

## 2014 Ida. SB 1258

Enacted, March 17, 2014

### Reporter

2014 Ida. ALS 97; 2014 Idaho Sess. Laws 97; 2014 Ida. Ch. 97; 2014 Ida. SB 1258

IDAHO ADVANCE LEGISLATIVE SERVICE > IDAHO 62ND LEGISLATURE - SECOND REGULAR SESSION >  
CHAPTER NO. 97 > SENATE BILL NO. 1258

### Notice

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### Synopsis

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AN ACT RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 16-1501, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5623, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-5624, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-865, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1003, IDAHO CODE, REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-3201, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-3203, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-4-613, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-5-120, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-41-201, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-44-107, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 28-49-101, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 28-51-105, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 30-1-630, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-1-1302, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 30-3-20, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-1604, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 30-1705, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3403, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3505, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-4819, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1602, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 38-1019, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 40-312, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-317, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-716, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-3813, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; REPEALING SECTION 42-1736, IDAHO CODE, RELATING TO LEGISLATIVE REVIEW OF THE STATE WATER PLAN; AMENDING SECTION 49-244, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-420J, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING THE HEADING FOR CHAPTER 19, TITLE 49, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1218, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2706, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 58-310, IDAHO CODE, TO REMOVE CODE REFERENCES; REPEALING SECTIONS 58-310A AND 58-310B,

IDAHO CODE, RELATING TO LEASES OF LANDS; AND AMENDING SECTION 67-3002, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY.

## Text

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

**SECTION 1.** That Section 16-1501, Idaho Code, be, and the same is hereby amended to read as follows:

**16-1501.**

Minors and adults may be adopted. Any minor child may be adopted by any adult person residing in and having residence in Idaho, in the cases and subject to the rules prescribed in this chapter.

(1) Persons not minors may be adopted by a resident adult in cases where the person adopting has sustained the relation of parent to such adopted person:

(a) For a period in excess of one (1) year while the person was a minor; or

(b) For such period of time or in such manner that the court after investigation finds a substantial family relationship has been created.

(2) Adoptions shall not be denied solely on the basis of the disability of a prospective adoptive parent. **As used in this chapter:**

(a) "Adaptive equipment ~~—~~ " ~~for purposes of this chapter,~~ means any piece of equipment or any item that is used to increase, maintain, or improve the parenting capabilities of a parent with a disability.

(b) "Disability ~~—~~ " ~~for purposes of this chapter,~~ means, with respect to an individual, any mental or physical impairment which substantially limits one (1) or more major life activities of the individual including, but not limited to, self-care, manual tasks, walking, seeing, hearing, speaking, learning ~~—~~ or working ~~—~~ or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania ~~—~~ or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

(c) "Supportive services ~~—~~ " ~~as used in this chapter,~~ means services which assist a parent with a disability to compensate for those aspects of their disability which affect their ability to care for their child and which will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations, or assistance with effective use of adaptive equipment, and accommodations which allow a parent with a disability to benefit from other services, such as Braille texts or sign language interpreters.

(3) If applicable, nothing in this chapter shall modify the requirements of the Indian child welfare act of 1978, 25 U.S.C. ~~section 1902-~~ **1901** , et seq.

**SECTION 2.** That Section 18-5623, Idaho Code, be, and the same is hereby amended to read as follows:

**18-5623. PERSONAL PROPERTY -- RIGHTS OF THIRD PARTIES.**

(1) Within five (5) days of any of the events specified in section 18-5622, Idaho Code, notice, including a copy of the request for forfeiture, shall be given to each co-owner or party in interest who has or claims any right, title or interest in any such personal property according to one (1) of the following methods:

- (a) Upon each co-owner or party in interest in a titled motor vehicle, aircraft or other conveyance, by mailing notice by certified mail to the address of each co-owner and party in interest as given upon the records of the appropriate department of state or federal government where records relating to such conveyances are maintained;
  - (b) Upon each secured party and assignee designated as such in any UCC-1 financing statement on file in an appropriate filing office covering any personal property sought to be forfeited, by mailing notice by certified mail to the secured party and the assignee, if any, at their respective addresses as shown on such financing statement; or
  - (c) Upon each co-owner or party in interest whose name and address is known, by mailing notice by registered mail to the last known address of such person.
- (2) Within twenty (20) days after the mailing of the notice, the co-owner or party in interest may file a verified answer and claim to the property described in the notice.
- (3) If a verified answer is filed within twenty (20) days after mailing of the notice, the forfeiture proceeding against all co-owners and parties in interest who have filed verified answers shall be set for hearing before the court without a jury on a day not less than sixty (60) days after the mailing of the notice; and the proceeding shall have priority over other civil cases.
  - (a) At the hearing, any co-owner or party in interest who has a verified answer on file may show by competent evidence that his interest in the titled motor vehicle, aircraft or other conveyance is not subject to forfeiture because he could not have known in the exercise of reasonable diligence that the titled motor vehicle, aircraft or other conveyance was being used, had been used or was intended to be used for the purposes described in section 18-5612, Idaho Code.
  - (b) A co-owner or claimant of any right, title or interest in the property may prove that his right, title or interest, whether under a lien, mortgage, security agreement, conditional sales contract or otherwise, was created without any knowledge or reason to believe that the property was being used, had been used or was intended to be used for the purpose alleged.
    - (i) In the event of such proof, the court shall order that portion of the property or interest released to the bona fide or innocent co-owner, purchaser, lienholder, mortgagee, secured party or conditional sales vendor.
    - (ii) If the amount due to such person is less than the value of the property, the property may be sold at public auction or in another commercially reasonable method by the attorney general or appropriate prosecuting attorney. If sold at public auction, the attorney general or appropriate prosecuting attorney shall publish a notice of the sale by at least one (1) publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one (1) week prior to sale of the property. The proceeds from such sale shall be distributed as follows in the order indicated:
      - 1. To the bona fide or innocent co-owner, purchaser, conditional sales vendor, lienholder, mortgagee or secured party of the property, if any, up to the value of his interest in the property;
      - 2. The balance, if any, in the following order:
        - (A) To the attorney general or appropriate prosecuting attorney for all expenditures made or incurred in connection with the sale, including expenditure for any necessary repairs, storage or transportation of the property, and for all expenditures made or incurred by him in connection with the forfeiture proceedings including, but not limited to, expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling and investigation.
        - (B) To the law enforcement agency of this state that seized the property for all expenditures for traveling, investigation, storage and other expenses made or incurred

after the seizure and in connection with the forfeiture of any property seized under the provisions of this chapter.

