idaho Hazardous Substance Response Act in the provision of 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.

Any emergency support 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 support 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 22nd day of July in the year of our Lord 2014, and of the Independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2014-08

ESTABLISHING THE IDAHO COUNCIL ON SUICIDE PREVENTION
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2010-12

WHEREAS, Idaho's suicide rate is consistently higher than that of the United States as a whole; and

WHEREAS, in 2013, suicide was the second leading cause of death for Idahoans aged 10-34 and for males aged 10-34 and for females aged 15-24; and

WHEREAS, in 2013, 308 people completed suicide in Idaho, a 3-percent increase over 2012, and an 8.5-percent increase over 2011; and

WHEREAS, suicide is particularly devastating, especially in the rural areas of Idaho;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this state, do hereby 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 and developing changes and new priorities to update the Plan;
- C. To be a proponent for suicide prevention in Idaho; and
- D. To prepare an annual report on Plan Implementation for the Governor and Legislature.

II. The Governor shall appoint all members of the Council with state regional representation in mind. The Council shall include representatives from:

- A. The Office of the Governor;
- B. The Idaho State Legislature;
- C. The Department of Health and Welfare;
- D. The Department of Education or School Districts;
- E. Juvenile justice;
- F. Adult corrections;
- G. SPAN Idaho;
- H. The mental health profession;
- I. The National Alliance for the Mentally Ill or another mental health advocacy group;
- J. Suicide bereavement and attempt survivors;
- K. An Idaho tribe;
- L. Idaho youth;
- M. The Commission on Aging or Aging Services;
- N. The military, a veteran or the Division of Veterans Services;
- O. Organizations engaged in suicide prevention and awareness activities; and
- P. Various regions of Idaho.

III. Council member 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; and
- D. The Council shall not exceed twenty (20) 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 2nd day of September in the year of our Lord 2014, and of the Independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-01ESTABLISHING AN IDAHO MILITARY ADVOCACY COMMISSION

WHEREAS, Idaho proudly supports the military; and

WHEREAS, strong military communities in Idaho help grow our economy while providing a strong defense for the nation and our state; and

WHEREAS, Mountain Home Air Force Base (AFB) and the Idaho National Guard, with their vast training areas are uniquely positioned to meet current and future military needs of our country; and

WHEREAS, Mountain Home AFB and Gowen Field contain modern military facilities and have the capacity to further expand;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order the creation of the "Idaho Military Advocacy Commission (IMAC).

1. The IMAC will:
 - a. Advocate for maintenance and growth of U.S. Department of Defense platforms in Idaho in order to improve training and operational abilities and readiness at military installations for national defense while collaterally creating more career and economic opportunities for Idaho communities;
 - b. Encourage, support and facilitate collaboration between the State of Idaho, regional advocacy organizations within the state, counties, cities and the federal government toward improving public awareness, operational viability and prospective additional functionality of military installations both existing and proposed ; and
 - c. Form subcommittees to research, identify and report on opportunities to leverage the strengths, functionalities and proven operational advantages of military installations in Idaho.
2. The duties of the IMAC are solely advisory in nature.
3. The members of the IMAC will be appointed by and serve at the pleasure of the Governor. Membership will include, but is not limited to, representatives from:
 - a. The Office of the Governor;
 - b. The Office of each of Idaho's U.S. Senators;
 - c. The Office of each of Idaho's U.S. House of Representatives ;
 - d. The Office of the Lieutenant Governor;
 - e. One member of the Idaho Senate
 - f. One member of the Idaho House of Representatives
 - g. The Idaho National Guard; and
 - h. Six members of the public.
4. Members of the IMAC shall not receive compensation for their services.

5. The IMAC may request consultation, information and technical expertise from local units of government, directors or their designees of State of Idaho agencies, federal agencies, and members of the public.
6. All Executive Branch departments, agencies, boards and commissions shall fully cooperate with this commission in carrying out the mandates of the Executive Order and shall provide staff support and other assistance as directed by the Governor.



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 25th day of February in the year of our Lord 2015, and of the Independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-02

ESTABLISHING THE WORKFORCE DEVELOPMENT COUNCIL FOR
PLANNING AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM
REPEALING AND REPLACING EXECUTIVE ORDER 2010-02

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in crafting the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. The Idaho Workforce Development Council (the "Council") is established in accordance with section 111 (e) and 117 (c) (2) (A) of the Workforce Investment Act (WIA) of 1998, as amended and section 101 (a), (e) of the Workforce Innovation and Opportunity Act (WIOA) of 2014.
2. The Council shall consist of not more than 26 members appointed by the Governor, consistent with federal nomination and composition requirements set forth in section 702 of the Job Training Partnership Act as amended. The Council's membership, shall be as follows:
 - a. Representatives of business and industry shall comprise at least 40% of the members;
 - b. At least 15 percent of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary professional technical educational institutions;
 - c. At least 15 percent of the members shall be representatives of organized labor based on nominations from recognized state labor federations;
 - d. Representatives from the Department of Commerce, Department of Labor, the State Board of Education, Division of Professional-Technical Education and the Superintendent of Public Instruction; and
 - e. A representative of a community-based organization.
3. The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on the following:
 - a. Development of a statewide strategy for workforce development programs which encompasses all workforce programs;
 - b. Development of the WIOA State plan;
 - c. Development and continuous improvement of services offered under the statewide workforce investment system;
 - d. Development of comments at least once annually on the Carl D. Perkins Vocational and applied Technology Education Act;
 - e. Development and continuous improvement of comprehensive State performance measures;
 - f. Preparation of the annual report to the United States Secretary of Labor as required under section 136 of the WIA and section 103 of WIOA;
 - g. Development of a statewide employment statistic program;
 - h. Development of a plan for comprehensive labor market information; and
 - i. Development of technological improvements to facilitate access to, and improve the quality of, services and activities provided through the workforce system.
4. The Council shall also be responsible for:
 - a. Approval and oversight of the expenditures from the Employment Security Reserve Fund as set forth in Section 72-1347A, Idaho Code;
 - b. Development and oversight of procedures, criteria and performance measures for the Workforce Development Training fund established under Section 72-1347B, Idaho Code; and
 - c. Such other duties as assigned by the Governor.
5. The Council may empanel subcommittees, appointed by the chair. Subcommittee members may include individuals from the general public who have special knowledge and qualifications to be of assistance to the Council.
6. The Governor shall name the chair and vice-chair from among the private sector members of the Council.

7. The Council shall be jointly staffed by a management team of directors or administrators of state agencies that administer workforce development programs, as designated by the Governor. Funding for the council shall be provided by the agencies staffing the council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Labor shall have responsibility for providing secretarial and logistical support to the Council.
8. The Council's members shall serve at the pleasure of the Governor, and appointments shall be for three-year terms.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 8th day of April, in the year of our Lord 2015, and of the independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2015-03

AUTHORIZING THE DEPARTMENT OF HEALTH AND WELFARE
TO IMPLEMENT A FDA-APPROVED EXPANDED ACCESS PROGRAM
FOR TREATMENT-RESISTANT EPILEPSY IN CHILDREN

WHEREAS, Idaho's citizens with severe or life-threatening diseases or conditions may not be able to access critical medications that are still in clinical trials; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has established Expanded Access Programs to allow limited, supervised access to such medications; and

WHEREAS, the FDA has approved an Expanded Access Program for Epidiolex, a drug being evaluated for treatment-resistant epilepsy; and

WHEREAS, it is estimated that eight people per 1,000 have active epilepsy; and

WHEREAS, there are children in Idaho with treatment-resistant epilepsy who may benefit from Epidiolex and

WHEREAS, the Department of Health and Welfare operates to improve the health status of Idahoans, increase the safety and self-sufficiency of individuals and families, and enhance the delivery of health and human services;

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 laws of the State of Idaho, do hereby order as follows:

1. The Department of Health and Welfare shall investigate the need for, and implement if appropriate, as determined by the Department, a FDA-approved Expanded Access Program for Epidiolex
2. Further, as part of the investigation, the Department shall estimate the scope of the need in Idaho for this program, and shall determine whether appropriate medical supervision is available that allows safe and effective implementation of such a program;

3. If implemented, the Department shall investigate and monitor long-term solutions, such as licensure of the medication, that may reduce or eliminate the need for the program in the future; and
4. The Department shall track funding utilized for the program and may accept private contributions, federal funds, funds from other public agencies or any other source for the purpose of implementing this study.



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 April, in the year of our Lord 2015, and of the independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

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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

