

IN THE SENATE

SENATE BILL NO. 1030

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 18-3309, IDAHO CODE,
2 TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION;
3 AMENDING SECTION 19-853, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION;
4 REPEALING SECTION 22-4721, IDAHO CODE, RELATING TO TEMPORARY LINES OF
5 CREDIT FOR START-UP COSTS; AMENDING SECTION 23-1002, IDAHO CODE, TO
6 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-232, IDAHO CODE, TO
7 PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 25-3102, IDAHO CODE, TO
8 PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 25-4014, IDAHO CODE, TO
9 PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 26-104, IDAHO CODE, TO
10 MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 26-2239, IDAHO CODE,
11 TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;
12 AMENDING SECTION 26-31-102, IDAHO CODE, TO PROVIDE CORRECT CODE REFER-
13 ENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-105,
14 IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORREC-
15 TION; AMENDING SECTION 27-121, IDAHO CODE, TO PROVIDE CORRECT TERMINOL-
16 OGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 27-503, IDAHO
17 CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-8-402, IDAHO
18 CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-41-106, IDAHO
19 CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-4206, IDAHO
20 CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-133, IDAHO
21 CODE, AS ENACTED BY SECTION 2, CHAPTER 350, LAWS OF 2014, TO REDESIGNATE
22 THE SECTION; AMENDING SECTION 33-133, IDAHO CODE, AS ENACTED BY SECTION
23 1, CHAPTER 145, LAWS OF 2014, TO REDESIGNATE THE SECTION; AMENDING SEC-
24 TION 33-518, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING
25 SECTION 33-1629, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING
26 SECTION 33-2303, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING
27 SECTION 39-1402, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE
28 TECHNICAL CORRECTIONS; AMENDING SECTION 39-4431, IDAHO CODE, TO REMOVE
29 A CODE REFERENCE; AMENDING SECTION 40-528, IDAHO CODE, TO MAKE A TECH-
30 NICAL CORRECTION; AMENDING SECTION 44-2013, IDAHO CODE, AS AMENDED BY
31 SECTION 2, CHAPTER 32, LAWS OF 2011, TO REDESIGNATE THE SECTION; AMEND-
32 ING SECTION 45-517, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND
33 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 45-1604, IDAHO CODE,
34 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 46-1110, IDAHO
35 CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-1178, IDAHO
36 CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-420G, IDAHO
37 CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-1321, IDAHO
38 CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 51-105, IDAHO
39 CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS;
40 AMENDING SECTION 51-113, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY;
41 AMENDING SECTION 51-114, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY;
42 AMENDING SECTION 54-5003, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY;
43 AMENDING SECTION 56-609, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS;
44 AMENDING SECTION 63-2443, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION;
45

1 AMENDING SECTION 63-3022S, IDAHO CODE, AS ENACTED BY SECTION 1, CHAP-
 2 TER 85, LAWS OF 2014, TO REDESIGNATE THE SECTION; AMENDING SECTION
 3 66-324, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL
 4 CORRECTION; AMENDING SECTION 67-450B, IDAHO CODE, TO MAKE A CODIFIER'S
 5 CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-808,
 6 IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 67-808a,
 7 IDAHO CODE, RELATING TO THE PURCHASE OF FURNISHINGS AND ACCESSORIES FOR
 8 THE GOVERNOR'S RESIDENCE; REPEALING SECTION 67-808b, IDAHO CODE, RE-
 9 LATING TO MAINTENANCE AND UPKEEP OF THE GOVERNOR'S RESIDENCE; AMENDING
 10 SECTION 67-908, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING
 11 SECTION 67-1401, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING
 12 SECTION 67-1405, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING
 13 SECTION 67-1704, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMEND-
 14 ING SECTION 67-2325, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE;
 15 AMENDING SECTION 67-2338, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS;
 16 AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE A CORRECT CODE REF-
 17 ERENCE; AMENDING SECTION 67-2603, IDAHO CODE, TO MAKE A CODIFIER'S
 18 CORRECTION; AMENDING SECTION 67-2724, IDAHO CODE, TO MAKE A TECHNICAL
 19 CORRECTION; AMENDING SECTION 67-3002, IDAHO CODE, TO PROVIDE CORRECT
 20 TERMINOLOGY; AMENDING SECTION 67-3531, IDAHO CODE, TO PROVIDE A COR-
 21 RECT CITATION REFERENCE; AMENDING SECTION 67-4308, IDAHO CODE, TO MAKE
 22 TECHNICAL CORRECTIONS; AMENDING SECTION 67-4501, IDAHO CODE, TO MAKE
 23 A TECHNICAL CORRECTION; AMENDING SECTION 67-4504, IDAHO CODE, TO MAKE
 24 A TECHNICAL CORRECTION; AMENDING SECTION 67-5714, IDAHO CODE, TO MAKE
 25 A TECHNICAL CORRECTION; AMENDING SECTION 67-6603, IDAHO CODE, TO MAKE
 26 TECHNICAL CORRECTIONS; AMENDING SECTION 67-6621, IDAHO CODE, TO MAKE
 27 A TECHNICAL CORRECTION; AMENDING SECTION 67-7010, IDAHO CODE, TO MAKE
 28 TECHNICAL CORRECTIONS; AMENDING SECTION 67-7016, IDAHO CODE, TO MAKE
 29 TECHNICAL CORRECTIONS; AMENDING SECTION 72-519, IDAHO CODE, TO MAKE A
 30 TECHNICAL CORRECTION; AND AMENDING SECTION 72-1461, IDAHO CODE, TO PRO-
 31 VIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

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

33 SECTION 1. That Section 18-3309, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 18-3309. AUTHORITY OF GOVERNING BOARDS OF PUBLIC COLLEGES AND UNIVER-
 36 SITIES REGARDING FIREARMS. (1) The board of regents of the university of
 37 Idaho, the boards of trustees of the state colleges and universities, the
 38 board of ~~of~~ for professional-technical education and the boards of trustees of
 39 each of the community colleges established under chapter 21, title 33, Idaho
 40 Code, hereby have the authority to prescribe rules and regulations relating
 41 to firearms.

42 (2) Notwithstanding any other provision of state law, this authority
 43 shall not extend to regulating or prohibiting the otherwise lawful posses-
 44 sion, carrying or transporting of firearms or ammunition by persons licensed
 45 under section 18-3302H or 18-3302K, Idaho Code.

46 (a) However, a person issued a license under the provisions of section
 47 18-3302H or 18-3302K, Idaho Code, shall not carry a concealed weapon:

48 (i) Within a student dormitory or residence hall; or

1 (ii) Within any building of a public entertainment facility, pro-
 2 vided that proper signage is conspicuously posted at each point of
 3 public ingress to the facility notifying attendees of any restric-
 4 tion on the possession of firearms in the facility during the game
 5 or event.

6 (b) As used in this section:

7 (i) "Public entertainment facility" means an arena, stadium, am-
 8 phitheater, auditorium, theater or similar facility with a seat-
 9 ing capacity of at least one thousand (1,000) persons that is owned
 10 or operated by the board of regents of the university of Idaho, a
 11 board of trustees of a state college or university, the state board
 12 ~~of~~ for professional-technical education or a board of trustees of
 13 a community college established under chapter 21, title 33, Idaho
 14 Code, that is primarily designed and used for artistic, theatri-
 15 cal, cultural, charitable, musical, sporting or entertainment
 16 events, but does not include publicly accessible outdoor grounds
 17 or rights-of-way appurtenant to the facility, including parking
 18 lots within the facility used for the parking of motor vehicles.

19 (ii) "Student dormitory or residence hall" means a building owned
 20 or operated by the board of regents of the university of Idaho, a
 21 board of trustees of a state college or university, the state board
 22 ~~of~~ for professional-technical education or a board of trustees of
 23 a community college established under chapter 21, title 33, Idaho
 24 Code, located on or within the campus area owned by the univer-
 25 sity or college to house persons residing on campus as students,
 26 but does not include off-campus housing or publicly accessible
 27 outdoor grounds or rights-of-way appurtenant to the building, in-
 28 cluding parking lots within the building used for the parking of
 29 motor vehicles.

30 (c) The provisions of subsection (2) (a) of this section shall not apply
 31 to the following persons:

32 (i) A person or persons complying with the provisions of section
 33 19-202A, Idaho Code.

34 (ii) A person or an employee who is authorized to carry a firearm
 35 by the university or college board of trustees, board of regents,
 36 governing board or a person or entity with authority over the
 37 building or facility.

38 (iii) A person who possesses a firearm for authorized use in an
 39 approved program, event, activity or other circumstance approved
 40 by a person or entity with authority over the building or facility.

41 (iv) A person who possesses a firearm in a private vehicle while
 42 delivering students, employees or other persons to and from a uni-
 43 versity, college or public entertainment facility.

44 (v) An on-duty or off-duty certified peace officer.

45 (3) Any rule, regulation or policy that is contrary to this section is
 46 null and void.

47 SECTION 2. That Section 19-853, Idaho Code, be, and the same is hereby
 48 amended to read as follows:

1 19-853. DUTY TO NOTIFY ACCUSED OR DETAINED OF RIGHT TO COUNSEL. (1) If
 2 a person who is being detained by a law enforcement officer, or who is con-
 3 fined or who is the subject of hospitalization proceedings pursuant to sec-
 4 tion 66-322, 66-326, 66-329, 66-404 or 66-406, Idaho Code, or who is under
 5 formal charge of having committed, or is being detained under a conviction
 6 of, a serious crime, is not represented by an attorney under conditions in
 7 which a person having his own counsel would be entitled to be so represented,
 8 the law enforcement officers concerned, upon commencement of detention, or
 9 the court, upon formal charge or hearing, as the case may be, shall:

10 (a) Clearly inform him of his right to counsel and of the right of an
 11 indigent person to be represented by an attorney at public expense; and

12 (b) If the person detained or charged does not have an attorney, no-
 13 tify the defending attorney or trial court concerned, as the case may
 14 be, that he is not so represented. As used in this subsection, the term
 15 "commencement of detention" includes the taking into custody of a pro-
 16 bationer.

17 (2) Upon commencement of any later judicial proceeding relating to the
 18 same matter including, but not limited to, preliminary hearing, arraign-
 19 ment, trial, any post-conviction proceeding or post-commitment proceeding,
 20 the presiding officer shall clearly inform the person so detained or charged
 21 of his right to counsel and of the right of an indigent person to be repre-
 22 sented by an attorney at public expense. Provided, the appointment of an
 23 attorney at public expense in uniform post-conviction procedure act pro-
 24 ceedings shall be in accordance with section 19-4904, Idaho Code.

25 (3) If a court determines that the person is entitled to be represented
 26 by an attorney at public expense, it shall promptly notify the defending at-
 27 torney.

28 (4) Upon notification by the court or assignment under this section,
 29 the defending attorney shall represent the person with respect to whom the
 30 notification is made.

31 SECTION 3. That Section [22-4721](#), Idaho Code, be, and the same is hereby
 32 repealed.

33 SECTION 4. That Section 23-1002, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 23-1002. ALCOHOLIC CONTENT. (1) Beer containing not more than six ~~per~~
 36 ~~cent~~ percent (6%) of alcohol by weight may be manufactured, imported and/or
 37 sold and distributed in and into this state or possessed therein in the man-
 38 ner and under the conditions prescribed in this act and not otherwise.

39 (2) Beer containing more than four ~~per cent~~ percent (4%) of alcohol by
 40 weight shall be considered and taxed as wine.

41 SECTION 5. That Section 25-232, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 25-232. DISEASE AND ANIMAL DAMAGE CONTROL TAX LEVY AND FEES ON CATTLE,
 44 HORSES, AND MULES. (a) There is hereby imposed upon cattle, horses, and mules
 45 in the state of Idaho a fee of twenty-two cents (22¢) per head. Said fee shall
 46 be collected at the time of every brand inspection when a charge for brand in-

1 speciation is made as required by law. Such fee when collected shall be paid
 2 by the person paying the charge for brand inspection and shall be used by the
 3 Idaho department of agriculture for livestock disease control. The state
 4 brand inspector shall collect said fees in addition to, at the same time and
 5 in the same manner as the fee collected for brand inspection. The fees so
 6 collected shall be deposited as provided in section 25-233, Idaho Code.