- (C) The remainder, if any, to the crime ~~–victim's–~~ victims compensation account as established in section 72-1009, Idaho Code.
- (4) Notwithstanding any other provision of this section, upon being satisfied that the interest of a co-owner or claimant should not be subject to forfeiture because they neither knew nor should have known that the personal property was being used or had been used for the purposes alleged, or that due to preexisting security interests in such property there is no equity that may be forfeited, the attorney general or appropriate prosecuting attorney may release the property to the co-owner, holder of the security interest or other claimant.
- (5) In any case, the attorney general or appropriate prosecuting attorney may, within thirty (30) days after order of forfeiture, pay the balance due to the bona fide lienholder, mortgagee, secured party or conditional sales vendor and thereby purchase the property for use to enforce this chapter.

**SECTION 3.** That Section 18-5624, Idaho Code, be, and the same is hereby amended to read as follows:

**18-5624. REAL PROPERTY -- RIGHTS OF THIRD PARTIES.**

- (1) Real property subject to forfeiture under the provisions of this chapter may be seized by the attorney general or appropriate prosecuting attorney upon determining that a parcel of property is subject to forfeiture, by filing a notice of seizure with the recorder of the county in which the property or any part thereof is situated. The notice must contain a legal description of the property sought to be forfeited; provided however, that in the event the property sought to be forfeited is part of a greater parcel, the attorney general or appropriate prosecuting attorney may, for the purposes of this notice, use the legal description of the greater parcel. The attorney general or appropriate prosecuting attorney shall also send by certified mail a copy of the notice of seizure to any persons holding a recorded interest or of whose interest the attorney general or appropriate prosecuting attorney has actual knowledge. The attorney general or appropriate prosecuting attorney shall post a similar copy of the notice conspicuously upon the property and publish a copy thereof once a week for three (3) consecutive weeks immediately following the seizure in a newspaper published in the county. The co-owner or party in lawful possession of the property sought to be forfeited may retain possession and use thereof and may collect and keep income from the property while the forfeiture proceedings are pending.
- (2) In the event of a seizure pursuant to subsection (1) of this section, a request for forfeiture shall be filed with the trial court within the time limit imposed by section 18-5620, Idaho Code. The request shall be served in the same manner as complaints subject to Idaho rules of civil procedure on all persons having an interest in the real property sought to be forfeited.
- (3) Notwithstanding any other provision of this section, upon being satisfied that the interest of a co-owner or claimant should not be subject to forfeiture because they neither knew nor should have known that the real property was being used or had been used for the purposes alleged, or that due to preexisting security interests in such property there is no equity that may be forfeited, the attorney general or appropriate prosecuting attorney may release the property to the co-owner, holder of the security interest or other claimant.
- (4) Within twenty (20) days of the mailing of the notice, the co-owner or party in interest may file a verified answer and claim to the property described in the notice.
- (5) If a verified answer is filed within twenty (20) days after mailing of the notice, the forfeiture proceeding against all co-owners and parties in interest who have filed verified answers shall be set for hearing before the court without a jury on a day not less than sixty (60) days after the mailing of the notice; and the proceeding shall have priority over other civil cases.
- (a) A co-owner or claimant of any right, title or interest in the real property sought to be forfeited may prove that his right, title or interest, whether under a lien, mortgage, deed of trust or otherwise, was

created without any knowledge or reason to believe that the real property was being used or had been used for the purposes alleged;

- (b) Any co-owner who has a verified answer on file may show by competent evidence that his interest in the property sought to be forfeited is not subject to forfeiture because he could not have known in the exercise of reasonable diligence that the real property was being used or had been used in any manner in violation of the provisions of section 18-5612, Idaho Code.
- (6) In the event of such proof, the court shall order the release of the interest of the co-owner, purchaser, lienholder, mortgagee or beneficiary.
  - (a) If the amount due to such person is less than the value of the real property, the real property may be sold in a commercially reasonable manner by the attorney general or appropriate prosecuting attorney. The proceeds from such sale shall be distributed as follows in the order indicated:
    - (i) To the innocent co-owner, purchaser, mortgagee or beneficiary of the real property, if any, up to the value of his interest in the real property;
    - (ii) The balance, if any, in the following order:
      1. To the attorney general or appropriate prosecuting attorney for all expenditures made or incurred in connection with the sale, including expenditure for any necessary repairs or maintenance of the real property, and for all expenditures made or incurred in connection with the forfeiture proceedings including, but not limited to, expenditures for witnesses' fees, reporters' fees, transcripts, printing, travel, investigation, title company fees and insurance premiums.
      2. The remainder, if any, to the crime ~~-victim's-~~ **victims** compensation account as established in section 72-1009, Idaho Code.
  - (b) In any case, the attorney general or appropriate prosecuting attorney may, within thirty (30) days after the order of forfeiture, pay the balance due to the innocent co-owner, purchaser, lienholder, mortgagee or beneficiary and thereby purchase the real property for use in the enforcement of this chapter.

**SECTION 4.** That Section 19-865, Idaho Code, be, and the same is hereby amended to read as follows:

**19-865.**

Application of act -- State courts -- Federal courts. This act applies only to representation in the courts of this state, except that it does not prohibit a defending attorney from representing an indigent person in a federal court of the United States, if:

- (1) The matter arises out of or is related to an action pending or recently pending in a court of criminal jurisdiction of the state; or
- (2) Representation is under a plan of the United States ~~-D-~~ **d** istrict ~~-C-~~ **c** ourt as required by the criminal justice act of 1964, [18 U.S.C. 3006A](#), and is approved by the board of county commissioners.