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CAMPAIGNS AND CANDIDATES

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30-23-107	New Section Added	Ch.243 -	810
30-23-108	New Section Added	Ch.243 -	810
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30-23-302	New Section Added	Ch.243 -	814
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30-23-304	New Section Added	Ch.243 -	816
30-23-305	New Section Added	Ch.243 -	816
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36-409	Referred to	Ch.106	-	260
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36-1401	Amended	Ch.106	-	259
36-1402	Amended	Ch.106	-	262
36-1404	Amended	Ch. 97	-	237
36-1404	Amended	Ch.106	-	264
36-2114	Amended	Ch.141	-	436
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37-606	Amended	Ch.141	-	438
37-2726	Referred to	Ch.140	-	353
37-2730A	Referred to	Ch.140	-	353
37-2701	Amended	Ch. 25	-	30
37-2709	Amended	Ch. 29	-	62
37-2711	Amended	Ch. 29	-	65
37-2716	Amended	Ch. 25	-	35
37-2717	Amended	Ch. 25	-	36
37-2718	Amended	Ch. 25	-	36
37-2719	Amended	Ch. 25	-	38
37-2720	Amended	Ch. 25	-	38
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37-2743	Amended	Ch.141	-	438
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38-131A	Referred to	Ch.330	-	1255
38-712	Amended	Ch.141	-	439
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39-114	Referred to	Ch.140	-	356
39-270	Amended	Ch.141	-	440
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39-303A	Repealed	Ch. 63	-	172
39-308	Repealed	Ch. 63	-	172
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39-610	Amended	Ch.141	-	440
39-1210	Amended	Ch.141	-	441
39-1310	Amended	Ch.141	-	442
39-1346B	New Section Added	Ch.206	-	634
39-1393	Amended	Ch.141	-	442
39-1402	Amended	Ch.244	-	1020
39-2609	Amended	Ch.222	-	685
39-2613	Amended	Ch.222	-	685
39-2812	Amended	Ch.141	-	444
39-3340	Amended	Ch. 46	-	98
39-3502	Amended	Ch. 47	-	99
39-3512	Amended	Ch. 47	-	101
39-3556	Amended	Ch.141	-	445
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39-3623	Amended	Ch. 98	-	239
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39-3913	Amended	Ch.141	-	445
39-4113	Amended	Ch.110	-	277
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39-4411	Amended	Ch.141	-	446
39-4412	Amended	Ch.141	-	446
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39-5307	Amended	Ch.141	-	448
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41-2714	New Section Added	Ch.275 - 1133
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42-1303	Amended	Ch. 80 - 202
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42-1312	New Section Added	Ch. 80 - 203
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43-322	Amended	Ch. 107 - 269
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43-701	Referred to	Ch. 123 - 311
43-703	Referred to	Ch. 123 - 312
43-707A	Amended	Ch. 79 - 200
43-733	New Section Added	Ch. 123 - 311
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46-1102	New Section Added	Ch. 268 - 1079
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46-1103	New Section Added	Ch. 268 - 1120
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46-1104	New Section Added	Ch. 268 - 1121
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46-1105	New Section Added	Ch. 268 - 1121
46-1105	Repealed	Ch. 268 - 1078
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46-1107	Repealed	Ch. 268 - 1078
46-1108	Repealed	Ch. 268 - 1078
46-1109	Repealed	Ch. 268 - 1078
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49-107	Amended	Ch.208	- 638
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49-123	Amended	Ch.208	- 639
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49-420N	New Section Added	Ch. 8	-	11
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49-426	Amended	Ch. 180	-	582
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49-457	New Section Added	Ch. 341	-	1282
49-523A	New Section Added	Ch. 203	-	616
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49-674	Amended	Ch. 208	-	644
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49-1313	Amended	Ch. 141	-	476
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58-126	Amended	Ch.141 -	500
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60-103	Amended	Ch. 50 -	110
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63-3022S	Amended and Redesignated 63-3022T (as enacted by Sec. 1, Ch. 85, Laws of 2014)	Ch.244 - 1029
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63-3039	Amended	Ch. 16 - 23
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67-908	Amended	Ch.244 -	1031
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GENERAL LAWS
OF THE
STATE OF IDAHO



PASSED BY
THE FIRST EXTRAORDINARY SESSION OF THE
SIXTY-THIRD IDAHO LEGISLATURE

Convened May 18, 2015
Adjourned May 18, 2015

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

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

LAWRENCE DENNEY
Secretary of State
Boise, Idaho

PROCLAMATION

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

WHEREAS, there is concern about the effect of tabling previous legislation that was intended to bring our state into compliance with the national child-support program, which was created through a federal-state partnership; and

WHEREAS, there is a compelling public interest in maintaining Idaho's established child support program, which provides services to more than 400,000 parents and children with child-support cases; and

WHEREAS, there is a need for Idaho to operate in full compliance with the reciprocal interstate process as provided by the Uniform Interstate Family Support Act; and

WHEREAS, an extraordinary occasion concerning child support services requiring emergency attention has arisen in the State of Idaho, which makes it appropriate and desirable to convene the 63rd Idaho Legislature in Extraordinary Session;

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 laws of this state, do by this Proclamation convene the 63rd Idaho Legislature in Extraordinary Session in the legislative chambers at the Capitol in Boise City, Ada County, Idaho, at the hour of 8:00 A.M. on the 18th day of May, 2015 for the following enumerated purpose and no other:

To consider the passage and enactment of legislation amending and adding to Idaho Code, relating to the Uniform Interstate Family Support Act and other laws, in order to maintain a compliant state program of child-support services in Idaho uniform with all other states in the establishment and enforcement of interstate and international support orders and to ensure our state's policies for recognizing foreign judgments are preserved.

The Extraordinary Session of the Legislature convened by this Proclamation shall have no power to legislate on any subjects other than those specified herein.

I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation be delivered to the Lieutenant Governor, to each of the members of the 63rd Idaho Legislature and to the Constitutional Officers of Idaho at the earliest practicable time.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 29th day of April in the year of our Lord two thousand and fifteen, and of the Independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

CHAPTER 1
(H.B. No. 1)

AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; AMENDING SECTION 7-1002, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1003, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE IS THE SUPPORT ENFORCEMENT AGENCY; AMENDING SECTION 7-1004, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1004A, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF THE CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN SUPPORT PROCEEDINGS; AMENDING SECTION 7-1005, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE A CODE REFERENCE AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1007, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1008, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1010, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1011, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY, TO REVISE A PROVISION RELATING TO RECOGNITION OF A CHILD-SUPPORT ORDER, TO REVISE A CODE REFERENCE, TO PROVIDE CONSISTENT LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 7-1012, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1013, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1014, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1015, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1016, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1019, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REMOVE REFERENCE TO A POLITICAL SUBDIVISION; AMENDING SECTION 7-1020, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO ELECTRONIC MAIL AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1021, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1022, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1023, IDAHO CODE, TO REMOVE REFERENCE TO A POLITICAL SUBDIVISION; AMENDING SECTION 7-1025, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1026, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1028, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY AND TO REVISE A CODE REFERENCE; AMENDING SECTION 7-1031, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO ELECTRONIC COMMUNICATION AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1032, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REFERENCE TO ELECTRONIC COMMUNICATION; AMENDING SECTION 7-1033, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1034, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1035, IDAHO CODE, TO PROVIDE FOR PERSONAL JURISDICTION OVER THE PARTIES WHEN A TRIBUNAL ESTABLISHES A SUPPORT ORDER IN THIS STATE, TO PROVIDE A CODE REFERENCE, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1035A, IDAHO CODE, TO PROVIDE FOR A PROCEEDING TO DETERMINE PARENTAGE; AMENDING SECTION 7-1039, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1040, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1042, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REFER-

ENCE TO A FOREIGN SUPPORT ORDER; AMENDING SECTION 7-1043, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER; AMENDING SECTION 7-1044, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1045, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER AND A FOREIGN COUNTRY, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 7-1046, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1047, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER, TO REVISE TERMINOLOGY, TO PROVIDE A CODE REFERENCE, TO PROVIDE THAT THE SUPPORT ENFORCEMENT AGENCY SHALL NOTIFY AN OBLIGOR'S EMPLOYER UPON REGISTRATION OF AN INCOME-WITHHOLDING ORDER AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1048, IDAHO CODE, TO REVISE TERMINOLOGY, TO REMOVE REFERENCE TO A DEADLINE AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 7-1049, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1050, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1051, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1052, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE A CODE REFERENCE AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1053, IDAHO CODE, TO REMOVE CODE REFERENCES, TO REVISE TERMINOLOGY, TO PROVIDE THAT A TRIBUNAL OF THIS STATE RETAINS JURISDICTION TO MODIFY AN ORDER UNDER CERTAIN CONDITIONS AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1055, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1057, IDAHO CODE, TO REMOVE REFERENCE TO POLITICAL SUBDIVISIONS, TO PROVIDE A CODE REFERENCE, TO REVISE LANGUAGE REGARDING A FOREIGN COUNTRY THAT DOES NOT MODIFY ITS CHILD-SUPPORT ORDER, TO CLARIFY LANGUAGE REGARDING AN ORDER ISSUED AND TO PROVIDE CONSISTENT LANGUAGE; REPEALING SECTION 7-1058, IDAHO CODE, RELATING TO PROCEEDING TO DETERMINE PARENTAGE; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1058, IDAHO CODE, TO PROVIDE A PROCEDURE TO REGISTER A CHILD-SUPPORT ORDER OF A FOREIGN COUNTRY FOR MODIFICATION; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1059, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1060, IDAHO CODE, TO PROVIDE FOR APPLICABILITY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1061, IDAHO CODE, TO PROVIDE FOR THE RELATIONSHIP OF THE DEPARTMENT OF HEALTH AND WELFARE TO THE UNITED STATES CENTRAL AUTHORITY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1062, IDAHO CODE, TO PROVIDE FOR AN INITIATION OF A SUPPORT PROCEEDING BY THE DEPARTMENT OF HEALTH AND WELFARE UNDER THE CONVENTION; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1063, IDAHO CODE, TO PROVIDE FOR A DIRECT REQUEST REGARDING SUPPORT ORDERS, SUPPORT AGREEMENTS OR DETERMINATION OF PARENTAGE; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1064, IDAHO CODE, TO PROVIDE FOR THE REGISTRATION OF A CONVENTION SUPPORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1065, IDAHO CODE, TO PROVIDE FOR THE CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1066, IDAHO CODE, TO PROVIDE FOR THE RECOGNITION AND ENFORCEMENT OF A REGISTERED CONVENTION SUPPORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1067, IDAHO CODE, TO PROVIDE FOR PARTIAL ENFORCEMENT OF A CONVENTION SUPPORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1068, IDAHO CODE, TO PROVIDE FOR FOREIGN SUPPORT AGREEMENTS; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1069, IDAHO CODE, TO PROVIDE FOR THE MODIFICATION OF A CON-

VENTION SUPPORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1070, IDAHO CODE, TO PROVIDE A LIMITATION ON THE USE OF PERSONAL INFORMATION; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1071, IDAHO CODE, TO PROVIDE FOR THE ORIGINAL LANGUAGE AND ENGLISH TRANSLATION FOR CERTAIN RECORDS; AMENDING SECTION 7-1059, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 7-1060, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1061, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1075, IDAHO CODE, TO PROVIDE A TRANSITIONAL PROVISION; AMENDING SECTION 7-1062, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING CHAPTER 13, TITLE 10, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 10-1309, IDAHO CODE, TO PROVIDE THAT CERTAIN ORDERS SHALL NOT BE RECOGNIZED, ENFORCED OR THE BASIS OF A RULING, TO PROVIDE THAT A COURT MAY LIMIT ENFORCEMENT OF AN ORDER TO ELIMINATE CONFLICTS WITH PUBLIC POLICY, TO PROVIDE THAT RECIPROCAL AGREEMENTS SHALL NOT BE ENTERED INTO WITH CERTAIN COUNTRIES AND TO ESTABLISH STANDARDS BY WHICH TO DETERMINE WHETHER ORDERS OR LAWS ARE MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-203F, IDAHO CODE, TO PROVIDE THAT CERTAIN ORDERS SHALL BE REGISTERED PRIOR TO ENFORCEMENT; AMENDING SECTION 56-1003, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL ESTABLISH SAFEGUARDS TO ENSURE THE SECURITY OF CERTAIN INFORMATION; PROVIDING LEGISLATIVE INTENT; PROVIDING FOR A CERTAIN REPORT UPON REQUEST AND PROVIDING LEGISLATIVE INTENT REGARDING POSSIBLE DENUNCIATION OF A CERTAIN CONVENTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 7-1002, Idaho Code, be, and the same is hereby amended to read as follows:

7-1002. DEFINITIONS. In this chapter:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

(3) "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

(4) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(5) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(a) Which has been declared under the law of the United States to be a foreign reciprocating country;

(b) Which has established a reciprocal arrangement for child support with this state as provided in section 7-1023, Idaho Code;

(c) Which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter; or

(d) In which the convention is in force with respect to the United States.