7 (b) In addition to the fee imposed in subsection (a) of this section,
 8 there is hereby imposed an additional fee ~~of~~ not to exceed five cents (5¢) per
 9 head upon the same livestock subject to the fee required in subsection (a)
 10 of this section. The amount of the additional fee shall be fixed by order of
 11 the state brand board upon the written recommendation of the Idaho cattle as-
 12 sociation. The fees collected under the provisions of this subsection ~~(b)~~
 13 shall be deposited in the Idaho sheep and goat health ~~board~~ account, and the
 14 board shall quarterly transmit the proper share of such moneys to the board
 15 of directors of each animal damage control district. The provisions of sec-
 16 tion 67-3525, Idaho Code, shall not apply to the payment of moneys from the
 17 Idaho sheep and goat health ~~board~~ account to the animal damage control dis-
 18 tricts.

19 (c) The state brand inspector shall be reimbursed for the reasonable
 20 and necessary expenses incurred for the collections required in this sec-
 21 tion, in an amount determined by the administrator of the division of animal
 22 industries, a representative of the Idaho cattle association and the inspec-
 23 tor, but the total of such expense reimbursement for the fees collected as
 24 required in subsections (a) and (b) of this section shall not exceed one and
 25 one-quarter cents (1 1/4¢) per head.

26 SECTION 6. That Section 25-3102, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 25-3102. DAIRY PRODUCTS COMMISSION -- ESTABLISHMENT -- MEMBERS. (1)
 29 There is hereby created and established in the department of self-govern-
 30 ing agencies the "Idaho dairy products commission" to be composed of nine (9)
 31 producer members, three (3) from each of the three (3) commission districts
 32 referred to in section 25-3104, Idaho Code, who shall be elected by the pro-
 33 ducers of said districts as hereinafter set forth, and they shall hold office
 34 for a term of three (3) years.

35 (2) The dean of the college of ~~agriculture~~ agriculture agricultural and life sci-
 36 ences, university of Idaho, or his duly authorized representative, and a
 37 duly authorized representative of the Idaho milk processors association,
 38 shall be ex officio members without vote of the commission.

39 SECTION 7. That Section 25-4014, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

41 25-4014. PENALTY FOR VIOLATIONS. Whoever shall violate any of the pro-
 42 visions of this chapter or the rules promulgated hereunder:

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

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

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

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

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

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

19 (7) Nothing in this chapter shall be construed as requiring the direc-
20 tor to report minor violations for prosecution when he believes that the pub-
21 lic interest will be best served by suitable warnings or other administra-
22 tive action.

23 SECTION 8. That Section 26-104, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 26-104. SEVERABILITY. If any provision of this act or the application
26 thereof to any person or circumstances is held invalid, the invalidity does
27 not ~~effect~~ affect other provisions or applications of this act which can be
28 given effect without the invalid provision or application, and to this end
29 the provisions of this act are severable.

30 SECTION 9. That Section 26-2239, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 26-2239. EXEMPTIONS. The provisions of this act shall not apply to the
33 following:

34 (1) Persons licensed to practice law in this state, to the extent that
35 they are retained by their clients to engage in activities authorized by this
36 act, and such activities are incidental to the practice of law. Such exemp-
37 tion shall not apply to an attorney engaged in a separate business conducting
38 the activities authorized by this act;

39 (2) Any regulated lender as defined in section 28-41-301, Idaho Code,
40 and its subsidiary, affiliate or agent, to the extent that the regulated
41 lender, subsidiary, affiliate or agent collects for the regulated lender or
42 engages in acts governed by this act which are incidental to the business of
43 a regulated lender;

44 (3) Any bank, trust company, credit union, insurance company or indus-
45 trial loan company authorized to do business in this state;

46 (4) Any federal, state or local governmental agency or instrumentality;
47

1 (5) Any real estate broker or real estate salesman licensed under the
2 laws of and residing within this state while engaged in acts authorized by
3 his real estate license;

4 (6) Any person authorized to engage in escrow business in this state
5 while engaged in authorized escrow business;

6 (7) Any mortgage company engaged in the regular business of a mortgage
7 company as defined in section 26-2802, Idaho Code, except a mortgage company
8 engaged in a separate business conducting the activities authorized by this
9 act;

10 (8) Any court-appointed trustee, receiver or conservator;

11 (9) Any telephone corporation, as defined in subsection (104) of sec-
12 tion 62-603, Idaho Code, whose initial request for payment on behalf of such
13 telephone corporation or on behalf of another person is made by the tele-
14 phone corporation as a part of regular telecommunications billings to its
15 customers and at a time before the account, bill, claim or other indebtedness
16 becomes past due or delinquent;

17 (10) Any person while acting as a debt collector for another person,
18 both of whom are related by common ownership or affiliated by corporate
19 control, if the person acting as a debt collector does so only for persons
20 to whom he is so related or affiliated and if the principal business of such
21 person is not the collection of debts.

22 SECTION 10. That Section 26-31-102, Idaho Code, be, and the same is
23 hereby amended to read as follows:

24 26-31-102. GENERAL DEFINITIONS. As used in this chapter and in rules
25 promulgated pursuant to this chapter:

26 (1) "Borrower" means the person who has applied for a residential
27 mortgage loan from a licensee, or person required to be licensed, un-
28 der this chapter, or on whose behalf the activities set forth in section
29 26-31-201(3), (5) or (7), or ~~section~~ 26-31-303(7), Idaho Code, are con-
30 ducted.

31 (2) "Control person" means a person who:

32 (a) Is a person who has the power, directly or indirectly, to direct the
33 management or policies of a company, including a managing member, gen-
34 eral partner, director, executive officer or other person occupying a
35 similar position or performing similar functions, or, in the case of a
36 limited liability company, is a managing member;

37 (b) Directly or indirectly has the right to vote ten percent (10%) or
38 more of a class of a voting security of a mortgage broker or mortgage
39 lender;

40 (c) Is a qualified person in charge as defined in section 26-31-201,
41 Idaho Code; or

42 (d) Is an individual identified as a manager of a location for which an
43 applicant is applying for a license under part 2 of this chapter.

44 (3) "Deficiency" means information contained in, or omitted from, an
45 application for a mortgage broker, mortgage lender or mortgage loan origina-
46 tor license that causes the application to be inaccurate, incomplete or oth-
47 erwise not in conformance with the provisions of this chapter, any rule pro-
48 mulgated or order issued under this chapter, application instructions pub-
49 lished by the director or the provisions of the NMLSR policy guidebook.

1 (4) "Department" means the department of finance of the state of Idaho.

2 (5) "Director" means the director of the department of finance.

3 (6) "Financial services" means any activity pertaining to securities,
4 commodities, banking, insurance, consumer lending, money services busi-
5 nesses, consumer debt management or real estate including, but not limited
6 to, acting as or being associated with a bank or savings association, credit
7 union, farm credit system institution, mortgage lender, mortgage broker,
8 real estate salesperson or agent, appraiser, closing agent, title company,
9 escrow agent, payday lender, money transmitter, check casher, pawnbroker,
10 collection agent, debt management company, title lender or credit repair
11 organization.

12 (7) "Housing finance agency" means any entity that is:

13 (a) Chartered by a state to help meet the affordable housing needs of
14 the residents of the state;

15 (b) Supervised directly or indirectly by the state government; and

16 (c) Subject to audit and review by the state in which it operates.

17 (8) "Licensee" means a person licensed pursuant to this chapter to en-
18 gage in the activities regulated by this chapter.

19 (9) "Nationwide mortgage licensing system and registry" or "NMLSR"
20 means a mortgage licensing system developed and maintained by the confer-
21 ence of state bank supervisors and the American association of residential
22 mortgage regulators for the licensing and registration of mortgage brokers,
23 mortgage lenders and mortgage loan originators.

24 (10) "NMLSR policy guidebook" means the conference of state bank super-
25 visor's and the American association of residential mortgage regulator's
26 NMLSR policy guidebook for licensees, published by the NMLSR, as identified
27 by administrative rule.

28 (11) "Person" means a natural person, corporation, company, limited li-
29 ability company, partnership or association.

30 (12) "Real estate settlement procedures act" means the act set forth in
31 12 U.S.C. section 2601 et seq., as identified by administrative rule.

32 (13) "Regulation X" means regulation X as issued by the federal bureau
33 of consumer protection and codified at 12 CFR 1024 et seq., as identified by
34 administrative rule.

35 (14) "Regulation Z" means regulation Z as issued by the federal bureau
36 of consumer protection and codified at 12 CFR 1026 et seq., as identified by
37 administrative rule.

38 (15) "Residential mortgage loan" means any loan that is secured by a
39 mortgage, deed of trust, or other equivalent consensual security interest
40 on a dwelling, as defined in section 103(~~v~~w) of the truth in lending act,
41 located in Idaho, or on residential real estate.

42 (16) "Residential real estate" means any real property located in
43 Idaho, upon which is constructed or intended to be constructed a dwelling as
44 defined in section 103(~~v~~w) of the truth in lending act.

45 (17) "Truth in lending act" means the act set forth in 15 U.S.C. section
46 1601 et seq., as identified by administrative rule.

47 (18) "Unique identifier" means a number or other identifier assigned by
48 protocols established by the NMLSR.

49 SECTION 11. That Section 26-31-105, Idaho Code, be, and the same is
50 hereby amended to read as follows:

1 26-31-105. RELATIONSHIP TO OTHER LAWS. (1) All political subdivisions
2 of this state shall be prohibited from enacting and enforcing ordinances,
3 resolutions, regulations and rules pertaining to the financial or lending
4 activities of persons who:

5 (a) Are subject to the jurisdiction of the department, including those
6 whose activities are subject to this chapter;

7 (b) Are subject to the jurisdiction or regulatory supervision of the
8 board of governors of the federal reserve system, the office of the
9 comptroller of the currency, ~~the office of thrift supervision,~~ the
10 national credit union administration, the federal deposit insurance
11 corporation, the federal trade commission or the United States depart-
12 ment of housing and urban development; or

13 (c) Originate, purchase, sell, assign, securitize or service property
14 interests or obligations created by financial transactions or loans
15 made, executed or originated by persons referred to in paragraph (a) or
16 (b) of this subsection or who assist or facilitate such transactions.

17 (2) The requirements of this section shall apply to all ordinances,
18 resolutions and rules pertaining to financial or lending activities, in-
19 cluding any ordinances, resolutions or rules disqualifying persons from
20 doing business with a political subdivision based upon financial or lending
21 activities or imposing reporting requirements or any other obligations upon
22 persons regarding financial or lending activities.

23 (3) In the event that the United States department of housing and ur-
24 ban development, pursuant to the authority granted to it under section 1508,
25 P.L. 110-289, determines that a provision of this chapter does not meet the
26 requirements of section 1508, P.L. 110-289, the director may, in his discre-
27 tion, for the sole purpose of complying with the determination, refrain from
28 enforcing the provision found by the department of housing and urban devel-
29 opment to not meet the requirements of section 1508, P.L. 110-289, until the
30 adjournment of the session of the legislature next following the determina-
31 tion by the department of housing and urban development.

32 SECTION 12. That Section 27-121, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 27-121. LEVIES BY CEMETERY MAINTENANCE BOARD COMMISSIONERS. (1) At
35 the last regular meeting of the cemetery maintenance board prior to the
36 second Monday of September in each year, the cemetery board of each ceme-
37 tery maintenance district may levy for cemetery purposes a property tax in
38 each cemetery maintenance district of not more than four hundredths of one
39 percent (.04%) of the market value for assessment purposes on all taxable
40 property within the cemetery maintenance district. Upon the levy being
41 made by the cemetery maintenance board under this section, it shall be the
42 duty of the secretary of the district to transmit to the county auditor and
43 county assessor and ~~the state board of equalization,~~ tax commission certi-
44 fied copies of the resolution providing for such levy as provided in section
45 63-808, Idaho Code. Said taxes shall be collected as provided in section
46 63-812, Idaho Code.

47 (2) An additional property tax of not more than six hundredths of one
48 percent (.06%) of the market value for assessment purposes on all taxable
49 property within the cemetery maintenance district may be levied by the ceme-

1 tery board for the sole and express purpose of acquisition of burial ground.
2 The proceeds from such levy may be accumulated by the board for future ac-
3 quisitions, or pledged to the repayment of indebtedness incurred pursuant to
4 section 27-122, Idaho Code, provided, that the proposal to levy such addi-
5 tional amount of property tax, or portion thereof, shall have been approved
6 by at least two-thirds (2/3) of the qualified electors residing in the ceme-
7 tery maintenance district at a previous election held in accordance with the
8 provisions of section 34-106, Idaho Code.