**SECTION 5.** That Section 23-1003, Idaho Code, be, and the same is hereby amended to read as follows:

**23-1003. Brewers', dealers' and wholesalers' licenses.**

- (a) Before any brewer shall manufacture or any dealer or wholesaler import or sell beer within the state of Idaho **■**, he shall apply to the director for a license ~~-so to do-~~. The application form shall be prescribed and furnished by the director and require that the applicant ~~-therein-~~ show that he possesses all the qualifications and none of the disqualifications of a licensee. To determine qualification for a license, the director shall cause an investigation that shall include a fingerprint-based criminal history check of

the Idaho central criminal history database and the federal bureau of investigation criminal history database. Each person listed as an applicant on an initial application shall submit a full set of fingerprints and the fee to cover the cost of the criminal history background check ~~for such person~~ with the application. The application shall also be accompanied by the required licensee fee; provided, that where the applicant is or will be within more than one (1) of the foregoing classifications ~~he~~ he shall apply for each classification but shall pay only one (1) license fee, which shall be for the classification ~~applied for~~ requiring the highest fee. If the director is satisfied that the applicant possesses the qualifications and none of the disqualifications for ~~such~~ the license, he shall issue a license for each classification applied for, subject to the restrictions and upon the conditions in this act specified, which license or licenses shall be at all times prominently displayed in the place of business of the licensee.

- (b) Each wholesaler shall, in addition to the application, file with the director a notice in writing signed by the dealer or brewer and the wholesaler stating the geographic territory within which the wholesaler will distribute beer to retailers. ~~Said~~ The territory will be ~~the territory~~ agreed upon between the dealer or brewer and the wholesaler and may not be changed or modified without the consent of both the dealer or brewer and the wholesaler. Provided however, nothing ~~contained herein~~ in this section shall be interpreted to prohibit a brewer or dealer from permitting more than one (1) distributor for the same geographic territory.
- (c) In the event that a wholesaler sells beer to a retailer who is located outside the geographical territory designated by ~~such~~ that wholesaler on the notice provided for in subsection (b) of this section, the dealer or wholesaler who has designated the geographical territory in which the sale occurred may apply to a district court of this state for the issuance of an injunction enjoining sales of beer by the wholesaler outside of his designated geographical territory. The procedure for issuance of an injunction pursuant to this act shall be subject to the Idaho rules of civil procedure. Upon proof to the court that a wholesaler has made a sale of beer outside his designated geographical territory, the court shall issue an injunction directed to the wholesaler prohibiting sales of beer outside his designated geographical territory.
- (d) Any brewer licensed within the state of Idaho who produces fewer than thirty thousand (30,000) barrels of beer annually, upon payment of a retailer's annual license fee, may be issued a brewer's retail beer license for the retail sale of the products of his brewery at his licensed premises or one (1) remote retail location, or both. Any brewer selling beer at retail or selling to a retailer must pay the taxes required in section 23-1008, Idaho Code, but need not be licensed as a wholesaler for the purpose of selling beer at the brewery or at one (1) remote retail location.
- (e) Any brewer licensed within the state of Idaho who produces fewer than thirty thousand (30,000) barrels of beer annually ~~may~~ may be issued a brewer's pub license. Upon payment of a retailer's annual license fee, and subject to the fees in sections 23-1015 and 23-1016, Idaho Code, a brewer may, at his licensed brewery ~~or~~ or at one (1) remote retail location, or both, sell at retail the products of any brewery by the individual bottle, can or glass. Any brewer selling beer at retail or selling to a retailer must pay the taxes required in section 23-1008, Idaho Code, on the products of his brewery, but need not be licensed as a wholesaler for the purpose of selling beer at the brewery or at one (1) remote retail location.
- (f) A brewer licensed under the provisions of subsection (d) or (e) of this section may be licensed as a wholesaler for the sale of beer to retailers other than at the licensed brewery and one (1) remote retail location and shall not be required to pay an additional fee ~~therefor~~. Such brewer shall, however, comply with and be subject to all other regulations or provisions of law ~~which~~ that apply to a wholesaler's license, ~~save and~~ except as ~~such~~ the laws may restrict ~~such~~ sales at the licensed brewery or one (1) other remote retail location. The holder of a brew pub license shall not be disqualified from holding a retail wine license or wine by the drink license for the sale of wine at the brew pub premises on the grounds that ~~said~~ the licensee is also licensed as a wholesaler.

**SECTION 6.** That Section 25-3201, Idaho Code, be, and the same is hereby amended to read as follows:



**25-3201.**

Definitions. When used in this act:

- ( ~~a~~ 1 ) The term "rendering establishment" means a place of business that deals in rendering material of animal origin and processes it into finished products in such a way that risk, damage, or nuisance to animal or public health is avoided. Any person who receives from any other person the body of any dead animal for the purposes of obtaining the hide, skin, grease, meat, bones, or parts thereof from such animal for further processing to a finished form as described in paragraph ( ~~e~~ 5 ) of this section is deemed to be engaged in the business of disposing and rendering of the bodies of dead animals or parts thereof.
- ( ~~b~~ 2 ) The term "rendering material" means and includes any dead animal not slaughtered as food for animals or man, or if slaughtered for food, becomes unsuitable for such use, and includes all parts of dead animals and all inedible by-products of animals slaughtered or processed as food.
- ( ~~c~~ 3 ) The term "animal" means any member of the animal kingdom such as fish, reptiles, birds and mammals, etc.
- ( ~~d~~ 4 ) The term "4-D animals" means dead, dying, disabled, or diseased animals.
- ( ~~e~~ 5 ) The term "finished products" means any product or material processed or manufactured from rendering material or from 4-D animals by a rendering establishment or establishment processing 4-D animals such as bone meal, blood meal, meat meal, tankage, feather meal, tallow, etc., or fresh frozen, partially cooked, or cooked or canned pet, fur animal, or other animal feed.
- ( ~~f~~ 6 ) The term "establishments processing 4-D animals" means a place of business that processes the carcasses or any part of carcasses of 4-D animals to be used as feed for dogs, cats, fur-bearing or other animals.
- ( ~~g~~ 7 ) The term "inspector" means a state employee trained and assigned to inspect rendering plants and establishments processing 4-D animals.
- ( ~~h~~ 8 ) The term "department" means the state department of agriculture.
- ( ~~i~~ 9 ) The term "laboratory tests" means tests conducted as deemed necessary by the department to ensure that the finished product meets required specifications for quality and safety (to include protein analysis, contaminating agents of disease, etc.); such laboratory tests to be performed in laboratories approved as provided in paragraph ( ~~h~~ 8 ) of this section and on samples of finished products collected by the inspector.