(6) "Foreign support order" means a support order of a foreign tribunal.

(7) "Foreign tribunal" means a court, administrative agency or quasi-judicial entity of a foreign country which is authorized to establish, enforce or modify support orders or to determine parentage of a child. The term includes a competent authority under the convention.

(48) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six (6) consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six (6) months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six (6) month or other period.

(59) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(610) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by chapter 12, title 32, Idaho Code, to withhold support from the income of the obligor.

~~(7) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter.~~

(811) "Initiating tribunal" means the authorized tribunal in an initiating of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

(12) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

(913) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage of a child.

(104) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or renders a judgment determining parentage of a child.

(115) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(126) "Obligee" means:

(a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage of a child has been rendered issued;

(b) A foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support; or

(c) An individual seeking a judgment determining parentage of the individual's child; or

(d) A person that is a creditor in a proceeding under sections 7-1058 through 7-1071, Idaho Code.

(137) "Obligor" means an individual, or the estate of a decedent that:

(a) Who owes or is alleged to owe a duty of support;

(b) Who is alleged but has not been adjudicated to be a parent of a child; or

(c) Who is liable under a support order; or

(d) Is a debtor in a proceeding under sections 7-1058 through 7-1071, Idaho Code.

(18) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.

(149) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, ~~public corporation~~, or any other legal or commercial entity.

(1520) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(1621) "Register" means to record in a tribunal of this state a support order or judgment determining parentage ~~in the district court~~ of a child issued in another state or a foreign country.

(1722) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

(1823) "Responding state" means a state in which a proceeding petition or comparable pleading for support or to determine parentage of a child is filed or to which a proceeding petition or comparable pleading is forwarded for filing from an initiating another state under this chapter or a law or procedure substantially similar to this chapter or a foreign country.

(1924) "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

(205) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

(216) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession ~~subject to~~ under the jurisdiction of the United States. The term "state" includes:

(a) An Indian nation or tribe; and

(b) A foreign country or political subdivision that:

(i) Has been declared to be a foreign reciprocating country or political subdivision under federal law;

(ii) Has established a reciprocal arrangement for child support with this state as provided in section 7-1023, Idaho Code; or

(iii) Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter.

(227) "Support enforcement agency" means a public official, governmental entity or private agency authorized to seek:

(a) Seek eEnforcement of support orders or laws relating to the duty of support;

(b) Seek eEstablishment or modification of child support;

(c) Request dDetermination of parentage of a child;

(d) Location of Attempt to locate obligors or their assets; or

(e) Request dDetermination of the controlling child-support order.

(238) "Support order" means a judgment, decree, order, decision or directive, whether temporary, final, or subject to modification, issued ~~by a tribunal in a state or foreign country~~ for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support or reimbursement, and for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

(249) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

SECTION 2. That Section 7-1003, Idaho Code, be, and the same is hereby amended to read as follows:

7-1003. STATE TRIBUNALS OF THIS STATE AND SUPPORT ENFORCEMENT AGENCY. (1) The district courts are the tribunals of this state.

(2) The Idaho department of health and welfare is the support enforcement agency of this state.

SECTION 3. That Section 7-1004, Idaho Code, be, and the same is hereby amended to read as follows:

7-1004. REMEDIES CUMULATIVE. (1) Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law, ~~including or~~ the recognition of a foreign support order of ~~a foreign country or political subdivision~~ on the basis of comity.

(2) This chapter does not:

(a) Provide the exclusive method of establishing or enforcing a support order under the law of this state; or

(b) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

SECTION 4. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1004A, Idaho Code, and to read as follows:

7-1004A. APPLICATION OF CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN SUPPORT PROCEEDING. (1) A tribunal of this state shall apply sections 7-1001 through 7-1058, Idaho Code, and, as applicable, sections 7-1059 through 7-1071, Idaho Code, to a support proceeding involving:

(a) A foreign support order;

(b) A foreign tribunal; or

(c) An obligee, obligor or child residing in a foreign country.

(2) A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of sections 7-1001 through 7-1058, Idaho Code.

(3) Sections 7-1059 through 7-1071, Idaho Code, apply only to a support proceeding under the convention. In such a proceeding, if a provision of sections 7-1059 through 7-1071, Idaho Code, is inconsistent with sections 7-1001 through 7-1058, Idaho Code, then sections 7-1059 through 7-1071, Idaho Code, control.

SECTION 5. That Section 7-1005, Idaho Code, be, and the same is hereby amended to read as follows:

7-1005. BASES FOR JURISDICTION OVER NONRESIDENT. (1) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

(a) The individual is personally served with notice within this state;

(b) The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(c) The individual resided with the child in this state;

(d) The individual resided in this state and provided prenatal expenses or support for the child;

(e) The child resides in this state as a result of the acts or directives of the individual;

(f) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;

(g) The individual asserted parentage of a child in the registry maintained in this state by the vital statistics unit of the department of health and welfare provided in section 16-1513, Idaho Code; or

(h) There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(2) The bases of personal jurisdiction set forth in subsection (1) of this section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of the state to modify a child-support order of another state unless the requirements of section 7-1053 ~~or 7-1057~~, Idaho Code, are met, or in the case of a foreign support order, unless the requirements of section 7-1057, Idaho Code, are met.

SECTION 6. That Section 7-1007, Idaho Code, be, and the same is hereby amended to read as follows:

7-1007. INITIATING AND RESPONDING TRIBUNAL OF THIS STATE. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or foreign country.

SECTION 7. That Section 7-1008, Idaho Code, be, and the same is hereby amended to read as follows:

7-1008. SIMULTANEOUS PROCEEDINGS. (1) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if:

(a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;

(b) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and

(c) If relevant, this state is the home state of the child.

(2) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

(a) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(b) The contesting party timely challenges the exercise of jurisdiction in this state; and

(c) If relevant, the other state or foreign country is the home state of the child.

SECTION 8. That Section 7-1010, Idaho Code, be, and the same is hereby amended to read as follows:

7-1010. CONTINUING JURISDICTION TO ENFORCE CHILD-SUPPORT ORDER. (1) A tribunal of this state that has issued a child-support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce:

(a) The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to ~~this chapter~~ the uniform interstate family support act; or

(b) A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

(2) A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

SECTION 9. That Section 7-1011, Idaho Code, be, and the same is hereby amended to read as follows:

7-1011. DETERMINATION OF CONTROLLING CHILD-SUPPORT ORDER. (1) If a proceeding is brought under this chapter and only one ~~(1)~~ tribunal has issued a child-support order, the order of that tribunal controls and must be so recognized.

(2) If a proceeding is brought under this chapter, and two ~~(2)~~ or more child-support orders have been issued by tribunals of this state, ~~or another state or a foreign country~~ with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and must be recognized:

(a) If only one ~~(1)~~ of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls ~~and must be so recognized~~;

(b) If more than one ~~(1)~~ of the tribunals would have continuing, exclusive jurisdiction under this chapter:

(i) An order issued by a tribunal in the current home state of the child controls, ~~but; or~~

(ii) If an order has not been issued in the current home state of the child, the order most recently issued controls;

(c) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state shall issue a child-support order, which controls.

(3) If two ~~(2)~~ or more child-support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (2) of this section. The request may be filed with a registration for enforcement or registration for modification pursuant to sections 7-1043 through 7-10578, Idaho Code, or may be filed as a separate proceeding.

(4) A request to determine which is the controlling order must be accompanied by a copy of every child-support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(5) The tribunal that issued the controlling order under subsection (1), (2) or (3) of this section has continuing jurisdiction to the extent provided in section 7-1009 or 7-1010, Idaho Code.

(6) A tribunal of this state that determines by order which is the controlling order under subsections (2) (a) or (2) (b) or (3) of this section or that issues a new controlling order under subsection (2) (c) of this section, shall state in that order:

(a) The basis upon which the tribunal made its determination;

(b) The amount of prospective support, if any; and

(c) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided in section 7-1013, Idaho Code.

(7) Within ~~thirty~~ (30) days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(8) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this chapter.

SECTION 10. That Section 7-1012, Idaho Code, be, and the same is hereby amended to read as follows:

7-1012. CHILD-SUPPORT ORDERS FOR TWO OR MORE OBLIGEES. In responding to registrations or petitions for enforcement of two (2) or more child-support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one (1) of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this state.

SECTION 11. That Section 7-1013, Idaho Code, be, and the same is hereby amended to read as follows:

7-1013. CREDIT FOR PAYMENTS. A tribunal of this state shall credit amounts collected for a particular period pursuant to any child-support order against the amounts owed for the same period under any other child-support order for support of the same child issued by a tribunal of this ~~or~~ state, another state or a foreign country.

SECTION 12. That Section 7-1014, Idaho Code, be, and the same is hereby amended to read as follows:

7-1014. APPLICATION OF CHAPTER TO NONRESIDENT SUBJECT TO PERSONAL JURISDICTION. A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of this state relating to a support order, or recognizing a foreign support order of a foreign country or political subdivision on the basis of comity may receive evidence from another outside this state pursuant to section 7-1031, Idaho Code, communicate with a tribunal of another outside this state pursuant to section 7-1032, Idaho Code, and obtain discovery through a tribunal of another outside this state pursuant to section 7-1033, Idaho Code. In all other respects, sections 7-1016 through 7-1058, Idaho Code, do not apply and the tribunal shall apply the procedural and substantive law of this state.