9 SECTION 13. That Section 27-503, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 27-503. PERMITTED ACTS -- NOTICE. (1) If action is necessary to pro-
12 tect the burial site from ~~forseeable~~ foreseeable destruction and upon prior
13 notification to the director of the state historical society and to the ap-
14 propriate Indian tribe in the vicinity of the intended action if the cairn or
15 grave contains remains of an Indian, a professional archaeologist may exca-
16 vate a cairn or grave and remove material objects and human remains for sub-
17 sequent reinterment following scientific study. Reinterment shall be under
18 the supervision of the appropriate Indian tribe if the cairn or grave con-
19 tained remains of an Indian.

20 (2) Except as provided in subsection (1) of this section, any proposed
21 excavation by a professional archaeologist of a native Indian cairn or grave
22 shall be initiated only after prior written notification to the director of
23 the state historical society and with prior written consent of the appro-
24 priate Indian tribe in the vicinity of the intended action. Failure of a
25 tribe to respond to a request for permission within sixty (60) days of its
26 mailing by certified mail, return receipt requested, shall be deemed con-
27 sent. All material objects and human remains removed during such an exca-
28 vation shall, following scientific study, be reinterred at the archaeolo-
29 gist's expense under the supervision of the Indian tribe.

30 (3) In order to determine the appropriate Indian tribe under this sec-
31 tion and section 27-502, Idaho Code, a professional archaeologist or other
32 person shall consult with the director of the state historical society who
33 shall designate the appropriate tribe.

34 SECTION 14. That Section 28-8-402, Idaho Code, be, and the same is
35 hereby amended to read as follows:

36 28-8-402. ASSURANCE THAT INDORSEMENT OR INSTRUCTION IS EFFECTIVE. (1)
37 An issuer may require the following assurance that each necessary indorse-
38 ment or each instruction is genuine and authorized:

39 (a) In all cases, a guaranty of the signature of the person making an
40 indorsement or originating an instruction including, in the case of an
41 instruction, reasonable assurance of identity;

42 (b) If the indorsement is made or the instruction is originated by an
43 agent, appropriate assurance of actual authority to sign;

44 (c) If the indorsement is made or the instruction is originated by a
45 fiduciary pursuant to section 28-8-107(1)(d) or (1)(e), appropriate
46 evidence of appointment or incumbency;

1 (d) If there is more than one (1) fiduciary, reasonable assurance that
2 all who are required to sign have done so; and

3 (e) If the indorsement is made or the instruction is originated by a
4 person not covered by another provision of this subsection, assurance
5 appropriate to the case corresponding as nearly as may be to the provi-
6 sions of this subsection.

7 (2) An issuer may elect to require reasonable assurance beyond that
8 specified in this section.

9 (3) In this section:

10 (a) "Guaranty of the signature" means a guaranty signed by or on behalf
11 of a person reasonably believed by the issuer to be responsible. An is-
12 suer may adopt standards with respect to responsibility if they are not
13 manifestly unreasonable.

14 (b) "~~Appropriate~~Appropriate evidence of appointment or incumbency"
15 means:

16 (i) In the case of a fiduciary appointed or qualified by a court, a
17 certificate issued by or under the direction or supervision of the
18 court or an officer thereof and dated within sixty (60) days before
19 the date of presentation for transfer; or

20 (ii) In any other case, a copy of a document showing the appoint-
21 ment or a certificate issued by or on behalf of a person reason-
22 ably believed by an issuer to be responsible or, in the absence of
23 that document or certificate, other evidence the issuer reason-
24 ably considered appropriate.

25 SECTION 15. That Section 28-41-106, Idaho Code, be, and the same is
26 hereby amended to read as follows:

27 28-41-106. WAIVER -- AGREEMENT TO ~~FOREGO~~ FORGO RIGHTS -- SETTLEMENT OF
28 CLAIMS. (1) Except as otherwise provided in this act, a debtor may not waive
29 or agree to ~~forego~~ forgo rights or benefits under this act.

30 (2) A claim by a debtor against a creditor for an excess charge, other
31 violation of this act, or civil penalty, or a claim against a debtor for de-
32 fault or breach of a duty imposed by this act, if disputed in good faith, may
33 be settled by agreement.

34 (3) A claim, whether or not disputed, against a debtor may be settled
35 for less value than the amount claimed.

36 (4) A settlement in which the debtor waives or agrees to ~~forego~~ forgo
37 rights or benefits under this act is invalid if the court, as a matter of law,
38 finds the settlement to have been unconscionable at the time it was made. The
39 competence of the debtor, any deception or coercion practiced upon him, the
40 nature and extent of the legal advice received by him, and the value of the
41 consideration are relevant to the issue of unconscionability.

42 (5) Title 41, Idaho Code, shall not apply to an agreement by a credi-
43 tor or lessor, with or without consideration, to forgive or waive all or any
44 part of a debt or lease obligation following a partial or total loss of the
45 property that is the subject of a loan, credit sale or lease transaction and
46 the forgiveness shall not be considered the transaction of insurance for the
47 purposes of the Idaho credit code.

1 SECTION 16. That Section 31-4206, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 31-4206. TERMINATION OF AUTHORITY. The authority shall terminate at
4 such time as the governing body of the county, by proper resolution, shall
5 declare that there is no longer a need for a housing authority to function
6 within such county. The determination that there is no longer a need for such
7 authority to function (a) may be made by the governing body on its own motion
8 or (b) may be made by the governing body upon motion of the duly appointed and
9 acting commissioners of the authority that they no longer have any need to
10 function within said county.

11 The governing body of the county shall, however, before adopting a
12 ~~resolution~~ resolution terminating such authority, determine, by audit if
13 necessary, the financial condition of said authority, and if there is any
14 outstanding liability due and owing by said authority, the county shall pro-
15 vide the necessary funds for satisfaction thereof; if, however, funds are
16 found, over and above such liabilities, the county shall provide for the sat-
17 isfaction of said liabilities and the balance of the funds shall be accepted
18 by the county and the authority shall be released from their responsibility
19 therefor.

20 Any funds so received by such county, as a result of the termination of
21 the authority, shall be dedicated to the extension, maintenance and promo-
22 tion of the public parks system of said county for the benefit and welfare of
23 the county.

24 SECTION 17. That Section 33-133, Idaho Code, as enacted by Section 2,
25 Chapter 350, Laws of 2014, be, and the same is hereby amended to read as fol-
26 lows:

27 33-133~~4~~. ASSESSMENT ITEM REVIEW COMMITTEE.

28 (1) (a) The state board of education shall establish a committee con-
29 sisting of thirty (30) individuals, representing each of the six (6)
30 education regions of the state established by the state board of edu-
31 cation, to review all summative computer adaptive test questions. The
32 committee's review shall include reviews for bias and sensitivity. The
33 committee is authorized to make recommendations to the state board of
34 education and the state department of education to revise or eliminate
35 summative computer adaptive test questions from state assessments. The
36 state board of education shall make the final determination regarding
37 the adoption or rejection of the committee's recommendations. The com-
38 mittee established shall include the following members appointed by the
39 state board of education:

40 (i) Two (2) parents of public school or public charter school stu-
41 dents, selected from each of the six (6) education regions in this
42 state;

43 (ii) One (1) public school or public charter school teacher, se-
44 lected from each of the six (6) education regions in this state;

45 (iii) One (1) member who is an administrator of a school district
46 or public charter school, selected from each of the six (6) educa-
47 tion regions in this state; and

- 1 (iv) One (1) member from the district board of trustees or public
2 charter school board of directors, selected from each of the six
3 (6) education regions in this state.
- 4 (b) The state department of education shall provide staff support to
5 the review committee.
- 6 (c) The term of office of each committee member appointed shall be four
7 (4) years.
- 8 (d) The president of the state board of education shall adjust the
9 length of terms to stagger the terms of committee members so that ap-
10 proximately one-half (1/2) of the committee members are appointed every
11 two (2) years.
- 12 (e) No committee member may receive compensation or benefits for the
13 member's service on the committee.
- 14 (f) The state board of education may solicit recommendations for com-
15 mittee members from districts, public charter schools and other public
16 education stakeholders.
- 17 (2) The state board of education shall determine when committee recom-
18 mendations must be submitted to the state board of education and the state
19 department of education, provided that any such submission date must provide
20 adequate time for the committee to review summative computer adaptive test
21 questions before the assessment is administered to students. Adequate time
22 means no fewer than thirty (30) days from the date the committee is notified
23 of the summative computer adaptive test questions.
- 24 (3) The state board is hereby authorized to promulgate rules to imple-
25 ment the provisions of this section.

26 SECTION 18. That Section 33-133, Idaho Code, as enacted by Section 1,
27 Chapter 145, Laws of 2014, be, and the same is hereby amended to read as fol-
28 lows:

- 29 33-133~~5~~. TEACHERS -- CLASSROOM SIZE -- REPORTING. (1) Defini-
30 tions. The following terms have the following meanings:
- 31 (a) "Teacher" means an individual holding a teaching certificate is-
32 sued by the state department of education.
- 33 (b) "Classroom" means a place where groups of students meet for in-
34 struction in a particular subject, including students enrolled in
35 virtual schools or charter schools.
- 36 (c) "Classroom instructor" means an individual holding a teaching cer-
37 tificate issued by the state department of education and who has been
38 assigned to teach students one (1) or more subjects.
- 39 (d) "Class size" means the number of students who regularly appear in an
40 instructor's classroom or on a class roster and for whom the classroom
41 instructor is primarily responsible and accountable.
- 42 (e) "Pupil-teacher ratio" means the total number of students in a
43 school building divided by the total number of teachers working in that
44 school building. For the purposes of this act, the term "school build-
45 ing" also includes virtual charter schools.
- 46 (f) "Total caseload" means the total number of students serviced by
47 classroom instructors in a secondary school setting.
- 48 (2) Reporting.

1 (a) The state department of education shall gather statistical infor-
2 mation using a unified approach that will demonstrate:

3 (i) The total number of teachers actively employed within an
4 Idaho school district listed by individual school building;

5 (ii) The pupil-teacher ratio for every Idaho school district
6 listed by individual school building;

7 (iii) The number of elementary classroom teachers in every Idaho
8 school building listed by grade and subject;

9 (iv) The number of secondary classroom teachers in every Idaho
10 school building listed by grade and subject;

11 (v) The class size in every Idaho elementary school building
12 listed by teacher; and

13 (vi) The class size, by each section and by total caseload, in ev-
14 ery secondary school building listed by teacher.

15 (b) The report under this subsection shall be prepared and published
16 once annually by January 1 and shall be made available on a public web-
17 site maintained by the state department of education.

18 (c) For purposes of this subsection, each teacher will be identified by
19 a unique numeric identifier and not by individual name.

20 (3) Statewide database. The state department of education shall main-
21 tain a statewide database of the statistical information collected and pub-
22 lished.

23 SECTION 19. That Section 33-518, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 33-518. EMPLOYEE PERSONNEL FILES. The board of trustees of each school
26 district, including any specially chartered district, shall provide for
27 the establishment and maintenance of a personnel file for each employee of
28 the school district. Each personnel file shall contain any and all material
29 relevant to the evaluation of the employee. The employee shall be provided
30 timely notice of all materials placed in the personnel file and shall be af-
31 farded the opportunity to attach a rebuttal to any such materials. Personnel
32 files are declared to be confidential and excepted from public access under
33 any provision of the Idaho Code, including, but not limited to, sections
34 ~~9-301~~ 9-338 and 59-1009, Idaho Code, provided that each employee or desig-
35 nated representative shall be given access to his own personnel file upon
36 request and shall be provided copies of materials contained therein, with
37 the exception of recommendation letters, in a timely manner upon request.

38 SECTION 20. That Section 33-1629, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 33-1629. AGRICULTURAL AND NATURAL RESOURCE EDUCATION PROGRAMS. (1)
41 Idaho Quality Program Standards Incentive Grants.

42 (a) The board ~~of~~ for professional-technical education shall adopt and
43 implement Idaho quality program standards for agricultural and natu-
44 ral resource education programs offered in any grade 9 through 12. Such
45 standards shall apply to the areas of instruction, curriculum develop-
46 ment, advisory committees, student development and community develop-

1 ment. Such standards shall be used to assess the quality of local pro-
2 grams and to set goals for continued program improvement.