**SECTION 7.** That Section 25-3203, Idaho Code, be, and the same is hereby amended to read as follows:

**25-3203.**

Establishing standards for establishments prior to application for license. The license referred to in section 25-3202 , ~~of this act~~ Idaho Code, shall be issued to an establishment only if the following requirements are met:

- ( ~~a~~ 1 ) A fee of twenty-five dollars ( \$ 25.00 ) for the issuance of a license shall be paid to the state by the licensee, subject to renewal each year.
- ( ~~b~~ 2 ) All rendering establishments and establishments processing 4-D animals are to be constructed in such a manner as to protect the finished product and to prevent pollution of surrounding environment or creation of a nuisance to the public.
- ( ~~c~~ 3 ) All rendering material shall be transported to the rendering establishment in covered and leak-proof vehicles, such vehicles to be used for this purpose only and to be cleaned and disinfected after delivering each load.
- ( ~~d~~ 4 ) All rendering material shall be heated to a sufficient temperature for a sufficient length of time to destroy all pathogens and processed under sanitary procedures that prohibit the recontamination of the product after cooking.
- ( ~~e~~ 5 ) The finished product shall be transported from the rendering establishment or the establishment processing 4-D animals in a clean vehicle in such a manner that will prevent contamination.

( ~~f~~ 6 ) Rendering establishments and establishments processing 4-D animals may be inspected periodically by an inspector who may procure samples for laboratory testing.

**SECTION 8.** That Section 28-4-613, Idaho Code, be, and the same is hereby amended to read as follows:

**28-4-613. Erroneous payment orders.**

- (1) If an accepted payment order was transmitted pursuant to a security procedure for the detection of error and the payment order (i) erroneously instructed payment to a beneficiary not intended by the sender, (ii) erroneously instructed payment in an amount greater than the amount intended by the sender, or (iii) was an erroneously transmitted duplicate of a payment order previously sent by the sender, the following rules apply:
  - (a) If the sender proves that the sender or a person acting on behalf of the sender pursuant to section 28-4-614 , Idaho Code, complied with the security procedure and that the error would have been detected if the receiving bank had also complied, the sender is not obliged to pay the order to the extent stated in subsections (2) and (3) of this section.
  - (b) If the funds transfer is completed on the basis of an erroneous payment order described in clause (i) or (iii) of subsection (1) of this section, the sender is not obliged to pay the order and the receiving bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.
  - (c) If the funds transfer is completed on the basis of a payment order described in clause (ii) of subsection (1) of this section, the sender is not obliged to pay the order to the extent the amount received by the beneficiary is greater than the amount intended by the sender. In that case, the receiving bank is entitled to recover from the beneficiary the excess amount received to the extent allowed by the law governing mistake and restitution.
- (2) If (i) the sender of an erroneous payment order described in subsection (1) of this section is not obliged to pay all or part of the order, and (ii) the sender receives notification from the receiving bank that the order was accepted by the bank or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care, on the basis of information available to the sender, to discover the error with respect to the order and to advise the bank of the relevant facts within a reasonable time, not exceeding ninety (90) days, after the bank's notification was received by the sender. If the bank proves that the sender failed to perform that duty, the sender is liable to the bank for the loss the bank proves it incurred as a result of the failure, but the liability of the sender may not exceed the amount of the sender's order.
- (3) This section applies to amendments to payment orders to the same extent it applies to payment orders.

**SECTION 9.** That Section 28-5-120, Idaho Code, be, and the same is hereby amended to read as follows:

**28-5-120. Security interest of issuer or nominated person.**

- (a) An issuer or nominated person has a security interest in a document presented under a letter of credit to the extent that the issuer or nominated person honors or gives value for the presentation.
- (b) So long as and to the extent that an issuer or nominated person has not been reimbursed or has not otherwise recovered the value given with respect to a security interest in a document under subsection (a) of this section, the security interest continues and is subject to chapter 9, title 28, Idaho Code, but:
  - (1) A security agreement is not necessary to make the security interest enforceable under section 28-9-203(b)(3) , Idaho Code ;
  - (2) If the document is presented in a medium other than a written or other tangible medium, the security interest is perfected; and



- (3) If the document is presented in a written or other tangible medium and is not a certificated security, chattel paper, a document of title, an instrument, or a letter of credit, the security interest is perfected and has priority over a conflicting security interest in the document so long as the debtor does not have possession of the document. This act applies to a letter of credit that is issued on or after the effective date of this act. This act does not apply to a transaction, event, obligation, or duty arising out of or associated with a letter of credit that was issued before the effective date of this act.