SECTION 13. That Section 7-1015, Idaho Code, be, and the same is hereby amended to read as follows:

7-1015. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY SPOUSAL SUPPORT ORDER. (1) A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

(2) A tribunal of this state may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing,

exclusive jurisdiction over that order under the law of that state or foreign country.

(3) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as:

(a) An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or

(b) A responding tribunal to enforce or modify its own spousal support order.

SECTION 14. That Section 7-1016, Idaho Code, be, and the same is hereby amended to read as follows:

7-1016. PROCEEDINGS UNDER THIS CHAPTER. (1) Except as otherwise provided in this chapter, sections 7-1016 through 7-1034, Idaho Code, apply to all proceedings under the provisions of this chapter.

(2) An individual petitioner or a support enforcement agency may initiate a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent.

SECTION 15. That Section 7-1019, Idaho Code, be, and the same is hereby amended to read as follows:

7-1019. DUTIES OF INITIATING TRIBUNAL. (1) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward the petition and its accompanying documents:

(a) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(b) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(2) If requested by the responding tribunal, a tribunal of this state shall issue a certificate or other document and make findings required by the law of the responding state. If the responding state tribunal is in a foreign country or political subdivision, upon request the tribunal of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state foreign tribunal.

SECTION 16. That Section 7-1020, Idaho Code, be, and the same is hereby amended to read as follows:

7-1020. DUTIES AND POWERS OF RESPONDING TRIBUNAL. (1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 7-1016(2), Idaho Code, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(2) A responding tribunal of this state, to the extent not prohibited by other law, may do one ~~(1)~~ or more of the following:

(a) ~~Issue~~ Establish or enforce a support order, modify a child-support order, determine the controlling child-support order, or ~~to~~ determine parentage of a child;

(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

- (c) Order income withholding;
 - (d) Determine the amount of any arrearages, and specify a method of payment;
 - (e) Enforce orders by civil or criminal contempt, or both;
 - (f) Set aside property for satisfaction of the support order;
 - (g) Place liens and order execution on the obligor's property;
 - (h) Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment;
 - (i) Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;
 - (j) Order the obligor to seek appropriate employment by specified methods;
 - (k) Award reasonable attorney's fees and other fees and costs; and
 - (l) Grant any other available remedy.
- (3) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.
- (4) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.
- (5) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.
- (6) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

SECTION 17. That Section 7-1021, Idaho Code, be, and the same is hereby amended to read as follows:

7-1021. INAPPROPRIATE TRIBUNAL. If a petition or comparable pleading is received by an inappropriate tribunal of this state, the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal ~~in~~ in of this state or another state and notify the petitioner where and when the pleading was sent.

SECTION 18. That Section 7-1022, Idaho Code, be, and the same is hereby amended to read as follows:

7-1022. DUTIES OF SUPPORT ENFORCEMENT AGENCY. (1) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter.

(2) A support enforcement agency of this state that is providing services to the petitioner shall:

- (a) Take all steps necessary to enable an appropriate tribunal ~~in~~ in of this state, ~~or another state or a foreign country~~ to obtain jurisdiction over the respondent;
- (b) Request an appropriate tribunal to set a date, time and place for a hearing;
- (c) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
- (d) Within two ~~(2)~~ days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, re-

sponding, or registering tribunal, send a copy of the notice to the petitioner;

(e) Within two ~~(2)~~ days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(3) A support enforcement agency of this state that requests registration of a child-support order in this state for enforcement or for modification shall make reasonable efforts:

(a) To ensure that the order to be registered is the controlling order; or

(b) If two ~~(2)~~ or more child-support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(4) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(5) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child-support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 7-1034, Idaho Code.

(6) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

SECTION 19. That Section 7-1023, Idaho Code, be, and the same is hereby amended to read as follows:

7-1023. DUTY OF ATTORNEY GENERAL. (1) If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

(2) The attorney general may determine that a foreign country ~~or political subdivision~~ has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

SECTION 20. That Section 7-1025, Idaho Code, be, and the same is hereby amended to read as follows:

7-1025. DUTIES OF STATE INFORMATION AGENCY. (1) The central registry in the bureau of child support of the department of health and welfare is the state information agency under this chapter.

(2) The state information agency shall:

(a) Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(b) Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(c) Forward to the appropriate tribunal in the county in this state in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from ~~an initiating tribunal or the state information agency of the initiating~~ another state or a foreign country; and

(d) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

SECTION 21. That Section 7-1026, Idaho Code, be, and the same is hereby amended to read as follows:

7-1026. PLEADINGS AND ACCOMPANYING DOCUMENTS. (1) In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition. Unless otherwise ordered under section 7-1027, Idaho Code, the petition or accompanying documents must provide, so far as known, the name, residential address and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

(2) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

SECTION 22. That Section 7-1028, Idaho Code, be, and the same is hereby amended to read as follows:

7-1028. COSTS AND FEES. (1) The petitioner may not be required to pay a filing fee or other costs.

(2) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(3) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under sections 7-1043 through 7-10578, Idaho Code, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

SECTION 23. That Section 7-1031, Idaho Code, be, and the same is hereby amended to read as follows:

7-1031. SPECIAL RULES OF EVIDENCE AND PROCEDURE. (1) The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

(2) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing in another outside this state.

(3) A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(4) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten (10) days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(5) Documentary evidence transmitted from another outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

(6) In a proceeding under this chapter, a tribunal of this state shall permit a party or witness residing in another outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with other tribunals of other states in designating an appropriate location for the deposition or testimony.

(7) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(8) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

(9) The defense of immunity based upon the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

(10) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

SECTION 24. That Section 7-1032, Idaho Code, be, and the same is hereby amended to read as follows:

7-1032. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal of this state may communicate with a tribunal of another outside this state or foreign country or political subdivision in a record, or by telephone, electronic mail or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state or foreign country or political subdivision. A tribunal of this state may furnish similar information by similar means to a tribunal of another outside this state or foreign country or political subdivision.

SECTION 25. That Section 7-1033, Idaho Code, be, and the same is hereby amended to read as follows:

7-1033. ASSISTANCE WITH DISCOVERY. A tribunal of this state may:

- (1) Request a tribunal ~~of another~~ outside this state to assist in obtaining discovery; and
- (2) Upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~ outside this state.

SECTION 26. That Section 7-1034, Idaho Code, be, and the same is hereby amended to read as follows:

7-1034. RECEIPT AND DISBURSEMENT OF PAYMENTS. (1) A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

(2) If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the support enforcement agency of this state or a tribunal of this state shall:

- (a) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and
- (b) Issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(3) The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection (2) of this section shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

SECTION 27. That Section 7-1035, Idaho Code, be, and the same is hereby amended to read as follows:

7-1035. ~~PETITION TO ESTABLISHMENT OF~~ SUPPORT ORDER. (1) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:

- (a) The individual seeking the order resides ~~in another~~ outside this state; or
- (b) The support enforcement agency seeking the order is located ~~in another~~ outside this state.

(2) The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

- (a) A presumed father of the child;
- (b) Petitioning to have his paternity adjudicated;
- (c) Identified as the father of the child through genetic testing;
- (d) An alleged father who has declined to submit to genetic testing;
- (e) Shown by clear and convincing evidence to be the father of the child;
- (f) An acknowledged father as provided by ~~applicable state law~~ section 7-1106, Idaho Code;
- (g) The mother of the child; or
- (h) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

(3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order

directed to the obligor and may issue other orders pursuant to section 7-1020, Idaho Code.

SECTION 28. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1035A, Idaho Code, and to read as follows:

7-1035A. PROCEEDING TO DETERMINE PARENTAGE. A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this act or a law or procedure substantially similar to this act.

SECTION 29. That Section 7-1039, Idaho Code, be, and the same is hereby amended to read as follows:

7-1039. IMMUNITY FROM CIVIL LIABILITY. An employer ~~who~~ that complies with an income-withholding order issued in another state in accordance with sections 7-1036 through 7-1042, Idaho Code, is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

SECTION 30. That Section 7-1040, Idaho Code, be, and the same is hereby amended to read as follows:

7-1040. PENALTIES FOR NONCOMPLIANCE. An employer ~~who~~ that willfully fails to comply with an income-withholding order issued by in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

SECTION 31. That Section 7-1042, Idaho Code, be, and the same is hereby amended to read as follows:

7-1042. ADMINISTRATIVE ENFORCEMENT OF ORDERS. (1) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued by ~~a tribunal of in~~ in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

(2) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

SECTION 32. That Section 7-1043, Idaho Code, be, and the same is hereby amended to read as follows:

7-1043. REGISTRATION OF ORDER FOR ENFORCEMENT. A support order or income-withholding order issued by ~~a tribunal of in~~ in another state or a foreign support order may be registered in this state for enforcement.

SECTION 33. That Section 7-1044, Idaho Code, be, and the same is hereby amended to read as follows:

7-1044. PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT. (1) Except as otherwise provided in section 7-1064, Idaho Code, a A support order or income-withholding order of another state or a foreign support order may be

registered in this state by sending the following records and information to the district court in this state:

- (a) A letter of transmittal to the tribunal requesting registration and enforcement;
- (b) Two ~~(2)~~ copies, including one ~~(1)~~ certified copy, of the order to be registered, including any modification of the order;
- (c) A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (d) The name of the obligor and, if known:
 - (i) The obligor's address and social security number;
 - (ii) The name and address of the obligor's employer and any other source of income of the obligor; and
 - (iii) A description and the location of property of the obligor in this state not exempt from execution; and
- (e) Except as otherwise provided in section 7-1027, Idaho Code, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

(2) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a ~~foreign judgment~~ an order of a tribunal of another state or a foreign support order, together with one ~~(1)~~ copy of the documents and information, regardless of their form.

(3) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

(4) If two ~~(2)~~ or more orders are in effect, the person requesting registration shall:

- (a) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;
- (b) Specify the order alleged to be the controlling order, if any; and
- (c) Specify the amount of consolidated arrears, if any.