3 (b) The board ~~of~~ for professional-technical education shall establish
4 and administer an incentive grant program for instructors of agricul-
5 tural and natural resource education programs offered in any grade 9
6 through 12 where such programs meet or exceed the applicable Idaho qual-
7 ity program standards as determined by the board. A district may apply
8 to the board, on behalf of an instructor, for a grant provided for in
9 this subsection. The board shall develop an application form and crite-
10 ria to judge each application for the grant program. Grant awards shall
11 be made by the board to instructors of programs that meet or exceed the
12 criteria established by the board. The maximum amount of an incentive
13 grant as provided for in this section shall be ten thousand dollars
14 (\$10,000).

15 (c) There is hereby created in the state treasury the quality program
16 standards incentive grant fund, to which shall be credited all moneys
17 both public and private that may be appropriated, allocated, donated,
18 distributed to or otherwise provided for by law. Moneys in the fund
19 shall be used exclusively for incentive grants as provided for in this
20 subsection. Moneys in the fund shall be continuously appropriated for
21 the purposes of this incentive grant program. All idle moneys in the
22 fund shall be invested by the state treasurer in a like manner as pro-
23 vided for in section 67-1210, Idaho Code, with respect to other surplus
24 or idle moneys in the state treasury. Interest earned on the invest-
25 ments shall be returned to the fund.

26 (d) The board ~~of~~ for professional-technical education shall in its
27 annual budget request to the legislature request funding for the grant
28 program provided for in this section.

29 (e) The board ~~of~~ for professional-technical education shall adopt
30 rules to implement the grant program established by this subsection.

31 (2) Agricultural Education Program Start-Up Grants.

32 (a) The board ~~of~~ for professional-technical education shall establish
33 and administer a start-up grant program for school districts and public
34 charter schools to begin or to re-establish an agricultural and natural
35 resource education program in any grade 9 through 12.

36 (b) The board shall develop an application form and criteria to judge
37 each application for a start-up grant. Any school district or public
38 charter school may apply for a start-up grant.

39 (c) There shall be no more than four (4) start-up grants awarded per
40 school year. The maximum award for any one (1) start-up grant shall be
41 twenty-five thousand dollars (\$25,000).

42 (d) There is hereby created in the state treasury the agricultural and
43 natural resource education program start-up grant fund, to which shall
44 be credited all moneys both public and private that may be appropriated,
45 allocated, donated, distributed to or otherwise provided for by law.
46 Moneys in the fund shall be used exclusively for start-up grants as pro-
47 vided for in this subsection. Moneys in the fund shall be continuously
48 appropriated for the purposes of this start-up grant program. All idle
49 moneys in the fund shall be invested by the state treasurer in a like
50 manner as provided for in section 67-1210, Idaho Code, with respect to

1 other surplus or idle moneys in the state treasury. Interest earned on
2 the investments shall be returned to the fund.

3 (e) The board ~~of~~ for professional-technical education shall in its
4 annual budget request to the legislature request funding for the grant
5 program provided for in this subsection.

6 (f) The board ~~of~~ for professional-technical education shall adopt
7 rules to implement the grant program established by this subsection.

8 (3) The provisions of this section shall apply to agricultural and nat-
9 ural resource education programs provided for in grades 9 through 12.

10 SECTION 21. That Section 33-2303, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 33-2303. POWERS OF BOARD IN CARRYING OUT PROVISIONS. (1) The board
13 heretofore designated as the state board for professional-technical edu-
14 cation is hereby designated as the state board for the purpose of providing
15 for the vocational rehabilitation of persons with disabilities, other than
16 those who are legally blind, and is empowered and directed to cooperate in
17 the administration of said act of Congress; to prescribe and provide such
18 courses of vocational services as may be necessary for the vocational reha-
19 bilitation of persons with disabilities, other than those who are legally
20 blind, and provide for the supervision of such services; to appoint such as-
21 sistants as may be necessary to administer this act and said act of Congress
22 in this state; to fix the compensation of such assistants and to direct the
23 disbursement and administer the use of all funds provided by the federal
24 government and the state of Idaho for the vocational rehabilitation of such
25 persons.

26 (2) In order to provide vocational rehabilitation services the board ~~of~~
27 for professional-technical education may enter into, or authorize a state
28 vocational rehabilitation agency over which it has oversight to enter into,
29 agreements with any person, corporation or association, approved by the
30 board ~~of~~ for professional-technical education to provide such services.

31 (3) Any person, corporation or association may make application to the
32 board ~~of~~ for professional-technical education for approval and certifica-
33 tion to provide vocational rehabilitation services. The board ~~of~~ for pro-
34 fessional-technical education may either grant or deny certification or re-
35 voke certification previously granted after investigation of the applicant,
36 in accordance with standards as set forth in rules promulgated by the board
37 ~~of~~ for professional-technical education, and consistent with national ac-
38 creditation bodies. The board ~~of~~ for professional-technical education may
39 authorize a state vocational rehabilitation agency over which it has over-
40 sight to provide the approvals or certifications described in this subsec-
41 tion.

42 SECTION 22. That Section 39-1402, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 39-1402. DEFINITIONS. As used in this act:

45 (a) "Agency" means the department of health and welfare;

46 (b) "~~The~~ Federal act" shall mean, when applicable, either (1) Public
47 Law 725 of the 79th Congress, approved August 13, 1946, entitled the Hospi-

1 tal Survey and Construction Act and amendments thereto or (2) Mental Retar-
 2 dation Facilities and Community Mental Health Centers Construction Act of
 3 1963, Public Law 88-164, and amendments thereto or (3) Public Law 91-517 of
 4 the 91st Congress, and amendments thereto;

5 (c) "~~The s~~urgeon general" means the surgeon general of the public
 6 health service of the United States department of health and human services;

7 (d) "Health facilities" shall mean any of the following:

8 (1) "Hospital" means a place devoted primarily to the maintenance and
 9 operation of facilities for the diagnosis, treatment or care for not
 10 less than twenty-four (24) hours in any week of two (2) or more nonre-
 11 lated individuals suffering from illness, disease, injury, deformity,
 12 or requiring care because of old age, or a place devoted primarily
 13 to providing for not less than twenty-four (24) hours in any week of
 14 obstetrical or other medical or nursing care for two (2) or more nonre-
 15 lated individuals. The term hospital includes public health centers
 16 in general, tuberculosis, mental, chronic disease and other types of
 17 hospitals, and related facilities, such as laboratories, outpatient
 18 departments, nurses' home and training facilities, and central service
 19 facilities operated in connection with hospitals;

20 (2) A facility for the provision of public health services, including
 21 related facilities such as laboratories, clinics, and administrative
 22 offices operated in connection with said facility;

23 (3) A facility specially designed for the diagnosis, treatment, edu-
 24 cation, training, or custodial care of people with intellectual dis-
 25 abilities, including facilities for training specialists and sheltered
 26 workshops for people with intellectual disabilities, but only if such
 27 workshops are part of facilities which provide or will provide compre-
 28 hensive services for people with intellectual disabilities;

29 (4) A facility providing services for the prevention or diagnosis of
 30 mental illness, or care and treatment of mentally ill patients, or re-
 31 habilitation of such persons, which services are provided principally
 32 for persons residing in a particular community or communities in or near
 33 which the facility is situated or at a statewide facility;

34 (e) "~~The s~~ecretary" means the secretary of health and human services
 35 of the United States, or his delegate to administer the federal act;

36 (f) "Nonprofit facility" means a facility which is owned and operated
 37 by one (1) or more nonprofit corporations or associations no part of the net
 38 earnings of which inures, or may lawfully inure, to the benefit of any pri-
 39 vate shareholder or individual.

40 SECTION 23. That Section 39-4431, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 39-4431. COLLECTION AND ENFORCEMENT. (1) The collection and enforce-
 43 ment procedures available to the Idaho state tax commission provided by the
 44 Idaho income tax act, sections 63-3030A, 63-3038, 63-3039, 63-3040, 63-3042
 45 through 63-3045A, 63-3047 through 63-3065A, 63-3068, ~~63-3070~~, 63-3071,
 46 63-3072, 63-3073 and 63-3078, Idaho Code, as they now exist or as they may
 47 subsequently be amended, shall apply and be available to the department of
 48 environmental quality for the enforcement of the commercial disposal fee
 49 and for the assessment and collection of any amounts due thereunder. Said

1 sections shall, for the aforementioned purposes, be considered part of this
 2 chapter and wherever liens or any other proceedings are defined as income tax
 3 liens or proceedings, they shall, when applied in enforcement or collection
 4 under this chapter, be described as commercial disposal fee liens and pro-
 5 ceedings.

6 (2) The department of environmental quality may be made a party defen-
 7 dant in any action at law or in equity by any person aggrieved by the unlawful
 8 seizure or sale of his property, or in any suit for refund or to recover an
 9 overpayment, but only the state of Idaho shall be responsible for any final
 10 judgment secured against the department of environmental quality and said
 11 judgment shall be paid or satisfied out of the general fund of the state.

12 SECTION 24. That Section 40-528, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 40-528. FEDERAL TRANSIT ADMINISTRATION AUTHORITY. (1) The Idaho
 15 transportation department and its director are the designated recipients
 16 for the federal transit administration funding for the rural transit program
 17 and the small urban transit program within the state of Idaho.

18 (2) Notwithstanding the provisions of subsection (1) of this section:

19 (a) The department is not the designated recipient for large urbanized
 20 areas as determined and defined by the United States department of com-
 21 merce, bureau of the census, ~~and~~

22 (b) The department is not the designated recipient for any qualifying
 23 urbanized area identified by the governor prior to July 1, 2011.

24 SECTION 25. That Section 44-2013, Idaho Code, as amended by Section 2,
 25 Chapter 32, Laws of 2011, be, and the same is hereby amended to read as fol-
 26 lows:

27 44-2013~~4~~. SEVERABILITY. The provisions of this chapter are hereby de-
 28 clared to be severable, and if any provision is declared void, invalid, or
 29 unenforceable in whole or in part, such declaration shall not affect the re-
 30 maining provisions of this chapter.

31 SECTION 26. That Section 45-517, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 45-517. LIEN FOR ~~WORKMEN'S~~ WORKER'S COMPENSATION SECURITY. The term
 34 "labor" as used in this title, shall include the cost of ~~workmen's~~ worker's
 35 compensation and occupational disease compensation security required by the
 36 provisions of ~~Idaho Code, Section 72-801 and Section 72-1203~~ sections 72-301
 37 through 72-304, Idaho Code, and amendments thereto, payment for which secu-
 38 rity has not been made.

39 SECTION 27. That Section 45-1604, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

41 45-1604. EXCLUSIONS. The provisions of this chapter shall not apply
 42 to:

43 (1) Regulated lenders, as defined in section 28-41-301, Idaho Code;

1 (2) Any person licensed or chartered under the laws of any state or of
 2 the United States as a bank, trust company, savings and loan association,
 3 credit union, or industrial loan company. The terms "bank," "trust com-
 4 pany," "savings and loan association," "credit union" and "industrial loan
 5 company" shall include affiliates or wholly owned subsidiaries of such orga-
 6 nizations, provided that the affiliate or subsidiary is regularly examined
 7 by the chartering state or federal agency for consumer compliance purposes;

8 (3) Mortgage lenders and mortgage brokers licensed under the Idaho res-
 9 idential mortgage practices act, sections ~~26-3101~~ 26-31-101 et seq., Idaho
 10 Code;

11 (4) Employees and agents of the organizations specified in subsections
 12 (1), (2) and (3) of this section, when acting within the scope of such employ-
 13 ment or agency; and

14 (5) Family member or members of the owner or owners of record of any in-
 15 terest in residential real property subject to foreclosure. For purposes of
 16 this chapter, "family member or members" means a natural person or the spouse
 17 of a natural person who is related to such owner or owners of record by blood,
 18 adoption or marriage within the second degree of consanguinity or a grand-
 19 child or the spouse of a grandchild.

20 SECTION 28. That Section 46-1110, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 46-1110. JURISDICTION OF GENERAL COURTS-MARTIAL. Each command of the
 23 Idaho military has court-martial jurisdiction over all persons subject to
 24 this code.

25 General courts-martial have jurisdiction to try persons subject to this
 26 code for any offense made punishable by this code and may adjudge any of the
 27 following punishments:

- 28 (1) Reprimand;
- 29 (2) Fine of not more than two hundred dollars (\$200);
- 30 (3) Forfeiture of all pay and allowances;
- 31 (4) Dismissal, bad conduct discharge, or dishonorable discharge;
- 32 (5) Reduction in rank of an enlisted member to the lowest enlisted
 33 grade; or
- 34 (6) Confinement in lieu of fine of not more ~~that~~ than one hundred (100)
 35 days; or
- 36 (7) Any combination of the above.