**SECTION 10.** That Section 28-41-201, Idaho Code, be, and the same is hereby amended to read as follows:

**28-41-201. Territorial application.**

- (1) Except as otherwise provided in this section, this act applies to sales and loans made in this state and to modifications, including refinancings, consolidations, and deferrals ~~—~~ made in this state, of sales and loans, wherever made. For purposes of this act  , a sale, loan ~~—~~ or modification of a sale or loan is made in this state if:
- (a) A written agreement evidencing the obligation or offer of the consumer is received by the creditor in this state; or
  - (b) A consumer who is a resident of this state enters into the transaction with a creditor who has solicited or advertised in this state by any means including, but not limited to, mail, brochure, telephone, print, radio, television, internet or any other electronic means.
- (2) Notwithstanding subsection (1)(b) of this section, unless made subject to this act by agreement of the parties, a sale, loan ~~—~~ or modification of a sale or loan is not made in this state if a resident of this state enters into the transaction while physically present in another state.
- (3) The part on limitations on creditors' remedies, part 1 of the chapter on remedies and penalties, chapter 45, title 28, Idaho Code, applies to actions or other proceedings brought in this state to enforce rights arising from regulated credit sales or regulated loans, or extortionate extensions of credit, wherever made.
- (4) If a regulated credit sale or regulated loan ~~—~~ or modification thereof, is made in another state to a person who is a resident of this state when the sale, loan ~~—~~ or modification is made, the following provisions apply as though the transaction occurred in this state:
- (a) A seller, lender ~~—~~ or assignee of his rights ~~—~~ may not collect charges through actions or other proceedings in excess of those permitted by ~~the~~ chapter 42, title 28, Idaho Code, on finance charges and related provisions; and
  - (b) A seller, lender ~~—~~ or assignee of his rights ~~—~~ may not enforce rights against the buyer or debtor, with respect to the provisions of agreements which violate the provisions on limitations on agreements and practices, part 3  , ~~of~~ chapter 43, title 28, Idaho Code.
- (5) Except as provided in subsection (3) of this section, a sale, loan ~~—~~ or modification thereof ~~—~~ made in another state to a person who was not a resident of this state when the sale, loan or modification was made is valid and enforceable according to its terms to the extent that it is valid and enforceable under the laws of the state applicable to the transaction.
- (6) For the purposes of this act, the residence of a buyer or debtor is the address given by him as his residence in any writing signed by him in connection with a credit transaction. Until he notifies the creditor of a new or different address, the given address is presumed to be unchanged.
- (7) Notwithstanding other provisions of this section:
- (a) Except as provided in subsection (3) of this section, this act does not apply if the buyer or debtor is not a resident of this state at the time of a credit transaction and the parties then agree that the law of his residence applies; and

- (b) This act applies if the buyer or debtor is a resident of this state at the time of a credit transaction and the parties then agree that the law of this state applies.
- (8) Except as provided in subsection (7) of this section, the following agreements by a buyer or debtor are invalid with respect to regulated credit sales, regulated loans ~~or~~ or modifications thereof ~~or~~ to which this act applies:
  - (a) That the law of another state shall apply;
  - (b) That the buyer or debtor consents to the jurisdiction of another state; and
  - (c) That fixes venue.
- (9) Notwithstanding any other provision in this section, any person who, in this state, advertises, offers or solicits to make a loan for a consumer purpose, or arranges a payday loan for a third party lender, is engaging in business in this state for which a license is required under the Idaho credit code, unless exempt pursuant to section 28-46-301, Idaho Code.

**SECTION 11.** That Section 28-44-107, Idaho Code, be, and the same is hereby amended to read as follows:

**28-44-107. Maximum charge by creditor for insurance.**

- (1) Except as provided in subsection (2) of this section, if a creditor contracts for or receives a separate charge for insurance, the amount charged to the debtor for the insurance may not exceed the premium to be charged by the insurer, as computed at the time the charge to the debtor is determined, conforming to any rate filings required by law and made by the insurer with the director of the department of insurance.
- (2) A creditor who provides credit insurance in relation to open-end ~~consumer~~ credit, as defined in section 28-41-301, Idaho Code, may calculate the charge to the debtor in each billing cycle by applying the current premium rate to:
  - (a) The average daily unpaid balance of the debt in the cycle;
  - (b) The unpaid balance of the debt or a median amount within a specified range of unpaid balances of debt on approximately the same day of the cycle. The day of the cycle need not be the day used in calculating the finance charge, section 28-42-201, Idaho Code, but the specified range shall be the range used for that purpose; or
  - (c) The unpaid balances of principal calculated according to the actuarial method.

**SECTION 12.** That Section 28-49-101, Idaho Code, be, and the same is hereby amended to read as follows:

**28-49-101. Relationship to other laws.**

- (1) All political subdivisions of this state shall be prohibited from enacting and enforcing ordinances, resolutions and regulations pertaining to the financial or lending activities of persons who:
  - (a) Are subject to the jurisdiction of the department of finance of the state of Idaho, including activities subject to this chapter;
  - (b) Are subject to the jurisdiction or regulatory supervision of the board of governors of the federal reserve system, the office of the comptroller of the currency, ~~the office of thrift supervision,~~ the national credit union administration, the federal deposit insurance corporation, the federal trade commission or the United States department of housing and urban development; or
  - (c) Originate, purchase, sell, assign, securitize or service property interests or obligations created by financial transactions or loans made, executed or originated by persons referred to in subsection (1)(a) or (1)(b) of this section or assist or facilitate such transactions.

- (2) The requirements of this section shall apply to all ordinances, resolutions and regulations pertaining to financial or lending activities, including any ordinances, resolutions or regulations disqualifying persons from doing business with a political subdivision based upon financial or lending activities or imposing reporting requirements or any other obligations upon persons regarding financial or lending activities.

**SECTION 13.** That Section 28-51-105, Idaho Code, be, and the same is hereby amended to read as follows:

**28-51-105. Disclosure of breach of security of computerized personal information by an agency, individual or a commercial entity.**

- (1) A city, county or state agency, individual or a commercial entity that conducts business in Idaho and that owns or licenses computerized data that includes personal information about a resident of Idaho shall, when it becomes aware of a breach of the security of the system, conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be misused. If the investigation determines that the misuse of information about an Idaho resident has occurred or is reasonably likely to occur, the agency, individual or the commercial entity shall give notice as soon as possible to the affected Idaho resident. Notice must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach, to identify the individuals affected, and to restore the reasonable integrity of the computerized data system.