(5) A request for determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

SECTION 34. That Section 7-1045, Idaho Code, be, and the same is hereby amended to read as follows:

7-1045. EFFECT OF REGISTRATION FOR ENFORCEMENT. (1) A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

(2) A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(3) Except as otherwise provided in ~~sections 7-1043 through 7-1057, Idaho Code~~ this chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

SECTION 35. That Section 7-1046, Idaho Code, be, and the same is hereby amended to read as follows:

7-1046. CHOICE OF LAW. (1) Except as otherwise provided in subsection (4) of this section, the law of the issuing state or foreign country governs:

- (a) The nature, extent, amount, and duration of current payments under a registered support order;
- (b) The computation and payment of arrearages and accrual of interest on the arrearages under the support order; and
- (c) The existence and satisfaction of other obligations under the support order.

(2) In a proceeding for arrears under a registered support order, the statute of limitation of this state or of the issuing state or foreign country, whichever is longer, applies.

(3) A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.

(4) After a tribunal of this or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

SECTION 36. That Section 7-1047, Idaho Code, be, and the same is hereby amended to read as follows:

7-1047. NOTICE OF REGISTRATION OF ORDER. (1) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(2) A notice must inform the nonregistering party:

- (a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;
- (b) That a hearing to contest the validity or enforcement of the registered order must be requested within ~~twenty~~ 20 days after notice unless the registered order is under section 7-1065, Idaho Code;
- (c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages; and
- (d) Of the amount of any alleged arrearages.

(3) If the registering party asserts that two ~~2~~ or more orders are in effect, a notice must also:

- (a) Identify the two ~~2~~ or more orders and the order alleged by the registering ~~person~~ party to be the controlling order and the consolidated arrears, if any;
- (b) Notify the nonregistering party of the right to a determination of which is the controlling order;
- (c) State that the procedures provided in subsection (2) of this section apply to the determination of which is the controlling order; and
- (d) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

(4) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to the provisions of chapter 12, title 32, Idaho Code.

SECTION 37. That Section 7-1048, Idaho Code, be, and the same is hereby amended to read as follows:

7-1048. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED SUPPORT ORDER. (1) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within ~~twenty (20) days after notice of the registration~~ the time required by section 7-1047, Idaho Code. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 7-1049, Idaho Code.

(2) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

(3) If a nonregistering party requests a hearing to contest the validity or enforcement of the support registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

SECTION 38. That Section 7-1049, Idaho Code, be, and the same is hereby amended to read as follows:

7-1049. CONTEST OF REGISTRATION OR ENFORCEMENT. (1) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one ~~(1)~~ or more of the following defenses:

- (a) The issuing tribunal lacked personal jurisdiction over the contesting party;
- (b) The order was obtained by fraud;
- (c) The order has been vacated, suspended, or modified by a later order;
- (d) The issuing tribunal has stayed the order pending appeal;
- (e) There is a defense under the law of this state to the remedy sought;
- (f) Full or partial payment has been made;
- (g) The statute of limitation under section 7-1046, Idaho Code, precludes enforcement of some or all of the alleged arrearages; or
- (h) The alleged controlling order is not the controlling order.

(2) If a party presents evidence establishing a full or partial defense under subsection (1) of this section, a tribunal may stay enforcement of ~~the~~ a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

(3) If the contesting party does not establish a defense under subsection (1) of this section to the validity or enforcement of ~~the~~ a registered support order, the registering tribunal shall issue an order confirming the order.

SECTION 39. That Section 7-1050, Idaho Code, be, and the same is hereby amended to read as follows:

7-1050. CONFIRMED ORDER. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

SECTION 40. That Section 7-1051, Idaho Code, be, and the same is hereby amended to read as follows:

7-1051. PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION. A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued in another state

shall register that order in this state in the same manner provided in sections 7-1043 through 7-1046~~50~~, Idaho Code, if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

SECTION 41. That Section 7-1052, Idaho Code, be, and the same is hereby amended to read as follows:

7-1052. EFFECT OF REGISTRATION FOR MODIFICATION. A tribunal of this state may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of section 7-1053, or 7-1055 ~~or 7-1057~~, Idaho Code, have been met.

SECTION 42. That Section 7-1053, Idaho Code, be, and the same is hereby amended to read as follows:

7-1053. MODIFICATION OF CHILD-SUPPORT ORDER OF ANOTHER STATE. (1) If section 7-1055, Idaho Code, does not apply, ~~except as otherwise provided in section 7-1057, Idaho Code,~~ upon petition a tribunal of this state may modify a child-support order issued in another state which is registered in this state if, after notice and hearing, the tribunal finds that:

(a) The following requirements are met:

- (i) Neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;
- (ii) A petitioner who is a nonresident of this state seeks modification; and
- (iii) The respondent is subject to the personal jurisdiction of the tribunal of this state; or

(b) This state is the ~~state of~~ residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

(2) Modification of a registered child-support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

(3) ~~Except as otherwise provided in section 7-1057, Idaho Code,~~ a tribunal of this state may not modify any aspect of a child-support order that may not be modified under the law of the issuing state, including the duration of the obligation ~~to~~ of support. If two ~~(2)~~ or more tribunals have issued child-support orders for the same obligor and same child, the order that controls and must be so recognized under section 7-1011, Idaho Code, establishes the aspects of the support order which are nonmodifiable.

(4) In a proceeding to modify a child-support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

(5) On the issuance of an order by a tribunal of this state modifying a child-support order issued in another state, the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

(6) Notwithstanding subsections (1) through (5) of this section and section 7-1005(1) (b), Idaho Code, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if:

- (a) One party resides in another state; and
- (b) The other party resides outside the United States.

SECTION 43. That Section 7-1055, Idaho Code, be, and the same is hereby amended to read as follows:

7-1055. JURISDICTION TO MODIFY SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child-support order in a proceeding to register that order.

(2) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of sections 7-1001 through 7-1015 and sections 7-1043 through 7-1057, Idaho Code, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Sections 7-1016 through 7-1042, Idaho Code, and sections 7-1058~~72~~ through and 7-1060~~73~~, Idaho Code, do not apply.

SECTION 44. That Section 7-1057, Idaho Code, be, and the same is hereby amended to read as follows:

7-1057. JURISDICTION TO MODIFY CHILD-SUPPORT ORDER OF FOREIGN COUNTRY OR POLITICAL SUBDIVISION. (1) Except as otherwise provided in section 7-1069, Idaho Code, if a foreign country or political subdivision that is a state will not or may not modify its order lacks or refuses to exercise jurisdiction to modify its child-support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child-support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child-support order otherwise required of the individual pursuant to section 7-1053, Idaho Code, has been given or whether the individual seeking modification is a resident of this state or of the foreign country or political subdivision.

(2) An order issued by a tribunal of this state modifying a foreign child-support order pursuant to this section is the controlling order.

SECTION 45. That Section 7-1058, Idaho Code, be, and the same is hereby repealed.

SECTION 46. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1058, Idaho Code, and to read as follows:

7-1058. PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF FOREIGN COUNTRY FOR MODIFICATION. A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child-support order not under the convention may register that order in this state under sections 7-1043 through 7-1050, Idaho Code, if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

SECTION 47. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1059, Idaho Code, and to read as follows:

7-1059. DEFINITIONS. As used in sections 7-1059 through 7-1071, Idaho Code:

(1) "Application" means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

(2) "Central authority" means the entity designated by the United States or a foreign country described in section 7-1002(5)(d), Idaho Code, to perform the functions specified in the convention.

(3) "Convention support order" means a support order of a tribunal of a foreign country described in section 7-1002(5)(d), Idaho Code.

(4) "Direct request" means a petition filed by an individual in a tribunal of this state in a proceeding involving an obligee, obligor or child residing outside the United States.

(5) "Foreign central authority" means the entity designated by a foreign country described in section 7-1002(5)(d), Idaho Code, to perform the functions specified in the convention.

(6) "Foreign support agreement" means:

(a) An agreement for support in a record that:

(i) Is enforceable as a support order in the country of origin;

(ii) Has been:

1. Formally drawn up or registered as an authentic instrument by a foreign tribunal; or

2. Authenticated by, or concluded, registered or filed with a foreign tribunal; and

(iii) May be reviewed and modified by a foreign tribunal; and

(b) Includes a maintenance arrangement or authentic instrument under the convention.

(7) "United States central authority" means the Secretary of the United States Department of Health and Human Services.

SECTION 48. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1060, Idaho Code, and to read as follows:

7-1060. APPLICABILITY. Sections 7-1059 through 7-1071, Idaho Code, apply only to a support proceeding under the convention. In such a proceeding, if a provision of sections 7-1059 through 7-1071, Idaho Code, is inconsistent with sections 7-1001 through 7-1058, Idaho Code, sections 7-1059 through 7-1071, Idaho Code, control.

SECTION 49. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1061, Idaho Code, and to read as follows:

7-1061. RELATIONSHIP OF DEPARTMENT OF HEALTH AND WELFARE TO UNITED STATES CENTRAL AUTHORITY. The Idaho department of health and welfare is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

SECTION 50. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1062, Idaho Code, and to read as follows:

7-1062. INITIATION BY DEPARTMENT OF HEALTH AND WELFARE OF SUPPORT PROCEEDING UNDER CONVENTION. (1) In a support proceeding under sections 7-1059 through 7-1071, Idaho Code, the department of health and welfare shall:

(a) Transmit and receive applications; and

(b) Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

(2) The following support proceedings are available to an obligee under the convention:

(a) Recognition or recognition and enforcement of a foreign support order;

(b) Enforcement of a support order issued or recognized in this state;

(c) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(d) Establishment of a support order if recognition of a foreign support order is refused under section 7-1066(2) (b), (d) or (i), Idaho Code;

(e) Modification of a support order of a tribunal of this state; and

(f) Modification of a support order of a tribunal of another state or a foreign country.

(3) The following support proceedings are available under the convention to an obligor against which there is an existing support order:

(a) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;

(b) Modification of a support order of a tribunal of this state; and

(c) Modification of a support order of a tribunal of another state or a foreign country.

(4) A tribunal of this state may not require security, bond or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

SECTION 51. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 7-1063, Idaho Code, and to read as follows:

7-1063. **DIRECT REQUEST.** (1) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.