37 SECTION 29. That Section 46-1178, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 46-1178. FRAUDS AGAINST THE GOVERNMENT. Any person subject to this
 40 code;

- 41 (1) Who knowingly:
 - 42 (a) Makes any false claim or fraudulent claim against the state of Idaho
 43 or the United States or any officer thereof; or
 - 44 (b) Presents to any person in the civil or military service thereof, for
 45 approval or payment, any false or fraudulent claim against the state of
 46 Idaho or the United States or any officer thereof; or

1 (2) Who, for the purpose of obtaining the approval, allowance, or pay-
2 ment of any claim against the state of Idaho or the United States or any offi-
3 cer thereof:

4 (a) Makes or uses any writing or other paper knowing it to contain any
5 false or fraudulent statements;

6 (b) Makes any oath to any fact or to any writing or other paper knowing
7 the oath to be false; or

8 (c) Forges or counterfeits any signature upon any writing or other
9 paper, or uses any such signature knowing it to be forged or counter-
10 feited; or

11 (3) Who, having charge, possession, custody, or control of any money,
12 or other property of the state of Idaho or the United States, furnished or
13 intended for the military thereof, knowingly delivers to any person having
14 authority to receive it, any amount thereof less than that for which he re-
15 ceives a certificate or receipt; or

16 (4) Who, being authorized to make or deliver any paper, certifying the
17 receipt of any property of the state of Idaho or the United States furnished
18 or intended for the military thereof, makes or delivers to any person such
19 writing without having full knowledge of the truth of the statements therein
20 contained and with intent to defraud the state of Idaho or the ~~Unites~~ United
21 States;

22 shall be punished as a court-martial may direct.

23 SECTION 30. That Section 49-420G, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 49-420G. IDAHO BOY SCOUT PLATES. (1) On and after January 1, 2004, any
26 person who is the owner of a vehicle registered under the provisions of sec-
27 tion 49-402, Idaho Code, or registered under any other section of law for
28 which the purchase of special plates is allowed, may apply for, and upon de-
29 partment approval, receive special Idaho boy scout license plates in lieu of
30 regular license plates. The provisions of this section shall not apply to
31 any vehicle with a registered maximum gross weight over twenty-six thousand
32 (26,000) pounds. Availability of Idaho boy scout plates for other vehicles
33 shall be subject to the rules, policies and procedures of the department.

34 (2) In addition to the regular registration fee required in chapter 4,
35 title 49, Idaho Code, the applicant shall be charged a fee of thirty-five
36 dollars (\$35.00) for the initial issuance of plates and twenty-five dollars
37 (\$25.00) upon each succeeding annual registration. Ten dollars (\$10.00)
38 of the initial fee and ten dollars (\$10.00) of the renewal fee shall be de-
39 posited in the state highway account and shall be used to fund the cost of
40 administration of this special license plate program. Twenty-five dollars
41 (\$25.00) of each initial fee and fifteen dollars (\$15.00) of each renewal fee
42 shall be deposited by the department to the respective boy scout council in
43 which the selling county is located. Inland Northwest Council, Boy Scouts
44 of America, contains the following counties: Benewah, Bonner, Boundary,
45 Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone. Ore-Ida
46 Council, Boy Scouts of America, contains the following counties: Ada,
47 Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington.
48 Snake River Council, Boy Scouts of America, contains the following counties:
49 Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka and Twin

1 Falls. Grand Teton Council, ~~Boys~~ Boy Scouts of America, contains the fol-
2 lowing counties: Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou,
3 Clark, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power and
4 Teton. Boy scout councils whose borders extend outside the state of Idaho
5 are restricted to utilization of received funds totally within the state of
6 Idaho.

7 (3) Whenever title or interest in a vehicle registered under the pro-
8 visions of this section is transferred or assigned, the owner may transfer
9 the special plates to another vehicle upon payment of the required transfer
10 fees. The owner may only display the plates on another vehicle upon receipt
11 of the new registration from the department.

12 (4) The Idaho boy scout license plate shall be of a color and design in
13 accordance with the provisions of section 49-402C, Idaho Code. That portion
14 of the design which features the Idaho boy scout program shall be acceptable
15 to the Boy Scouts of America. The design shall be approved by the department,
16 utilizing a numbering system as determined by the department. Initial costs
17 of the plate program, including the costs of plate design shall be paid by the
18 Boy Scouts of America.

19 (5) Sample boy scout license plates may be purchased for a fee of thirty
20 dollars (\$30.00), ten dollars (\$10.00) of which shall be deposited in the
21 state highway account and twenty dollars (\$20.00) of which shall be de-
22 posited by the department to the respective boy scout council in which the
23 selling county is located as provided in subsection (2) of this section. Boy
24 scout councils whose boundaries extend outside the state of Idaho are re-
25 stricted to utilization of received funds totally within the state of Idaho.
26 No additional fee shall be charged for personalizing sample plates.

27 SECTION 31. That Section 50-1321, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 50-1321. NECESSITY FOR CONSENT OF ADJOINING OWNERS -- ACKNOWLEDGMENT
30 AND FILING OF CONSENT -- LIMITATION ON RULE -- PREREQUISITES TO ORDER OF VA-
31 CATION. No vacation of a public street, public ~~right of way~~ right-of-way or
32 any part thereof having been duly accepted and recorded as part of a plat or
33 subdivided tract shall take place unless the consent of the adjoining owners
34 be obtained in writing and delivered to the public highway agency having ju-
35 risdiction over said public street or public ~~right of way~~ right-of-way. Such
36 public street or public ~~right of way~~ right-of-way may, nevertheless, be va-
37 cated without such consent of the owners of the property abutting upon such
38 public street or public right of way when such public street or public ~~right~~
39 ~~of way~~ right-of-way has not been opened or used by the public for a period
40 of five (5) years and when such nonconsenting owner or owners have access to
41 ~~his, her or their~~ the property from some other public street, public ~~right of~~
42 ~~way~~ right-of-way or private road. However, before such order of vacation can
43 be entered, it must appear to the satisfaction of the public highway agency
44 that the owner or owners of the property abutting said public street or pub-
45 lic ~~right of way~~ right-of-way have been served with notice of the proposed
46 abandonment in the same manner and for the same time as is now or may here-
47 after be provided for the service of the summons in an action at law. Any va-
48 cation of lands within one (1) mile of a city shall require written notifica-

1 tion to the city by regular mail at least thirty (30) days prior to the vaca-
2 tion.

3 SECTION 32. That Section 51-105, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 51-105. APPOINTMENT PROCEDURE -- OATH. (1) Each person to be appointed
6 a notary public shall submit an application to the secretary of state on a
7 form prescribed by the secretary of state. The application shall include
8 such information as the secretary of state shall deem proper and shall in-
9 clude that the applicant:

- 10 (a) Is at least eighteen (18) years of age;
- 11 (b) Is a resident of the state of Idaho or a nonresident who is employed
- 12 in or doing business in the state of Idaho;
- 13 (c) Is able to read and write the English language; and
- 14 (d) Has not been convicted of a serious crime nor removed from office
- 15 for official misconduct during the immediately preceding ten (10) year
- 16 period.

17 The applicant shall also take the following oath, which shall appear on
18 the application form:

19 "I,, solemnly swear (or affirm) that the answers
20 to all questions in this application are true, complete and correct; that I
21 have carefully read the notary laws of this State and I am familiar with their
22 provisions; that I will uphold the Constitution of the United States and the
23 Constitution and laws of the State of Idaho; and that I will faithfully per-
24 form, to the best of my ability, the duties of the office of notary public,
25 and I do hereby voluntarily submit myself to the continuing jurisdiction of
26 the courts of the state of Idaho and to the processes thereof."-

27 The oath shall be signed and sworn to (or affirmed) by the applicant in
28 the presence of a notary public or other person authorized to administer
29 oaths in this state.

30 (2) Each person to be appointed a notary public shall execute and append
31 to the application a bond to the state of Idaho in the amount of ten thousand
32 dollars (\$10,000). The surety ~~which that~~ provides the bond shall be:

- 33 (a) A bonding or surety company authorized to do business in this state;
- 34 or
- 35 (b) ~~The bureau of risk management office in the department of adminis-~~
36 tration for the state of Idaho if the applicant is regularly employed
37 by the state and the commission is required in the scope of that employ-
38 ment.

39 SECTION 33. That Section 51-113, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 51-113. GROUNDS FOR REMOVAL. A notary public may be removed from the
42 office upon any of the following grounds:

- 43 (a) Conviction of a serious crime within the immediately preceding ten
- 44 (10) year period;
- 45 (b) Any action which constitutes official misconduct;
- 46 (c) Any material misstatement of fact in his application for appoint-
- 47 ment as a notary public;

1 (d) Failure of a conservator or guardian to submit a timely resignation
2 after a notary public becomes incompetent;

3 (e) Failure of a notary public to submit a timely resignation when he
4 becomes disqualified by virtue of no longer: (1) being a citizen of the
5 United States; or (2) being a resident of Idaho;

6 (f) Cancellation of the notary bond by the bonding or surety company; or

7 (g) Cancellation of the notary bond by the state of Idaho when the no-
8 tary public's bond has been provided by the ~~bureau of risk management office~~
9 in the department of administration of the state of Idaho and the notary's
10 employment with the state is terminated.

11 SECTION 34. That Section 51-114, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 51-114. REMOVAL PROCEDURE. (1) If a notary public is convicted of a se-
14 rious crime in any court of this state, the clerk of the court, if he knows
15 that the convict is a notary public or upon the request of any person, shall
16 forward to the secretary of state a certified copy of the judgment of convic-
17 tion. If a notary public is convicted of a serious crime in a federal court or
18 a court of another state, any person may obtain a certified copy of the judg-
19 ment of conviction and forward it to the secretary of state. Upon receipt of
20 a certified copy of a judgment of conviction of a serious crime in the preced-
21 ing ten (10) year period, the secretary of state shall forthwith cancel the
22 commission of the notary public.

23 (2) If in any civil or criminal case the court finds that a notary public
24 has committed any act which constitutes official misconduct under section
25 51-112, Idaho Code, the clerk of the court, upon the request of any person,
26 shall forward a certified copy of the findings of fact, or relevant extract
27 therefrom, to the secretary of state. Upon receipt of the certified copy of
28 the findings of fact or extract therefrom the secretary of state shall, if he
29 finds that the act of the notary public as found by the court constitutes of-
30 ficial misconduct, forthwith cancel the commission of the notary public.

31 (3) Upon receipt of proof on the public record of a material misstate-
32 ment of fact in the application of a notary public, certified by the custo-
33 dian of such record, the secretary of state shall forthwith cancel the com-
34 mission of the notary public.

35 (4) If the conservator or guardian of a notary public who has been ad-
36 judged incompetent fails to submit a timely resignation as required by sub-
37 section (3) of section 51-115, Idaho Code, the clerk of the court which found
38 the notary public to be incompetent shall, upon the request of any person,
39 forward to the secretary of state a certified copy of the order adjudging the
40 notary to be incompetent. Upon receipt of such order, the secretary of state
41 shall forthwith cancel the commission of the notary public.

42 (5) If the secretary of state receives credible information that a no-
43 tary public is no longer a resident of Idaho or employed in or doing business
44 in the state of Idaho, the secretary of state shall send to the notary pub-
45 lic at his last known address by certified return receipt mail a statement
46 setting forth such information and a notice of opportunity to rebut. If the
47 statement and notice cannot be delivered or if no rebuttal is received within
48 forty-five (45) days after mailing the notice, the secretary of state shall
49 cancel the commission of the notary public. If the statement is rebutted by

1 statements which indicate that the notary public is not disqualified on res-
2 idency business, or employment grounds, the secretary of state shall take no
3 further action.

4 (6) A bonding or surety company, or in the case of a state employee, the
5 ~~bureau of risk management office in the department of administration~~, shall
6 file prompt written notice of cancellation of a notary's bond with the secre-
7 tary of state who shall forthwith cancel the commission of the notary public.
8 The cancellation of the bond shall be effective only upon receipt by the sec-
9 retary of state of notice of cancellation.

10 SECTION 35. That Section 54-5003, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 54-5003. DEFINITIONS. As used in this chapter:

13 (1) "Heating, ventilation and air conditioning (HVAC)" means and in-
14 cludes the business, trade, practice or work, materials and fixtures used in
15 the design, construction, installation, improvement, extension and alter-
16 ation of all piping, venting, ductwork, appliances and appurtenances in con-
17 nection with any heating, ventilation or air conditioning system or subsys-
18 tems of such.