When an agency becomes aware of a breach of the security of the system, it shall, within twenty-four (24) hours of such discovery, notify the office of the Idaho attorney general. Nothing contained ~~herein~~ **in this section** relieves a state agency's responsibility to report a security breach to the office of the chief information officer within the department of administration, pursuant to the ~~information technology resource management council~~ **Idaho technology authority** policies.

Any governmental employee ~~that~~ **who** intentionally discloses personal information not subject to disclosure otherwise allowed by law ~~is~~ is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two thousand dollars (\$ 2,000), or by imprisonment in the county jail for a period of not more than one (1) year, or both.

- (2) An agency, individual or a commercial entity that maintains computerized data that includes personal information that the agency, individual or the commercial entity does not own or license shall give notice to and cooperate with the owner or licensee of the information of any breach of the security of the system immediately following discovery of a breach ~~is~~ if misuse of personal information about an Idaho resident occurred or is reasonably likely to occur. Cooperation includes sharing with the owner or licensee information relevant to the breach.
- (3) Notice required by this section may be delayed if a law enforcement agency advises the agency, individual or commercial entity that the notice will impede a criminal investigation. Notice required by this section must be made in good faith, without unreasonable delay and as soon as possible after the law enforcement agency advises the agency, individual or commercial entity that notification will no longer impede the investigation.

**SECTION 14.** That Section 30-1-630, Idaho Code, be, and the same is hereby amended to read as follows:

**30-1-630. Shareholders' preemptive rights.**

- (1) The shareholders of a corporation do not have a preemptive right to acquire the corporation's unissued shares except to the extent the articles of incorporation so provide.
- (2) A statement included in the articles of incorporation that "the corporation elects to have preemptive rights," or words of similar import, means that the following principles apply except to the extent the articles of incorporation expressly provide otherwise:
  - (a) The shareholders of the corporation have a preemptive right, granted on uniform terms and conditions prescribed by the board of directors to provide a fair and reasonable opportunity to

exercise the right, to acquire proportional amounts of the corporation's ~~unissued~~ unissued shares upon the decision of the board of directors to issue them.

- (b) A shareholder may waive his preemptive right. A waiver evidenced by a writing is irrevocable even though it is not supported by consideration.
  - (c) There is no preemptive right with respect to:
    - (i) Shares issued as compensation to directors, officers, agents or employees of the corporation, its subsidiaries or affiliates;
    - (ii) Shares issued to satisfy conversion rights or option rights created to provide compensation to directors, officers, agents or employees of the corporation, its subsidiaries or affiliates;
    - (iii) Shares authorized in articles of incorporation that are issued within six (6) months from the effective date of incorporation;
    - (iv) Shares sold otherwise than for money.
  - (d) Holders of shares of any class without general voting rights but with preferential rights to distributions or assets have no preemptive rights with respect to shares of any class.
  - (e) Holders of shares of any class with general voting rights but without preferential rights to distributions or assets have no preemptive rights with respect to shares of any class with preferential rights to distributions or assets unless the shares with preferential rights are convertible into or carry a right to subscribe for or acquire shares without preferential rights.
  - (f) Shares subject to preemptive rights that are not acquired by shareholders may be issued to any person for a period of one (1) year after being offered to shareholders at a consideration set by the board of directors that is not lower than the consideration set for the exercise of preemptive rights. An offer at a lower consideration or after the expiration of one (1) year is subject to the shareholders' preemptive rights.
- (3) For purposes of this section, "shares" includes a security convertible into or carrying a right to subscribe for or acquire shares.

**SECTION 15.** That Section 30-1-1302, Idaho Code, be, and the same is hereby amended to read as follows:

**30-1-1302. Right to appraisal.**

- (1) A shareholder is entitled to appraisal rights ~~—~~ and to obtain payment of the fair value of that shareholder's shares ~~—~~ in the event of ~~—~~ any of the following corporate actions:
  - (a) Consummation of a merger to which the corporation is a party:
    - (i) If shareholder approval is required for the merger by section 30-1-1104, Idaho Code, and the shareholder is entitled to vote on the merger, except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series that remain outstanding after consummation of the merger; or
    - (ii) If the corporation is a subsidiary and the merger is governed by section 30-1-1105, Idaho Code;
  - (b) Consummation of a share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the exchange, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged;
  - (c) Consummation of a disposition of assets pursuant to section 30-1-1202, Idaho Code, if the shareholder is entitled to vote on the disposition;