(2) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 7-1064 through 7-1071, Idaho Code, apply.

(3) In a direct request for recognition and enforcement of a convention support order or foreign support agreement:

(a) A security, bond or deposit is not required to guarantee the payment of costs and expenses; and

(b) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

(4) A petitioner filing a direct request is not entitled to assistance from the department of health and welfare.

(5) Sections 7-1059 through 7-1071, Idaho Code, do not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

SECTION 52. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 7-1064, Idaho Code, and to read as follows:

7-1064. **REGISTRATION OF CONVENTION SUPPORT ORDER.** (1) Except as otherwise provided in sections 7-1059 through 7-1071, Idaho Code, a party who is an individual or a support enforcement agency seeking recognition of a con-

vention support order shall register the order in this state as provided in sections 7-1043 through 7-1058, Idaho Code.

(2) Notwithstanding sections 7-1026 and 7-1044(1), Idaho Code, a request for registration of a convention support order must be accompanied by:

(a) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by The Hague conference on private international law;

(b) A record stating that the support order is enforceable in the issuing country;

(c) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(d) A record showing the amount of arrears, if any, and the date the amount was calculated;

(e) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(f) If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(3) A request for registration of a convention support order may seek recognition and partial enforcement of the order.

(4) A tribunal of this state may vacate the registration of a convention support order without the filing of a contest under section 7-1065, Idaho Code, only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(5) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

SECTION 53. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1065, Idaho Code, and to read as follows:

7-1065. CONTEST OF REGISTERED CONVENTION SUPPORT ORDER. (1) Except as otherwise provided in sections 7-1059 through 7-1071, Idaho Code, sections 7-1047 through 7-1050, Idaho Code, apply to a contest of a registered convention support order.

(2) A party contesting a registered convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than 60 days after notice of the registration.

(3) If the nonregistering party fails to contest the registered convention support order by the time specified in subsection (2) of this section, the order is enforceable.

(4) A contest of a registered convention support order may be based only on grounds set forth in section 7-1066, Idaho Code. The contesting party bears the burden of proof.

(5) In a contest of a registered convention support order, a tribunal of this state:

(a) Is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and

(b) May not review the merits of the order.

(6) A tribunal of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision.

(7) A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.

SECTION 54. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1066, Idaho Code, and to read as follows:

7-1066. RECOGNITION AND ENFORCEMENT OF REGISTERED CONVENTION SUPPORT ORDER. (1) Except as otherwise provided in subsection (2) of this section, a tribunal of this state shall recognize and enforce a registered convention support order.

(2) The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered convention support order:

(a) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;

(b) The issuing tribunal lacked personal jurisdiction consistent with section 7-1005, Idaho Code;

(c) The order is not enforceable in the issuing country;

(d) The order was obtained by fraud in connection with a matter of procedure;

(e) A record transmitted in accordance with section 7-1064, Idaho Code, lacks authenticity or integrity;

(f) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed;

(g) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this state;

(h) Payment, to the extent alleged arrears have been paid in whole or in part;

(i) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(i) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

(ii) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or

(j) The order was made in violation of section 7-1069, Idaho Code.

(3) If a tribunal of this state does not recognize a convention support order under subsection (2) (b), (d), or (i) of this section:

(a) The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order; and

(b) The department of health and welfare shall take all appropriate measures to request a child-support order for the obligee if the application for recognition and enforcement was received under section 7-1062, Idaho Code.

SECTION 55. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1067, Idaho Code, and to read as follows:

7-1067. PARTIAL ENFORCEMENT. If a tribunal of this state does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

SECTION 56. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1068, Idaho Code, and to read as follows:

7-1068. FOREIGN SUPPORT AGREEMENT. (1) Except as otherwise provided in subsections (3) and (4) of this section, a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

(2) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

(a) A complete text of the foreign support agreement; and

(b) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

(3) A tribunal of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

(4) In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds:

(a) Recognition and enforcement of the agreement is manifestly incompatible with public policy;

(b) The agreement was obtained by fraud or falsification;

(c) The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this state; or

(d) The record submitted under subsection (2) of this section lacks authenticity or integrity.

(5) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

SECTION 57. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1069, Idaho Code, and to read as follows:

7-1069. MODIFICATION OF CONVENTION CHILD-SUPPORT ORDER. (1) A tribunal of this state may not modify a convention child-support order if the obligee remains a resident of the foreign country where the support order was issued unless:

(a) The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or

(b) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(2) If a tribunal of this state does not modify a convention child-support order because the order is not recognized in this state, section 7-1066(3), Idaho Code, applies.

SECTION 58. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1070, Idaho Code, and to read as follows:

7-1070. PERSONAL INFORMATION -- LIMIT ON USE. Personal information gathered or transmitted under this chapter may be used only for the purposes for which it was gathered or transmitted.

SECTION 59. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1071, Idaho Code, and to read as follows:

7-1071. RECORD IN ORIGINAL LANGUAGE -- ENGLISH TRANSLATION. A record filed with a tribunal of this state under sections 7-1059 through 7-1071, Idaho Code, must be in the original language and, if not in English, must be accompanied by an English translation.

SECTION 60. That Section 7-1059, Idaho Code, be, and the same is hereby amended to read as follows:

7-105972. GROUNDS FOR RENDITION. (1) For purposes of sections 7-105972 and 7-106073, Idaho Code, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

(2) The governor of this state may:

(a) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(b) On the demand of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(3) A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

SECTION 61. That Section 7-1060, Idaho Code, be, and the same is hereby amended to read as follows:

7-106073. CONDITIONS OF RENDITION. (1) Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least ~~sixty~~ (60) days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

(2) If, under this chapter or a law substantially similar to this chapter, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(3) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

SECTION 62. That Section 7-1061, Idaho Code, be, and the same is hereby amended to read as follows:

7-106174. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this ~~chapter~~ uniform act consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 63. That Chapter 10, Title 7, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7-1075, Idaho Code, and to read as follows:

7-1075. TRANSITIONAL PROVISION. This chapter applies to proceedings begun on or after July 1, 2015, to establish a support order or determine parentage of a child or to register, recognize, enforce or modify a prior support order, determination or agreement, whenever issued or entered.

SECTION 64. That Section 7-1062, Idaho Code, be, and the same is hereby amended to read as follows:

7-106276. SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTION 65. That Chapter 13, Title 10, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 10-1309, Idaho Code, and to read as follows:

10-1309. FOREIGN ORDERS -- RECIPROCAL AGREEMENTS -- PUBLIC POLICY. (1) No court, agency or tribunal of this state shall recognize, base a ruling on, or enforce an order issued under the law of another country, which order is manifestly incompatible with the public policy of this state.

(2) If an order issued under the law of another country is manifestly incompatible with the public policy of this state, a court may limit the enforcement of the order to the extent necessary to eliminate the conflict with public policy.

(3) No reciprocal agreement shall be entered into by this state with another country if the applicable laws of that country are manifestly incompatible with the public policy of this state.

(4) For purposes of this section:

(a) An order is manifestly incompatible with public policy if that order was issued in violation of the right of due process substantially similar to that guaranteed by the constitutions of the United States and the state of Idaho.

(b) A law of another country is manifestly incompatible with public policy if it fails to grant the parties the right of due process substantially similar to that guaranteed by the constitutions of the United States and the state of Idaho.

SECTION 66. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-203F, Idaho Code, and to read as follows:

56-203F. REGISTRATION OF FOREIGN SUPPORT ORDERS. Notwithstanding any other provision of law, the state department of health and welfare shall register a family support order or family support agreement originating in a

foreign country prior to taking enforcement action on the resulting family support obligation. A foreign support order or foreign support agreement shall be registered pursuant to the provisions of chapter 10, title 7, Idaho Code.

SECTION 67. That Section 56-1003, Idaho Code, be, and the same is hereby amended to read as follows:

56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the following powers and duties:

(1) All of the powers and duties of the department of public health, the department of health, the board of health and all nonenvironmental protection duties of the department of health and welfare are hereby vested to the director of the department of health and welfare. Provided however, that oversight of the department and rulemaking and hearing functions relating to public health and licensure and certification standards shall be vested in the board of health and welfare. Except when the authority is vested in the board of health and welfare under law, the director shall have all such powers and duties as may have been or could have been exercised by his predecessors in law, including the authority to adopt, promulgate, and enforce rules, and shall be the successor in law to all contractual obligations entered into by predecessors in law. All rulemaking proceedings and hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) The director shall, pursuant and subject to the provisions of the Idaho Code, and the provisions of this chapter, formulate and recommend to the board rules, codes and standards, as may be necessary to deal with problems related to personal health, and licensure and certification requirements pertinent thereto, which shall, upon adoption by the board, have the force of law relating to any purpose which may be necessary and feasible for enforcing the provisions of this chapter including, but not limited to, the maintenance and protection of personal health. Any such rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances or conditions in order to make due allowance for variations therein.

(3) The director, under the rules, codes or standards adopted by him, shall have the general supervision of the promotion and protection of the life, health and mental health of the people of this state. The powers and duties of the director shall include, but not be limited to, the following:

(a) The issuance of licenses and permits as prescribed by law and by the rules of the board;

(b) The supervision and administration of laboratories and the supervision and administration of standards of tests for environmental pollution, chemical analyses and communicable diseases. The director may require that laboratories operated by any city, county, institution, person, firm or corporation for health or environmental purposes conform to standards set by the board of health and welfare and the board of environmental quality;

(c) The supervision and administration of a mental health program, which shall include services for the evaluation, screening, custody and treatment of the mentally ill and those persons suffering from a mental defect, or mental defects;

(d) The enforcement of minimum standards of health, safety and sanitation for all public swimming pools within the state;

(e) The supervision and administration of the various schools, hospitals and institutions that were the responsibility of the board of health;

(f) The supervision and administration of services dealing with the problems of alcoholism including, but not limited to, the care and rehabilitation of persons suffering from alcoholism;

(g) The establishment of liaison with other governmental departments, agencies and boards in order to effectively assist other governmental entities with the planning for the control of or abatement of health problems. All of the rules and standards adopted by the board shall apply to state institutions;

(h) The supervision and administration of an emergency medical service program including, but not limited to, assisting other governmental agencies and local governmental units, in providing first aid emergency medical services and for transportation of the sick and injured;

(i) The supervision and administration of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of health problems;

(j) The enforcement of all laws, rules, codes and standards relating to health.