19 (2) "Heating, ventilation and air conditioning apprentice" means any
20 person who, as his principal occupation, is engaged in learning and assist-
21 ing in installation, improvement, extension, alteration or repair of HVAC
22 systems. An apprentice shall perform HVAC work under the supervision of an
23 HVAC journeyman or HVAC contractor.

24 (3) "Heating, ventilation and air conditioning contractor" means any
25 person who fabricates, installs, maintains, services and repairs warm air
26 heating and water heating systems, heat pumps, complete with warm air appli-
27 ances including, but not limited to, boilers, pool heaters, space heaters,
28 decorative gas and solid-fuel burning appliances, and gas, propane, elec-
29 tric or oil-fired water heaters; ventilating systems complete with blowers
30 and plenum chambers; air conditioning systems complete with air condition-
31 ing unit and the ducts, registers, flues, humidity and thermostatic controls
32 of air, liquid or gas temperatures below fifty (50) degrees fahrenheit or ten
33 (10) degrees celsius, and air filters in connection with any of these sys-
34 tems.

35 (4) "Heating, ventilation and air conditioning journeyman" means any
36 person who, as his principal occupation, is engaged in the installation, im-
37 provement, extension, alteration or repair of HVAC systems and who is famil-
38 iar with the provisions of this chapter and who works in the employ and under
39 direction of an HVAC contractor.

40 (5) "Heating, ventilation and air conditioning specialty apprentice
41 including specialty limited heating apprentice" means any person who, as his
42 principal occupation, is engaged in learning and assisting in a specific as-
43 pect of installation, improvement, extension, alteration or repair of HVAC
44 systems that includes, but is not limited to, such aspects as gas piping,
45 gas appliances and installation, or decorative gas-fired appliances. A spe-
46 cialty apprentice shall perform HVAC work under the supervision of an HVAC
47 journeyman, HVAC specialty journeyman, HVAC contractor or an HVAC specialty
48 contractor.

1 (6) "Heating, ventilation and air conditioning specialty contractor
2 including specialty limited heating contractor" means any person who, as his
3 principal occupation, is engaged in a specific aspect of the heating, ven-
4 tilation and air conditioning trade that includes, but is not limited to,
5 such aspects as gas piping, gas appliances and installation, or decorative
6 gas-fired appliances.

7 (7) "Heating, ventilation and air conditioning specialty journeyman
8 including specialty limited heating journeyman" means any person who, as
9 his principal occupation, is engaged in a specific aspect of installation,
10 improvement, extension, alteration or repairing of HVAC systems that in-
11 cludes, but is not limited to, such aspects as gas piping, gas appliances and
12 installation, or decorative gas-fired appliances. A specialty journeyman
13 is familiar with the provisions of this chapter and works in the employ and
14 under direction of an HVAC contractor or an HVAC specialty contractor.

15 (8) "Heating, ventilation and air conditioning system" means any heat-
16 ing, ventilation or air conditioning system in a residential, private, pub-
17 lic or semipublic building or structure including, but not limited to, any
18 mechanical means of heating or air conditioning and to gas piping, venting,
19 ductwork and controls.

20 (9) "Local government" means any incorporated city or any county in the
21 state.

22 (10) "Specialty limited heating" as it applies to the definitions of
23 "heating, ventilation and air conditioning specialty apprentice," "heat-
24 ing, ventilation and air conditioning specialty contractor" and "heating,
25 ventilation and air conditioning specialty journeyman" means any person
26 who installs, maintains, services and repairs LP gas-fired appliances, LP
27 fuel gas piping and related exhaust venting. This definition of specialty
28 limited heating shall exclude boilers, hydronic systems, ducted forced air
29 systems, ventilating and air conditioning systems, systems with a BTU input
30 rating over three hundred thousand (300,000), solid fuel and electric fueled
31 systems. A "specialty limited heating journeyman" is required to meet the
32 experience requirement and either the education or examination requirement
33 set forth in this section to receive a certificate of competency. The educa-
34 tion of a "specialty limited heating journeyman" shall include one hundred
35 twenty (120) hours of instruction approved by the board ~~of~~ for profes-
36 sional-technical education in LP gas specialty education. The experience
37 requirement of a "specialty limited heating journeyman" shall be two (2)
38 years' experience working in the trade, in compliance with the requirements
39 of the state in which the applicant received his supervision or as a regis-
40 tered HVAC apprentice or registered HVAC specialty apprentice making HVAC
41 installation on the job under the supervision of a qualified HVAC journeyman
42 or qualified HVAC specialty journeyman. The examination required in this
43 section shall be developed by the board ~~of~~ for professional-technical edu-
44 cation and approved by the Idaho heating, ventilation and air conditioning
45 board.

46 SECTION 36. That Section 56-609, Idaho Code, be, and the same is hereby
47 amended to read as follows:

1 56-609. ~~WORKMEN'S~~ WORKER'S COMPENSATION BENEFITS. ~~(a)~~ Participants
2 shall, for the purpose of the administration of the ~~workmen's~~ worker's com-
3 pensation law, be deemed to be civil employees of the state.

4 SECTION 37. That Section 63-2443, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 63-2443. VIOLATIONS AND PENALTIES. (a) Acts forbidden: It shall be
7 unlawful for any person to:

8 (1) Refuse, or knowingly and intentionally fail to make and file any
9 statement required by this chapter in the manner or within the time re-
10 quired;

11 (2) ~~Wilfully~~ Willfully fail to pay any tax due or any fee required by
12 this chapter or any related penalties or interest;

13 (3) Knowingly and with intent to evade or to aid in the evasion of the
14 tax imposed by this chapter to make any false statement or conceal any
15 material fact in any record, return, or affidavit provided for in this
16 chapter;

17 (4) Conduct any activities requiring a license under this chapter with-
18 out a license or after a license has been surrendered, canceled, or re-
19 voked;

20 (5) Fail to keep and maintain the books and records required by this
21 chapter;

22 (6) Use dyed or untaxed fuel in a manner prohibited in this chapter.

23 (b) It shall be unlawful for any retail dealer in motor fuel who is not a
24 licensed distributor or for any person in the state of Idaho other than a li-
25 censed distributor to purchase, receive or accept any motor fuel upon which
26 tax imposed by this chapter has not been paid.

27 (c) It shall be unlawful for any person, including a licensed distribu-
28 tor, to sell or transfer any fuel upon which tax required by this chapter has
29 not been paid to any person unless such sale or transfer is authorized by this
30 chapter.

31 (d) Penalties and remedies: Any person violating any provision of this
32 section is guilty of a misdemeanor, unless the act is by any other law of this
33 state declared to be a felony, and upon conviction is punishable by a fine of
34 not less than one hundred dollars (\$100) nor more than one thousand dollars
35 (\$1,000).

36 (e) Penalties are cumulative: The fine and imprisonment provided for
37 in this section shall be in addition to any other penalty imposed by any other
38 provision of this chapter.

39 SECTION 38. That Section 63-3022S, Idaho Code, as enacted by Section 1,
40 Chapter 85, Laws of 2014, be, and the same is hereby amended to read as fol-
41 lows:

42 63-3022ST. RELIEF FROM JOINT AND SEVERAL LIABILITY ON JOINT RE-
43 TURN. (1) An individual who has filed a joint return and who has been granted
44 relief from joint and several liability by the internal revenue service
45 shall have such relief recognized, granted and honored by the state tax com-
46 mission for state income tax purposes.

1 (2) The tax commission shall promulgate such rules as are necessary to
2 carry out the provisions of this section.

3 SECTION 39. That Section 66-324, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 66-324. AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS. The director of
6 any facility is authorized to receive therein for observation, diagnosis,
7 evaluation, care or treatment any individual:

8 (1) Committed to the department director pursuant to sections 16-1619,
9 20-520, 18-212, ~~18-214~~ or 66-329, Idaho Code;

10 (2) Transferred pursuant to section 66-1201, Idaho Code; or

11 (3) Detained or transferred pursuant to section 66-326, Idaho Code.

12 SECTION 40. That Section 67-450B, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 67-450B. INDEPENDENT FINANCIAL AUDITS OF LOCAL GOVERNMENTAL ENTITIES
15 -- FILING REQUIREMENTS. (1) The requirements set forth in this section are
16 minimum audit requirements for all local governmental entities, and in-
17 clude, without limitation, all cities, counties, authorities and districts
18 organized as separate legal and reporting entities under Idaho law, and
19 include the councils, commissions and boards as appointed or elected and
20 charged with fiscal management responsibilities of the local governmental
21 entity.

22 Audits under these requirements are to be performed by independent
23 auditors in accordance with generally accepted governmental auditing stan-
24 dards, as defined by the United States general ~~accounting~~ accountability
25 office. The auditor shall be employed on written contract.

26 The entity's governing body shall be required to include in its annual
27 budget all necessary expenses for carrying out the provisions of this sec-
28 tion.

29 The entity shall file one (1) copy of each completed audit report with
30 the legislative services office within nine (9) months after the end of the
31 audit period.

32 (2) The minimum requirements for any audit performed under the provi-
33 sions of this section are:

34 (a) The governing body of a local governmental entity whose annual ex-
35 penditures (from all sources) exceed two hundred fifty thousand dollars
36 (\$250,000) shall cause a full and complete audit of its financial state-
37 ments to be made each fiscal year.

38 (b) The governing body of a local governmental entity whose annual
39 expenditures (from all sources) exceed one hundred thousand dollars
40 (\$100,000), but do not exceed two hundred fifty thousand dollars
41 (\$250,000) in the current year, shall have an annual audit or may elect
42 to have its financial statements audited on a biennial basis. The first
43 year that expenditures exceed one hundred thousand dollars (\$100,000)
44 is the first year of the biennial audit period. The local government
45 entity may continue the biennial audit cycle in subsequent years as
46 long as the entity's annual expenditures during the first year of the
47 biennial audit period do not exceed two hundred fifty thousand dollars

1 (\$250,000). In the event that annual expenditures exceed two hundred
2 fifty thousand dollars (\$250,000) in the current year following a year
3 in which a biennial audit was completed, the local government entity
4 shall complete an annual audit. In the event that annual expendi-
5 tures in the current year do not exceed one hundred thousand dollars
6 (\$100,000) following a year in which an annual or biennial audit was
7 completed, the local government entity has no minimum audit require-
8 ment.

9 (c) The governing body of a local governmental entity whose annual ex-
10 penditures (from all sources) do not exceed one hundred thousand dol-
11 lars (\$100,000) has no minimum audit requirements under this section.

12 (d) Federal audit requirements applicable because of expenditure of
13 federal assistance supersede the minimum audit requirements provided
14 in this section.

15 SECTION 41. That Section 67-808, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 67-808. GOVERNOR AUTHORIZING HOUSING ACCOMMODATION CONSTRUCTION. The
18 governor of Idaho is hereby authorized, with the approval of the board of
19 examiners and for and on behalf of the state of Idaho, to contract with compe-
20 tent parties for the construction of housing accommodations on state-owned
21 real property used in the operation of any state institution (for use by
22 state officers and employees working at such institution) and to similarly
23 contract for the acquisition of real property, with or without a contractual
24 provision for the construction of similar housing accommodations thereon,
25 near to, and for use in connection with the operation of, any such institu-
26 tion.

27 Contracts for such accommodations on such state-owned land may provide
28 that said accommodations shall not become a part of the ~~reality~~ realty, ex-
29 cept as hereinafter provided, that the state of Idaho shall lease said ac-
30 commodated for an agreed period of time and at an agreed consideration and
31 that said accommodations shall become a part of the realty when the total
32 agreed consideration has been paid by the state of Idaho.

33 SECTION 42. That Section [67-808a](#), Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 43. That Section [67-808b](#), Idaho Code, be, and the same is hereby
36 repealed.

37 SECTION 44. That Section 67-908, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 67-908. EXPENSES OF DISTRIBUTION -- AUDIT AND PAYMENT. The expenses
40 incurred by him, in carrying into effect the provisions of sections 67-904,
41 67-906 and 67-907, Idaho Code, must be audited by the board of examiners and
42 paid out of any moneys specially appropriated for that purpose.

43 SECTION 45. That Section 67-1401, Idaho Code, be, and the same is hereby
44 amended to read as follows:

1 67-1401. DUTIES OF ATTORNEY GENERAL. Except as otherwise provided in
2 this chapter, it is the duty of the attorney general:

3 (1) To perform all legal services for the state and to represent the
4 state and all departments, agencies, offices, officers, boards, commis-
5 sions, institutions and other state entities, in all courts and before all
6 administrative tribunals or bodies of any nature. Representation shall be
7 provided to those entities exempted pursuant to the provisions of section
8 67-1406, Idaho Code. Whenever required to attend upon any court or adminis-
9 trative tribunal, the attorney general shall be allowed necessary and actual
10 expenses, all claims for which shall be audited by the state board of exam-
11 iners.