- (d) An amendment of the articles of incorporation with respect to a class or series of shares that reduces the number of shares of a class or series owned by the shareholder to a fraction of a share if the corporation has the obligation or right to repurchase the fractional share so created; or
  - (e) Any other amendment to the articles of incorporation, merger, share exchange or disposition of assets to the extent provided by the articles of incorporation, bylaws or a resolution of the board of directors.
- (2) Notwithstanding subsection (1) of this section, the availability of appraisal rights under subsection ~~s~~ (1)(a), (b), (c) and (d) **of this section** shall be limited in accordance with the following provisions:
- (a) Appraisal rights shall not be available for the holders of shares of any class or series of shares which are:
    - (i) Listed on the New York stock exchange or the American stock exchange or designated as a national market system security on an interdealer quotation system by the ~~national association of securities dealers, inc.~~ **financial industry regulatory authority** ; or
    - (ii) Not so listed or designated, but have at least two thousand (2,000) shareholders and the outstanding shares of such class or series have a market value of at least twenty million dollars (\$ 20,000,000), exclusive of the value of such shares held by its subsidiaries, senior executives, directors and beneficial shareholders owning more than ten percent (10%) of such shares.
  - (b) The applicability of subsection (2)(a) of this section shall be determined as of:
    - (i) The record date fixed to determine the shareholders entitled to receive notice of, and vote at, the meeting of shareholders to act upon the corporate action requiring appraisal rights; or
    - (ii) The day before the effective date of such corporate action if there is no meeting of shareholders.
  - (c) Subsection (2)(a) of this section shall not be applicable and appraisal rights shall be available pursuant to subsection (1) of this section for the holders of any class or series of shares who are required by the terms of the corporate action requiring appraisal rights to accept for such shares anything other than cash or shares of any class or any series of shares of any corporation, or any other proprietary interest of any other entity, that satisfies the standards set forth in subsection (2)(a) of this section at the time the corporate action becomes effective.
  - (d) Subsection (2)(a) of this section shall not be applicable and appraisal rights shall be available pursuant to subsection (1) of this section for the holders of any class or series of shares where:
    - (i) Any of the shares or assets of the corporation are being acquired or converted, whether by merger, share exchange or otherwise, pursuant to the corporate action by a person, or by an affiliate of a person, who:
      - (A) Is, or at any time in the one (1) year period immediately preceding approval by the board of directors of the corporate action requiring appraisal rights was, the beneficial owner of twenty percent (20%) or more of the voting power of the corporation, excluding any shares acquired pursuant to an offer for all shares having voting power if such offer was made within one (1) year prior to the corporate action requiring appraisal rights for consideration of the same kind and of a value equal to or less than that paid in connection with the corporate action; or
      - (B) Directly or indirectly has, or at any time in the one (1) year period immediately preceding approval by the board of directors of the corporation of the corporate action requiring appraisal rights had, the power, contractually or otherwise, to cause the appointment or election of twenty-five percent (25%) or more of the directors to the board of directors of the corporation; or

- (ii) Any of the shares or assets of the corporation are being acquired or converted, whether by merger, share exchange or otherwise, pursuant to such corporate action by a person, or by an affiliate of a person, who is, or at any time in the one (1) year period immediately preceding approval by the board of directors of the corporate action requiring appraisal rights was, a senior executive or director of the corporation or a senior executive of any affiliate thereof, and that senior executive or director will receive, as a result of the corporate action, a financial benefit not generally available to other shareholders as such, other than:
  - (A) Employment, consulting, retirement or similar benefits established separately and not as part of or in contemplation of the corporate action; or
  - (B) Employment, consulting, retirement or similar benefits established in contemplation of, or as part of, the corporate action that are not more favorable than those existing before the corporate action or, if more favorable, that have been approved on behalf of the corporation in the same manner as is provided in section 30-1-862, Idaho Code; or
  - (C) In the case of a director of the corporation who will, in the corporate action, become a director of the acquiring entity in the corporate action or one (1) of its affiliates, rights and benefits as a director that are provided on the same basis as those afforded by the acquiring entity generally to other directors of such entity or such affiliate.
- (e) For the purposes of subsection (2)(d) of this section only, the term "beneficial owner" means any person who, directly or indirectly, through any contract, arrangement, or understanding, other than a revocable proxy, has or shares the power to vote, or to direct the voting of, shares, provided that a member of a national securities exchange shall not be deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because such member is the record holder of such securities if the member is precluded by the rules of such exchange from voting without instruction on contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted. When two (2) or more persons agree to act together for the purpose of voting their shares of the corporation, each member of the group formed thereby shall be deemed to have acquired beneficial ownership, as of the date of such agreement, of all voting shares of the corporation beneficially owned by any member of the group.
- (3) Notwithstanding any other provision of this section, the articles of incorporation as originally filed or any amendment thereto may limit or eliminate appraisal rights for any class or series of preferred shares, but any such limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates appraisal rights for any of such shares that are outstanding immediately prior to the effective date of such amendment or that the corporation is or may be required to issue or sell thereafter pursuant to any conversion, exchange or other right existing immediately before the effective date of such amendment shall not apply to any corporate action that becomes effective within one (1) year of that date if such action would otherwise afford appraisal rights.
- (4) A shareholder entitled to appraisal rights under this part may not challenge a completed corporate action for which appraisal rights are available unless such corporate action:
  - (a) Was not effectuated in accordance with the applicable provisions of part 10, 11 or 12 of this chapter or the corporation's articles of incorporation, bylaws or board of directors' resolution authorizing the corporate action; or
  - (b) Was procured as a result of fraud or material misrepresentation.

**SECTION 16.** That Section 30-3-20, Idaho Code, be, and the same is hereby amended to read as follows:

**30-3-20. Organization of corporation.**

- (1) After incorporation:



- (a) If initial directors are named in the articles of incorporation, the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws and carrying on any other business brought before the meeting;
- (b) If initial directors are not named in the articles, the incorporator or incorporators shall hold an organizational meeting at the call of a majority of the incorporators:
  - (i) To elect directors and complete the organization of the incorporation; or
  - (ii) To elect a board of directors who shall complete the organization of the corporation.
- (2) Action required or permitted by this act to be taken by incorporators at an organizational meeting may be taken without a meeting if the action taken is evidenced by one (1) or more written consents describing the action taken and signed by each incorporator.
- (3) An organizational meeting may be held in or out of this state in accordance with section 30-3- ~~75~~ 46 , Idaho Code.