(4) The director, when so designated by the governor, shall have the power to apply for, receive on behalf of the state, and utilize any federal aid, grants, gifts, gratuities, or moneys made available through the federal government.

(5) The director shall have the power to enter into and make contracts and agreements with any public agencies or municipal corporations for facilities, land, and equipment when such use will have a beneficial, recreational, or therapeutic effect or be in the best interest in carrying out the duties imposed upon the department.

The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

(6) The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

(7) The director, under rules adopted by the board of health and welfare, shall have the power to impose and enforce orders of isolation and quarantine to protect the public from the spread of infectious or communicable diseases or from contamination from chemical or biological agents, whether naturally occurring or propagated by criminal or terrorist act.

(a) An order of isolation or quarantine issued pursuant to this section shall be a final agency action for purposes of judicial review. However, this shall not prevent the director from reconsidering, amending or withdrawing the order. Judicial review of orders of isolation or quarantine shall be de novo. The court may affirm, reverse or modify the order and shall affirm the order if it appears by a preponderance of the evidence that the order is reasonably necessary to protect the public from a substantial and immediate danger of the spread of an infectious or communicable disease or from contamination by a chemical or biological agent.

(b) If the director has reasonable cause to believe a chemical or biological agent has been released in an identifiable place, including a building or structure, an order of quarantine may be imposed to prevent the movement of persons into or out of that place, for a limited period of time, for the purpose of determining whether a person or persons at

that place have been contaminated with a chemical or biological agent which may create a substantial and immediate danger to the public.

(c) Any person who violates an order of isolation or quarantine shall be guilty of a misdemeanor.

(8) The director shall develop safeguards necessary to ensure the security of nonpublic personal information in the department's possession and to prevent undue disclosure of such information. The director shall establish a process to authenticate requests made by a person, entity or jurisdiction arising under the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. In the event the department becomes aware of any improper disclosure, the director shall take all actions required under section 28-51-105, Idaho Code.

SECTION 68. LEGISLATIVE INTENT. It is the intent of the Legislature that the State of Idaho ensure the welfare of its residents by conducting its child and family support enforcement responsibilities with all due care. Cooperation with other jurisdictions, be they sister states or foreign countries, is vital to ensure that the children and others of this state receive the support to which they are entitled and on which they depend. It is further the intent of the Legislature that the processes and procedures established by this act be used only for the important purposes for which they are intended. The Department of Health and Welfare shall, pursuant to Section 67 of this act, develop and maintain safeguards necessary to ensure that sensitive information about Idaho residents is not inappropriately disclosed so as to protect the privacy, safety or security of Idaho residents. If the petitioner is the subject of a no-contact order or similar protective order, the information disclosed shall not include the location of the Idaho resident. The state shall take all necessary steps to ensure the security of data and prevent disclosure to unauthorized persons, entities or jurisdictions. The Legislature finds that nothing in this act expands access to its databases beyond the access that already exists, and nothing in this act shall be construed to prohibit the exchange of data or information with other jurisdictions.

SECTION 69. REPORT -- LEGISLATIVE INTENT. The Governor or the Governor's designee shall monitor proceedings affecting Idaho residents that are conducted pursuant to the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and make a report of such proceedings to the Legislature upon request. If at any time it appears that such proceedings are imperiling Idaho residents or affecting Idaho residents in an unjust manner, it is the intent of the Legislature that request be made to the federal government to file a denunciation under Article 64 of the Convention on behalf of the State of Idaho.

SECTION 70. 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 71. 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.

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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

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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)
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Boise, Idaho 83702

REPRESENTATIVES IN CONGRESS

Raul Labrador (R), First District
33 E. 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 Lawrence Denney (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Ron G. Crane (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT PUBLIC INSTRUCTION Sherri Ybarra (R)

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Boise, Idaho 83720-0054

LEGISLATORS BY DISTRICT

1 - BONNER & BOUNDARY COUNTIES

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 Public Relations
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 Education; Transportation

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3 - KOOTENAI COUNTY

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 Education

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 Business; Environment, Energy, & Technology; Health & Welfare;
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7 - BONNER, CLEARWATER, IDAHO & SHOSHONE COUNTIES

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8 - BOISE, CUSTER, GEM, LEMHI & VALLEY COUNTIES

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LEGISLATORS BY DISTRICT (Continued)

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15 - ADA COUNTY

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16 - ADA COUNTY

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LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

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Health & Welfare; Judiciary & Rules

Spouse - Rocky

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Attorney
 Appropriations/JFAC; Judiciary, Rules, & Administration

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Adjunct Professor/Licensed Pharmacist
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18 - ADA COUNTY

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Retired teacher
 Agricultural Affairs; Change in Employee Compensation Committee; Commerce & Human Resources; Education; Joint Millennium Fund Committee

Spouse - Kay Frank

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Attorney
 Education; Environment, Energy, & Technology; Resources & Conservation

Spouse - John Paschke

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Commercial Photographer
 Appropriations/JFAC; Change in Employee Compensation Committee; Commerce & Human Resources; Joint Millennium Fund Committee; Legislative Council; Transportation & Defense

19 - ADA COUNTY

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 Education; Joint Legislative Oversight/JLOC; Legislative Council; State Affairs; Transportation

Spouse - Henry Webb

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 Agricultural Affairs; Economic Outlook and Revenue Assessment Committee; Joint Millennium Fund Committee; Legislative Conference Committee; Resources & Conservation; Revenue & Taxation; Ways & Means

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20 - ADA COUNTY

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 CO-CHAIR-Legislative Conference Committee
 Business; Economic Outlook and Revenue Assessment Committee; State Affairs

Spouse - Leslie

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 Home 284-9542

Email: jholtzclaw@house.idaho.gov
 Real Estate Broker
 Change in Employee Compensation Committee; Commerce & Human Resources; State Affairs; Transportation & Defense

Spouse - Michelle

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

Clifford R. Bayer (R) Senate 2nd Term
 Served 5 terms, House 2002-2012
 592 E. St. Kitts Dr., Meridian 83642
 Home 362-5058 FAX 362-5058
 Email: cbayer@senate.idaho.gov
 Medical Research Scientist Spouse - Nicole
 CO-CHAIR-Joint Legislative Oversight/JLOC
 VICE CHAIR-Agricultural Affairs
 Economic Outlook and Revenue Assessment Committee; Judiciary
 & Rules; Legislative Council; Local Government & Taxation

Steven Harris (R) House Seat A 2nd Term
 851 E. Martinique Dr., Meridian 83642
 Home 861-8638
 Email: sharris@house.idaho.gov
 Business Owner Spouse - Wendy
 Commerce & Human Resources; Education; Transportation &
 Defense

Thomas Dayley (R) House Seat B 2nd Term
 4892 S. Willandra Way, Boise 83709
 Home 562-0276
 Email: tdayley@house.idaho.gov
 Retired Spouse - Catherine
 VICE CHAIR-Judiciary, Rules, & Administration
 Agricultural Affairs; Revenue & Taxation

22 - ADA COUNTY

Lori Den Hartog (R) Senate 1st Term
 P.O. Box 267, Meridian 83680
 Home 779-2022
 Email: ldenhartog@senate.idaho.gov
 Homemaker Spouse - Scott
 Agricultural Affairs; Education; Transportation

John Vander Woude (R) House Seat A 3rd Term
 Served 1 term, House 2006-2008
 MAJORITY CAUCUS CHAIR
 5311 Ridgewood Rd., Nampa 83687
 Home 888-4210 Bus 888-3003 FAX 888-9268
 Email: jvanderwoude@house.idaho.gov
 Retail Store Operator Spouse - Judy
 Environment, Energy, & Technology; Health & Welfare;
 Legislative Conference Committee; Resources & Conservation;
 Ways & Means

Jason A. Monks (R) House Seat B 2nd Term
 1002 W. Washington Dr., Meridian 83642
 Home 871-7127 Bus 884-8684 FAX 895-8013
 Email: jmonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 Appropriations/JFAC; Business; Legislative Council;
 Transportation & Defense

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 5th Term
 Served 2 terms, House 2005-2008
 48331 Three Creek Highway, Rogerson 83302
 Home 857-2217
 Email: bbrackett@senate.idaho.gov
 Rancher Spouse - Paula
 CHAIR-Transportation
 CO-CHAIR-Legislative Conference Committee
 Agricultural Affairs; Resources & Environment

Richard "Rich" Wills (R) House Seat A 7th 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 Spouse - Connie
 CHAIR-Judiciary, Rules, & Administration
 Education; Transportation & Defense

Pete Nielsen (R) House Seat B 7th 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 Spouse - Connie
 Commerce & Human Resources; Environment, Energy, &
 Technology; State Affairs

24 - TWIN FALLS COUNTY

Lee Heider (R) Senate 3rd Term
 1631 Richmond Dr., Twin Falls 83301
 Home 734-8864 Bus 731-1631
 Email: lheider@senate.idaho.gov
 Retired, Contractor/Broker Spouse - Jan
 CHAIR-Health & Welfare
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Resources & Environment

Lance Clow (R) House Seat A 2nd Term
 2170 Bitterroot Dr., Twin Falls 83301
 Home 733-5767
 Email: lclow@house.idaho.gov
 Retired, Personal Financial Advisor Spouse - DeeDee
 VICE CHAIR-Business
 Economic Outlook and Revenue Assessment Committee;
 Education; Local Government

Stephen Hartgen (R) House Seat B 4th Term
 1681 Wildflower Lane, Twin Falls 83301
 Home 733-5790 Bus 733-5790 FAX 733-5790
 Email: shartgen@house.idaho.gov
 Business Consultant/Economic Spouse - Linda
 Development
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Joint Millennium Fund Committee
 Change in Employee Compensation Committee; Environment,
 Energy, & Technology; Revenue & Taxation

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

Jim Patrick (R) Senate 2nd Term
 Served 3 terms, House 2006-2012
 2231 E. 3200 N., Twin Falls 83301
 Home 733-6897 Bus 733-6897 FAX 733-6897
 Email: jpatrick@senate.idaho.gov
 Farmer Spouse - Afton
 VICE CHAIR-Commerce & Human Resources
 Agricultural Affairs; Change in Employee Compensation
 Committee; Education