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

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

18 (4) To account for and pay over to the proper officer all moneys re-
19 ceived which belong to the state.

20 (5) To supervise nonprofit corporations, corporations, charitable or
21 benevolent societies, person or persons holding property subject to any pub-
22 lic or charitable trust and to enforce whenever necessary any noncompliance
23 or departure from the general purpose of such trust and, in order to accom-
24 plish such purpose, said nonprofit corporations, corporations, charitable
25 or benevolent societies, person or persons holding property subject to any
26 public or charitable trust are subject at all times to examination by the at-
27 torney general, on behalf of the state, to ascertain the condition of its af-
28 fairs and to what extent, if at all, said trustee or trustees may have failed
29 to comply with trusts said trustee or trustees have assumed or may have de-
30 parted from the general purpose for which it was formed. In case of any such
31 failure or departure, the attorney general shall institute, in the name of
32 the state, any proceeding necessary to enforce compliance with the terms of
33 the trust or any departure therefrom.

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

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

47 (8) To bid upon and purchase, when necessary, in the name of the state,
48 and under the direction of the state controller, any property offered for
49 sale under execution issued upon judgments in favor of or for the use of the

1 state, and to enter satisfaction in whole or in part of such judgments as the
2 consideration for such purchases.

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

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

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

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

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

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

34 (15) To seek injunctive and any other appropriate relief as expedi-
35 tiously as possible to preserve the rights and property of the residents of
36 the state of Idaho, and to defend as necessary the state of Idaho, its offi-
37 cials, employees and agents in the event that any law or regulation violating
38 the public policy set forth in the Idaho health freedom act, chapter 90,
39 title 39, Idaho Code, is enacted by any government, subdivision or agency
40 thereof.

41 (16) To establish an internet crimes against children unit pursuant to
42 the provisions of section 67-1410, Idaho Code, and to exercise concurrent
43 investigative and prosecutorial authority and responsibility with county
44 prosecutors to prosecute persons for the violation of the criminal provi-
45 sions of sections 18-1507, 18-1509A, 18-1513 and 18-1515, Idaho Code, which
46 may also encompass criminal offenses that are not defined in said sections
47 but that involve or are directly related to child pornography and sollicita-
48 tion of minors for pornography, prostitution or sex-related offenses.

49 (17) To respond to allegations of violation of state law by elected
50 county officers, to investigate such claims, to issue appropriate findings

1 and to refer such cases for further investigation and prosecution pursuant
2 to section 31-2002, Idaho Code.

3 (178) To establish a sobriety and drug monitoring program to reduce the
4 number of people on Idaho's highways who drive under the influence of alco-
5 hol or drugs, reduce the number of repeat offenders for certain offenses in
6 which the abuse of alcohol or drugs was a contributing factor, and increase
7 pretrial and posttrial options for prosecutors and judges in responding to
8 repeat DUI offenders and offenders for certain crimes in which the abuse of
9 alcohol or drugs was a contributing factor in the commission of the crime,
10 and to adopt such rules and establish such fees as are necessary for the oper-
11 ation of said program, as set forth by law.

12 SECTION 46. That Section 67-1405, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 67-1405. DUTIES OF THE ATTORNEY GENERAL REGARDING CHILD SEXUAL ABUSE
15 REPORTS. (1) The department of health and welfare, each city police depart-
16 ment, each county sheriff and the Idaho state police shall submit to the of-
17 fice of the attorney general a report of each child sexual abuse incident re-
18 ported to each agency of state or local government. The report shall contain
19 such information as specified by the attorney general. It shall be the duty
20 of the attorney general to the greatest extent possible to use and develop
21 the information required in this section on forms currently in use by each
22 governmental entity, thus avoiding unnecessary paperwork.

23 (2) It shall be the duty of each county prosecuting attorney to submit
24 to the office of the attorney general a report of each child sexual abuse case
25 handled by the prosecuting attorney. The report required pursuant to this
26 section shall be designed by the attorney general to minimize the paperwork
27 impact on each county prosecutor.

28 (3) The administrative office of the courts shall submit to the office
29 of the attorney general a report showing the disposition of each child sexual
30 abuse case handled by each of the district courts throughout the state. This
31 reporting requirement may be satisfied by submission of a copy of a judgment
32 made and entered in each case.

33 (4) The commission ~~on~~ of pardons and parole shall submit to the office
34 of the attorney general a report showing the release or discharge of any
35 individual convicted of a crime involving child sexual abuse. Such report
36 shall be designed to minimize the paperwork impact upon the commission.

37 (5) The office of the attorney general in conjunction with the gover-
38 nor of the state of Idaho shall report, prepare and submit to the legislature
39 a report showing all of the statistical data and information compiled as a
40 result of the reporting requirement contained within this section. This re-
41 port shall be prepared and submitted no later than January 20~~7~~ of each year.

42 SECTION 47. That Section 67-1704, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 67-1704. DUTIES OF COMMISSIONERS. It shall be the duty of each of
45 said commissioners to attend the meeting of the national conference of
46 ~~commissioners on uniform state laws~~ the uniform law commission, or to ar-
47 range for the attendance of at least one of their number at such national

1 conference, and both in and out of such national conference they shall do all
 2 in their power to promote uniformity in state laws, upon all subjects where
 3 uniformity may be deemed desirable and practicable. Said commission shall
 4 report to the legislature at its next session, and from time to time there-
 5 after as said commission may deem proper, an account of its transactions,
 6 and its advice and recommendations for legislation. This report shall be
 7 printed for presentation to each legislature. It shall also be the duty of
 8 said commission to bring about as far as practicable the uniform judicial
 9 interpretation of all uniform laws, and generally, to devise and recommend
 10 such additional legislation, or other or further course of action, as shall
 11 tend to accomplish the purposes of this act.

12 SECTION 48. That Section 67-2325, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 67-2325. POWER TO CONVEY UNDER OTHER LAWS NOT LIMITED. The provisions
 15 of this act shall not restrict or limit the powers of cities and villages to
 16 convey or exchange real property as provided by sections 50-1001 50-1401 et
 17 seq., Idaho Code, and related laws.

18 SECTION 49. That Section 67-2338, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 67-2338. EXTRATERRITORIAL BENEFITS OF PUBLIC OFFICERS. All of the
 21 privileges and immunities from liability, exemptions from laws, ordinances
 22 and rules, all pension, relief, disability, ~~workmen's~~ worker's compensation
 23 insurance, and other benefits ~~which~~ that apply to the activity of officers,
 24 agents, or employees of any city or political subdivision, when performing
 25 their respective functions within the territorial limits of their respec-
 26 tive cities or political subdivisions, shall apply to them to the same degree
 27 and extent while engaged in the performance of any of their functions and
 28 duties extraterritorially.

29 SECTION 50. That Section 67-2601A, Idaho Code, be, and the same is
 30 hereby amended to read as follows:

31 67-2601A. DIVISION OF BUILDING SAFETY. (1) The division of building
 32 safety will be headed by an administrator appointed by and serving at the
 33 will of the governor. The division administrator, deputy administrators and
 34 regional managers shall be nonclassified employees exempt from the provi-
 35 sions of chapter 53, title 67, Idaho Code.

36 (2) The administrator shall administer the following provisions and
 37 shall perform such additional duties as are imposed on him by law: chapter
 38 ~~41~~ 43, title 39, Idaho Code, relating to the building code board; chapter
 39 40, title 39, Idaho Code, relating to manufactured homes; chapter 41, title
 40 39, Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho
 41 Code, relating to manufactured home dealer and installer licensing; chapter
 42 25, title 44, Idaho Code, relating to mobile home rehabilitation; chapter
 43 10, title 54, Idaho Code, relating to electrical contractors and journey-
 44 men; chapter 19, title 54, Idaho Code, relating to licensing of public works
 45 contractors; chapter 26, title 54, Idaho Code, relating to plumbing and

1 plumbers; chapter 45, title 54, Idaho Code, relating to public works con-
2 struction management licensing; chapter 50, title 54, Idaho Code, relating
3 to heating, ventilation and air conditioning systems; chapter 80, title 39,
4 Idaho Code, relating to school building safety; and chapter 86, title 39,
5 Idaho Code, relating to elevator safety.

6 (3) The administrator shall cooperate with the industrial commission
7 and aid and assist the commission in its administration of sections 72-720,
8 72-721 and 72-723, Idaho Code, and at the request of the commission shall
9 make inspection of appliances, tools, equipment, machinery, practices or
10 conditions, and shall make a written report to the commission. The adminis-
11 trator shall make recommendations to the commission to aid the commission in
12 its administration of sections 72-720, 72-721 and 72-723, Idaho Code, pro-
13 vided however, that nothing herein shall be construed as transferring to the
14 administrator any of the authority or powers now vested in the industrial
15 commission.

16 (4) In administering the laws regulating professions, trades and occu-
17 pations that are devolved for administration upon the division, and in addi-
18 tion to the authority granted to the administrator by the laws and rules of
19 the agencies and entities within the division, the administrator may:

20 (a) Revise the operating structure of the division as needed to provide
21 efficient and appropriate services to the various professions, trades,
22 occupations and programs administered within the division;

23 (b) Conduct examinations to ascertain the qualifications and fitness
24 of applicants to exercise the profession, trade or occupation for which
25 an examination is held; pass upon the qualifications of applicants for
26 reciprocal licenses, certificates and authorities; prescribe rules for
27 a fair and impartial method of examination of candidates to exercise the
28 respective professions, trades or occupations; issue registrations,
29 licenses and certificates; and until fees are established in rule, the
30 administrator shall charge a fee of seventy-five dollars (\$75.00) for
31 each examination administered;

32 (c) Conduct hearings on proceedings to discipline, renew or reinstate
33 licenses, certificates or authorities of persons exercising the re-
34 spective professions, trades or occupations; appoint hearing officers,
35 administer oaths, issue subpoenas, and compel the attendance of wit-
36 nesses; revoke, suspend, refuse to renew, or take other disciplinary
37 action against such licenses, certifications or authorities; and pre-
38 scribe rules to recover costs and fees incurred in the investigation and
39 prosecution of any certificate holder, licensee or registrant of the
40 division, its boards, bureaus and programs, in accordance with the con-
41 tested case provisions of chapter 52, title 67, Idaho Code, and the laws
42 and rules of the boards, bureaus and programs the division administers;

43 (d) Assess civil penalties as authorized;

44 (e) Promulgate rules establishing: a coordinated system for the
45 issuance, renewal, cancellation and reinstatement of licenses, cer-
46 tificates, registrations and permits; assessment of all related fees;
47 the terms by which fees may be prorated, if any; and procedures for the
48 replacement of lost or destroyed licenses, certificates or registra-
49 tions; and

1 (f) Promulgate other rules as may be necessary for the orderly admin-
 2 istration of the chapters specified in subsection (2) of this section
 3 and such rules as may otherwise be required by those chapters as well as
 4 rules for the standardization of operating procedures.

5 (5) Notwithstanding any law governing any specific board, bureau or
 6 program comprising the division of building safety, each board member shall
 7 hold office until a successor has been duly appointed and qualified.

8 (6) The administrator shall have the authority to employ individuals,
 9 make expenditures, enter into contracts, require reports, make investiga-
 10 tions, travel, and take other actions deemed necessary.

11 SECTION 51. That Section 67-2603, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 67-2603. BUREAU CHIEF -- EXPENSES. ~~(1)~~ The chief administrative of-
 14 ficer of the bureau of occupational licenses shall be the bureau chief who
 15 shall be appointed by the governor and shall serve at the pleasure of the gov-
 16 ernor. The expenses of the bureau chief, and such secretarial, technical or
 17 other personnel as he may deem necessary for the conduct of the affairs of the
 18 bureau, shall be paid from the occupational licenses fund.

19 SECTION 52. That Section 67-2724, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 67-2724. OFFICERS AND PERSONS AUTHORIZED TO MAKE INSPECTIONS AND EX-
 22 AMINATIONS. The governor, state controller, or the department of finance, or
 23 any person authorized in writing by them or it, may, during business hours,
 24 in the presence of the treasurer or his deputy, inspect and examine the books
 25 of account in the office of the treasurer, and all contracts, writings, secu-
 26 rities, and other papers belonging to the state, or pertaining to the busi-
 27 ness thereof, held by the treasurer, and may inspect and count the moneys
 28 belonging to this state and the several funds thereof in the custody of the
 29 treasurer, and it is hereby made the duty of the state treasurer to furnish
 30 all reasonable facilities for the purpose.