Maxine T. Bell (R) House Seat A 14th 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
 Agricultural Affairs; Joint Legislative Oversight/JLOC

Clark Kauffman (R) House Seat B 2nd Term
 3791 N. 2100 East, Filer 83328
 Home 326-4131 FAX 326-4132
 Email: ckauffman@house.idaho.gov
 Farmer Spouse - Debbie
 Business; Revenue & Taxation; Transportation & Defense

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 3rd Term
 MINORITY LEADER
 P.O. Box 475, Ketchum 83340
 Home 726-8106
 Email: mstennett@senate.idaho.gov
 Self-employed
 Joint Legislative Oversight/JLOC; Legislative Council; Local
 Government & Taxation; Resources & Environment; State Affairs

Steven Miller (R) House Seat A 2nd Term
 1208 E. 200 North, Fairfield 83327
 Home 764-2560 FAX 764-2431
 Email: smiller@house.idaho.gov
 Farmer/Rancher
 Agricultural Affairs; Appropriations/JFAC; Resources &
 Conservation

Donna Pence (D) House Seat B 6th Term
 MINORITY CAUCUS CHAIR
 1960 U.S. Highway 26, Gooding 83330
 Home 934-5302
 Email: dpence@house.idaho.gov
 Retired Teacher/Tree Farmer Spouse - Lew
 Agricultural Affairs; Education; Resources & Conservation; Ways
 & Means

27 - CASSIA & MINIDOKA COUNTIES

Dean L. Cameron (R) Senate 13th 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
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Legislative Conference Committee; Resources
 & Environment

Scott Bedke (R) House Seat A 8th Term
 SPEAKER OF THE HOUSE
 P.O. Box 89, Oakley 83346
 Home 862-3619
 Email: sbedke@house.idaho.gov
 Rancher Spouse - Sarah
 Legislative Council

Fred Wood (R) House Seat B 5th Term
 P.O. Box 1207, Burley 83318-0828
 Home 312-1056 FAX 677-3136
 Email: fwood@house.idaho.gov
 Physician - Retired Spouse - Amy
 CHAIR-Health & Welfare
 Joint Millennium Fund Committee; Resources & Conservation

28 - BANNOCK & POWER COUNTIES

Jim Guthrie (R) Senate 2nd Term
 Served 1 term, House 2010-2012
 425 W. Goodenough Rd., McCammon 83250
 Home 254-3605 Bus 254-9205
 Email: jguthrie@senate.idaho.gov
 Rancher/Business Owner Spouse - Barbara
 Finance/JFAC; Local Government & Taxation

Ken Andrus (R) House Seat A 6th 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
 CHAIR-Agricultural Affairs
 Resources & Conservation; State Affairs

Kelley Packer (R) House Seat B 2nd Term
 P.O. Box 147, McCammon 83250
 Home 241-3350 Bus 478-4522 FAX 478-2935
 Email: kpacker@house.idaho.gov
 Office Manager Spouse - Duane
 VICE CHAIR-Health & Welfare
 Commerce & Human Resources; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Roy Lacey (D) Senate 2nd Term
 Served 1 term, House 2010-2012
 13774 W. Trail Creek Rd., Pocatello 83204
 Home 232-7053
 Email: rlacey@senate.idaho.gov
 Retired Spouse - Renée
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Legislative Conference Committee; Resources &
 Environment; Transportation

Mark Nye (D) House Seat A 1st Term
 P.O. Box N, Pocatello 83205-0040
 Home 221-6109
 Email: mnye@house.idaho.gov
 Country Lawyer Spouse - Eva
 Judiciary, Rules, & Administration; Local Government; Revenue &
 Taxation

Elaine Smith (D) House Seat B 8th Term
 3759 Heron Ave., Pocatello 83201
 Home 237-1462
 Email: esmith@house.idaho.gov
 Retired Spouse - Rich
 Business; Economic Outlook and Revenue Assessment Committee;
 Environment, Energy, & Technology; Joint Legislative
 Oversight/JLOC; State Affairs

30 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 4th Term
 Served 1 term, House 2007-2008
 7403 S. 1st East, Idaho Falls 83404
 Home 528-6377 Bus 524-9000 FAX 524-9999
 Email: dmortimer@senate.idaho.gov
 Builder/Developer Spouse - Judy
 CHAIR-Education
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC;

Jeff Thompson (R) House Seat A 4th Term
 1739 Peggy's Lane, Idaho Falls 83402
 Home 524-7367 FAX 524-7367
 Email: jthompson@house.idaho.gov
 Businessman/Educator Spouse - Chanin
 CHAIR-Environment, Energy, & Technology
 Business; Economic Outlook and Revenue Assessment Committee;
 Revenue & Taxation

Wendy Horman (R) House Seat B 2nd Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387 FAX 523-3828
 Email: WendyHorman@house.idaho.gov
 Spouse - Briggs
 Appropriations/JFAC; Commerce & Human Resources; Local
 Government

31 - BINGHAM COUNTY

Steve Bair (R) Senate 5th Term
 947 W. 200 South, Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: sbair@senate.idaho.gov
 Agri-service Manager, Retired Farmer Spouse - Lori Kae
 CHAIR-Resources & Environment
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Legislative Council

Neil A. Anderson (R) House Seat A 2nd Term
 71 S. 700 West, Blackfoot 83221
 Home 684-3723
 Email: nanderson@house.idaho.gov
 Retired Financial Advisor, Rancher Spouse - Sue
 CO-CHAIR-Change in Employee Compensation Committee
 VICE CHAIR-Commerce & Human Resources
 Environment, Energy, & Technology; Revenue & Taxation

Julie VanOrden (R) House Seat B 2nd Term
 425 S. 1100 W., Pingree 83262
 Home 684-4052
 Email: jvanorden@house.idaho.gov
 Agribusiness co-owner/homemaker Spouse - Garth
 VICE CHAIR-Education
 Agricultural Affairs; Resources & Conservation

32 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN, ONEIDA & TETON COUNTIES

John H. Tippets (R) Senate 3rd Term
 Served 6 terms, House 1988-2000
 610 Red Canyon Road, Bennington 83254
 Home 847-2876 Bus 547-1823
 Email: jtippets@senate.idaho.gov
 Public Affairs Manager Spouse - Nancy
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Change in Employee Compensation Committee
 Health & Welfare; Judiciary & Rules

Marc Gibbs (R) House Seat A 4th Term
 632 Highway 34, Grace 83241
 Home 425-3385 Bus 425-3385 FAX 425-3329
 Email: mgibbs@house.idaho.gov
 Farmer Spouse - Bonne
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 VICE CHAIR-Appropriations/JFAC
 Resources & Conservation

Thomas F. Loertscher (R) House Seat B 6th Term
 Served 8 terms, House 1986-2002
 1357 Bone Rd., Iona 83427
 Home 522-3072
 Email: tloertscher@house.idaho.gov
 Farmer/Rancher Spouse - Linda
 CHAIR-State Affairs
 Change in Employee Compensation Committee; Local Government

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Bart M. Davis (R) Senate 9th Term
 MAJORITY LEADER
 2638 Bellin Circle, Idaho Falls 83402
 Home 529-4993 Bus 522-8100 FAX 522-1334
 Email: bmdavis@senate.idaho.gov
 Attorney Spouse - Marion
 Judiciary & Rules; Legislative Council; State Affairs

Janet Trujillo (R) House Seat A 2nd Term
 3144 Disney Dr., Idaho Falls 83404
 Home 419-8266
 Email: jtrujillo@house.idaho.gov
 Certified Property Tax Appraiser Spouse - Lowell
 VICE CHAIR-Revenue & Taxation
 Environment, Energy, & Technology; Judiciary, Rules, &
 Administration

Linden B. Bateman (R) House Seat B 3rd Term
 Served 5 terms, House 1977-1986
 170 E. 23rd St., Idaho Falls 83404
 Home 524-0927
 Email: lbateman@house.idaho.gov
 Semi-retired Educator Spouse - Deann
 Resources & Conservation; State Affairs; Transportation & Defense

34 - BONNEVILLE & MADISON COUNTIES

Brent Hill (R) Senate 8th Term
 PRESIDENT PRO TEMPORE
 1010 S. 2nd E., Rexburg 83440
 Home 356-7495
 Statehouse: Ph null
 Email: bhill@senate.idaho.gov
 Certified Public Accountant (Retired) Spouse - Julie
 Economic Outlook and Revenue Assessment Committee;
 Legislative Council; State Affairs

Ronald Nate (R) House Seat A 1st Term
 2139 Ferris Lane, Rexburg 83440
 Home 403-3609
 Email: nater@house.idaho.gov
 Economics Professor Spouse - Maria
 Environment, Energy, & Technology; Judiciary, Rules, &
 Administration; Revenue & Taxation

Dell Raybould (R) House Seat B 8th Term
 3215 N. 2000 W., Rexburg 83440
 Home 356-6837 Bus 356-6837
 Email: draybould@house.idaho.gov
 Farmer/Businessman Spouse - Vera
 CHAIR-Resources & Conservation
 Environment, Energy, & Technology; Revenue & Taxation

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

Jeff C. Siddoway (R) Senate 5th Term
 1764 E. 1200 N., Terreton 83450
 Home 663-4585 FAX 663-4428
 Email: jsiddoway@senate.idaho.gov
 Rancher Spouse - Cindy
 CHAIR-Local Government & Taxation
 Resources & Environment; State Affairs

Van Burtenshaw (R) House Seat A 1st Term
 1329 E. 1500 North, Terreton 83450
 Home 663-4607 Bus 663-4469 FAX 663-4760
 Email: vburtenshaw@house.idaho.gov
 Farmer/Rancher Spouse - Joan "Joni" Marie
 Agricultural Affairs; Appropriations/JFAC; Resources &
 Conservation

Paul Romrell (R) House Seat B 2nd Term
 512 Park St., St. Anthony 83445
 Home 624-4304
 Email: promrell@house.idaho.gov
 Retired Coroner, County Commissioner, Spouse - Ellen
 and Rancher
 Agricultural Affairs; Change in Employee Compensation
 Committee; Commerce & Human Resources; Health & Welfare