31 And the governor, state treasurer, or the department of finance, or any
 32 person authorized in writing by them or it, may, likewise, during business
 33 hours, in the presence of the state controller or his deputy, inspect and
 34 examine the books of account in the office of the state controller, and all
 35 contracts, writings, securities, bonds, and other papers belonging to the
 36 state, or pertaining to the business thereof in the custody of the state con-
 37 troller, and it is hereby made the duty of the state ~~state~~ controller to fur-
 38 nish all reasonable facilities for the purpose.

39 SECTION 53. That Section 67-3002, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

41 67-3002. POSITIVE IDENTIFICATION -- FINGERPRINTS REQUIRED. To ensure
 42 positive identification and system integrity, criminal history records
 43 shall be supported by fingerprints, which may be maintained manually, elec-
 44 tronically or on optical disk. The records shall be linked to an automated
 45 fingerprint identification system. For the purpose of including prescribed

1 information categories, the system may be linked with databases maintained
 2 by other state agencies. Whenever possible, the reporting of information by
 3 criminal justice agencies relating to the categories identified in section
 4 67-3001(4), Idaho Code, shall be conducted electronically or by magnetic
 5 medium. Any technology used in this process will conform to the standards,
 6 guidelines and conventions established by the ~~information~~ Idaho technology
 7 ~~resource management council~~ authority.

8 SECTION 54. That Section 67-3531, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 67-3531. ANNUAL STATEWIDE INDIRECT COST ALLOCATION PLAN. (1) The di-
 11 vision of financial management shall develop an annual statewide indirect
 12 cost allocation plan in accordance with ~~circular A-87 of the federal office~~
 13 ~~of management and budget~~ 2 CFR 225 et seq. The central service costs of the
 14 various central service agencies shall be allocated annually to the recip-
 15 ient state agencies, and such central service costs shall be included in an
 16 agency's indirect cost plans for the purpose of determining an indirect cost
 17 rate with the cognizant federal agency, and shall be included in an agency's
 18 federal grant application.

19 (2) In conjunction with the respective state service agency, the di-
 20 vision of financial management shall prepare an estimate of costs for state
 21 budgeting purposes for services provided by the attorney general, the state
 22 treasurer and the state controller. The division of financial management
 23 shall notify all state agencies of these cost estimates for the next fiscal
 24 year on or before November 1. The division of financial management and the
 25 legislative services office shall allow state agencies to modify their bud-
 26 get requests in response to such estimates.

27 (3) The division of financial management shall assess each recipient
 28 agency up to one hundred percent (100%) of the amounts allocated in the
 29 statewide cost allocation plan. Amounts so assessed shall be separately
 30 accounted for and can be expended only after legislative appropriation.

31 SECTION 55. That Section 67-4308, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 67-4308. NIAGRA NIAGARA SPRINGS -- APPROPRIATION OF WATERS IN TRUST
 34 FOR PEOPLE. The park and recreation board is hereby authorized and directed
 35 to appropriate in trust for the people of the state of Idaho the unappropri-
 36 ated natural spring flow arising upon the area described as follows, to-wit:

37 That portion of lot one (1), of section ten (10), and lot three (3), of
 38 section eleven (11), township nine (9) south, range fifteen (15) east of the
 39 Boise Meridian, which is locally known as the Niagra Niagara Springs and lim-
 40 ited to that portion of Niagra Niagara Springs upstream from the present ex-
 41 isting diversions to the headwaters of the springs.

42 The preservation of water in the area described for its scenic beauty
 43 and recreational purposes necessary and desirable for all citizens of the
 44 state of Idaho is hereby declared to be a beneficial use of such water.

45 No fee shall be required in connection with said appropriation by the
 46 park and recreation board or the permit issued in connection therewith, but

1 license shall issue at any time upon proof of beneficial use to which said wa-
2 ters are now dedicated.

3 The park and recreation board, or its successor, shall be deemed to be
4 the holder of such permit, in trust for the people of the state, and the pub-
5 lic use of the waters in the specific area herein described is declared to be
6 of greater priority than any other use except that of domestic consumption.

7 SECTION 56. That Section 67-4501, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-4501. STATE BIRD DESIGNATED. The Mountain Bluebird (*Sialia ~~arctica~~*
10 *currucoides*) is hereby designated and declared to be the state bird of the
11 state of Idaho.

12 SECTION 57. That Section 67-4504, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 67-4504. STATE TREE DESIGNATED. The White Pine (*Pinus ~~Monticola~~*
15 *monticola*) is hereby designated and declared to be the state tree of the
16 state of Idaho.

17 SECTION 58. That Section 67-5714, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-5714. DIVISION OF PURCHASING. There is hereby created within the
20 department of administration the division of purchasing. The director of
21 the department of administration shall appoint an administrator for the di-
22 vision of purchasing, subject to the approval of the governor. The admin-
23 istrator shall be exempt from the provisions of the state merit system. The
24 administrator of the division may employ additional personnel as may be nec-
25 essary, and may contract for professional services or assistance when neces-
26 sary or ~~desireable~~ desirable.

27 SECTION 59. That Section 67-6603, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 67-6603. APPOINTMENT OF POLITICAL TREASURER. (a) Each candidate and
30 political committee shall appoint a political treasurer and certify the full
31 name and complete address of the political treasurer to the ~~S~~secretary of
32 ~~S~~state. A political treasurer so appointed shall be a registered elector of
33 this state. An individual may be appointed and serve as political treasurer
34 for a candidate and a political committee or two (2) or more candidates or po-
35 litical committees. A candidate may appoint himself his own political trea-
36 surer.

37 (b) A candidate or political committee may remove his or its political
38 treasurer. In case of the death, resignation or removal of his or its polit-
39 ical treasurer before compliance with all obligations of a political trea-
40 surer under this act, such candidate or political committee shall appoint
41 a successor and certify the name and address of the successor in the manner
42 provided in the case of an original appointment.

1 (c) No contribution shall be received or expenditure made by or on be-
2 half of a candidate or political committee:

3 (1) ~~u~~Until the candidate or political committee appoints a political
4 treasurer and certifies the name and address of the political treasurer to
5 the ~~S~~secretary of ~~S~~state, ~~or,~~ in the event of a vacancy in the office of po-
6 litical treasurer, has certified the name and address of the successor as
7 provided ~~therin~~ therein; and

8 (2) ~~u~~Unless the contribution is received or expenditure made by or
9 through the political treasurer for the candidate or political committee.

10 SECTION 60. That Section 67-6621, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 67-6621. DUTIES OF LOBBYISTS. A person required to register as a lob-
13 byist under this act shall also have the following obligations, the viola-
14 tion of which shall ~~constitute~~ constitute cause for revocation of his regis-
15 tration, and may subject such person, and such person's employer, if such
16 employer aids, abets, ratifies or confirms any such act, to other civil lia-
17 bilities, as provided by this act: (a) Such persons shall obtain and pre-
18 serve all accounts, bills, receipts, books, papers, and documents neces-
19 sary to substantiate the financial reports required to be made under this act
20 for a period of at least three (3) years from the date of the filing of the
21 statement containing such items, which accounts, bills, receipts, books,
22 papers and documents shall be made available for inspection by the secre-
23 tary of state at any reasonable time during such three (3) year period; pro-
24 vided, however, that if a lobbyist is required under the terms of his employ-
25 ment contract to turn any records over to his employer, responsibility for
26 the preservation of such records under this subsection shall rest with such
27 employer.

28 (b) In addition, a person required to register as a lobbyist shall not:

29 (1) Engage in any activity as a lobbyist before registering as such;

30 (2) Knowingly deceive or attempt to deceive any legislator to any fact
31 pertaining to any pending or proposed legislation;

32 (3) Cause or influence the introduction of any bill or amendment
33 thereto for the purpose of thereafter being employed to secure its de-
34 feat;

35 (4) Knowingly represent an interest adverse to any of his employers
36 without first obtaining such employers' consent thereto after full dis-
37 closure to such employers of such adverse interest;

38 (5) Exercise any economic reprisal, extortion, or unlawful retalia-
39 tion upon any legislator by reason of such legislator's position with
40 respect to, or his vote upon, any pending or proposed legislation;

41 (6) Accept any employment as a lobbyist for a compensation dependent
42 in any manner upon the passage or defeat of any proposed or pending leg-
43 islation or upon any other contingency connected with the action of the
44 legislature or of either branch thereof or of any committee thereof.

45 SECTION 61. That Section 67-7010, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 67-7010. UNNUMBERED VESSELS. ~~(1)~~ It shall be unlawful for an owner of
2 a vessel to have such vessel on the waters of the state of Idaho, or for any
3 person to operate or permit the operation of any vessel on the waters of the
4 state of Idaho, unless it shall have a current certificate of number and dis-
5 play a vessel number and current validation stickers as provided by law.

6 SECTION 62. That Section 67-7016, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-7016. GROSSLY NEGLIGENT OPERATION. Any person who operates any mo-
9 torized vessel on the waters of the state of Idaho without due caution and
10 circumspection, and in a manner as to endanger or be likely to endanger any
11 person or property, shall be guilty of grossly negligent operation and upon
12 conviction shall be punished as provided in section 67-7033, Idaho Code.

13 SECTION 63. That Section 72-519, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 72-519. CREATION OF INDUSTRIAL ADMINISTRATION FUND -- PURPOSE. A fund
16 is hereby created to be known as the industrial administration fund for the
17 purpose of providing funds for administering the ~~workmen's~~ worker's compen-
18 sation law.

19 SECTION 64. That Section 72-1461, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 72-1461. DEATH BENEFITS -- SPOUSE AND THE SURVIVING CHILD OR CHIL-
22 DREN OF FIREFIGHTER KILLED IN PERFORMANCE OF DUTY. (1) In the event a paid
23 firefighter is killed or sustains injury from which death results, while
24 in the performance of duty and leaves surviving a spouse or a spouse with
25 the firefighter's surviving child or children, the spouse, during his or
26 her lifetime, shall be paid from the public employee retirement account the
27 same pension the deceased firefighter would have been entitled to had the
28 deceased firefighter retired as of the date of death, but in no event less
29 than a monthly sum equal to: (a) sixty-five percent (65%) of the average paid
30 firefighter's salary or wage in this state, if the deceased firefighter was
31 an Option I firefighter, less any portion of the benefit transferred to an
32 alternate payee as provided in sections 59-1319 and 59-1320, Idaho Code; or,
33 (b) sixty-five percent (65%) of the deceased firefighter's average monthly
34 salary or wage, based on his average final compensation, if the deceased
35 firefighter was an Option II firefighter, less any portion of the bene-
36 fit transferred to an alternate payee as provided in sections 59-1319 and
37 59-1320, Idaho Code. If the surviving spouse should die, the full retirement
38 pay shall be paid to the firefighter's surviving child or children until they
39 reach the age of eighteen (18) years or shall marry, whichever occurs first;
40 provided, however, that if said deceased firefighter shall have died without
41 leaving a surviving spouse and leaving surviving a child or children, said
42 firefighter's surviving child or children shall be entitled to be paid from
43 the public employee retirement account the same pension the deceased fire-
44 fighter would have been entitled to had the deceased firefighter retired as
45 of the date of death, less any portion of the benefit transferred to an al-

1 ternate payee as provided in sections 59-1319 and 59-1320, Idaho Code, until
2 they shall reach the age of eighteen (18) years or shall marry, whichever
3 occurs first.

4 (2) The monthly benefits provided for in this section shall vary an-
5 nually according to the cost of living adjustment as set forth in section
6 72-1471, Idaho Code.

7 (3) Those benefits payable under the provisions of subsection (1) of
8 this section, or under the provisions of section ~~72-1429G~~ 72-1445, Idaho
9 Code, which were ordered prior to July 1, 1978, shall continue under the
10 provisions of this chapter in effect at the time such benefit payment was
11 ordered.

12 (4) Eligibility for benefits of surviving spouses that was terminated
13 on or after July 1, 1987, solely because of the spouse's remarriage is hereby
14 reinstated effective July 1, 1992. Such spouses are entitled to have the
15 benefits, including any cost of living allowances approved by the board
16 effective on or after July 1, 1987, commence prospectively effective July
17 1, 1992, or upon their application to the retirement system, whichever is
18 later.