**SECTION 17.** That Section 30-1604, Idaho Code, be, and the same is hereby amended to read as follows:

**30-1604. Information statement.**

- (1) An acquiring person shall deliver to the issuing public corporation at its principal executive office an information statement containing all the following:
  - (a) The identity of the acquiring person, including the identity of each member of any partnership, limited partnership, syndicate or other group constituting the acquiring person and the identity of each affiliate and associate of the acquiring person, including the identity of each affiliate and associate of each member of such partnership, syndicate or other group;
  - (b) A reference that the information is made under the provisions of this section;
  - (c) The number and class or series of shares of the issuing public corporation beneficially owned, directly or indirectly, before the control share acquisition by each of the persons identified pursuant to paragraph (a) of this subsection ;
  - (d) The number and class or series of shares of the issuing public corporation acquired or proposed to be acquired pursuant to the control share acquisition by each of the persons identified pursuant to paragraph (a) of this subsection and specification of which of the following ranges of voting power in the election of directors that, except for the provisions of this chapter, the acquiring person in good faith believes resulted or would result from consummation of control share ~~acquisition~~ acquisition :
    - 1. At least twenty ~~per cent~~ percent (20%) but less than thirty-three and one-third ~~per cent~~ percent (33 1/3%);
    - 2. At least thirty-three and one-third ~~per cent~~ percent (33 1/3%) but less than or equal to fifty ~~per cent~~ percent (50%); or
    - 3. Over fifty per cent (50%); and
  - (e) The terms of the control share acquisition or proposed control share acquisition, including the source of moneys or other consideration and the material terms of the financial arrangements for the control share acquisition, plans or proposals of the acquiring person, including plans or proposals under consideration to enter into a business combination or combinations involving the issuing public corporation, to liquidate or dissolve the issuing public corporation, to sell all or a substantial part of its assets or merge or consolidate it or exchange its shares with any other person, to change the location of its principal place of ~~business~~ business or its principal executive office or of a material portion of its business activities, to change materially its management or policies of employment, to change materially its charitable or community contributions or its

policies, programs or practices relating thereto, to change materially its relationship with suppliers or customers or the communities in which it operates or to make any other material change in its business, corporate structure, management or personnel and such other objective facts as would be substantially likely to affect the decision of a shareholder with respect to voting on the control share ~~acquisition~~ acquisition .

- (2) If any material change occurs in the facts set forth in the information statement, including any material increase or decrease in the number of shares of the issuing public corporation acquired or proposed to be acquired by the persons identified pursuant to subsection (1)(a) of this section, the acquiring person shall promptly deliver to the issuing public corporation at its principal executive office an amendment to the information statement containing information relating to such material change. An increase or decrease or proposed increase or decrease equal, in the aggregate for all persons identified pursuant to subsection (1)(a) of this section, to one ~~per cent~~ percent (1%) or more of the total number of outstanding shares of any class or series of the issuing public corporation is deemed material for purposes of this subsection. An increase or decrease or proposed increase or decrease of less than this amount may be material, depending on the facts and circumstances.

**SECTION 18.** That Section 30-1705, Idaho Code, be, and the same is hereby amended to read as follows:

**30-1705.**

Requirements. Except as provided in sections 30-1703 and 30-1704, Idaho Code, and notwithstanding any other provisions to the contrary in this title, an issuing public corporation may not engage at any time in any business combination or vote, consent or otherwise act to authorize a subsidiary of the issuing public corporation to engage in any business combination with respect to, proposed by or on behalf of or pursuant to any agreement, arrangement or understanding, whether or not in writing, with an interested shareholder of the issuing public corporation or any affiliate or associate of the interested shareholder other than a business combination meeting all the requirements of this chapter, the articles of the issuing public corporation and the requirements specified in any of the following:

- (1) A business combination approved by the board of the issuing public corporation before the interested shareholder's share acquisition date, or as to which the acquisition of shares made by the interested shareholder on the interested shareholder's share acquisition date had been approved by the board of the issuing public corporation before the interested shareholder's share acquisition date.
- (2) A business combination approved by the affirmative vote of the holders of sixty-six and two-thirds ~~per cent~~ percent (66 2/3%) of the outstanding shares entitled to vote not beneficially owned by the interested shareholder proposing the business combination or any affiliate or associate of the interested shareholder proposing the business combination at a meeting called for that purpose no earlier than three (3) years after the interested shareholder's share acquisition date.
- (3) A business combination, with respect to which the consummation date is no earlier than three (3) years after the interested shareholder's share acquisition date, that meets all the following conditions:
  - (a) The aggregate amount of the cash and the market value as of the consummation date of consideration other than cash to be received per share by holders of outstanding common shares of the issuing public corporation in the business combination is at least equal to the higher of the following:
    1. The highest per share price ~~,~~ ~~+~~ including any brokerage commissions, transfer taxes, and soliciting dealers' fees ~~+~~ ~~,~~ paid by the interested shareholder, at a time when the interested shareholder was the beneficial owner, directly or indirectly, of five ~~per cent~~ percent (5%) or more of the outstanding shares entitled to vote of the issuing public corporation, for any common shares of the same class or series acquired by it within the three (3) year period immediately before the announcement date with respect to the business combination or within the three (3) year period immediately before, or in, the transaction in which the interested shareholder became an interested shareholder, whichever is higher, plus, in either case,

interest compounded annually from the earliest date on which the highest per share acquisition price was paid through the consummation date at the rate for one (1) year United States treasury obligations from time to time in effect less the aggregate amount of cash dividends paid, and the market value of any dividends paid other than in cash, per common share since the earliest date, up to the amount of the interest; and

2. The market value per common share on the announcement date with respect to the business combination or on the interested shareholder's share acquisition date, whichever is higher, plus interest compounded annually from that date through the consummation date at the rate for one (1) year United States treasury obligations from time to time in effect less the aggregate amount of any cash dividends paid and the market value of any dividends paid other than in cash, per common share since that date, up to the amount of the interest.
- (b) The aggregate amount of the cash and the market value as of the consummation date of consideration other than cash to be received per share by holders of outstanding shares of any class or series of shares, other than common shares, of the issuing public corporation in the business combination is at least equal to the highest of the following, whether or not the interested shareholder has previously acquired any shares of the class or series:
1. The highest per share price ~~,~~ ~~+~~ including any brokerage ~~-commissions-~~ ~~commissions~~ , transfer taxes, and soliciting dealers' fees ~~+~~ , paid by the interested shareholder, at a time when the interested shareholder was the beneficial owner, directly or indirectly, of five ~~-per cent-~~ ~~percent~~ (5%) or more of the outstanding shares entitled to vote of the issuing public corporation, for any shares of the class or series acquired by it within the three (3) year period immediately before the announcement date with respect to the business combination or within the three (3) year period immediately before, or in, the transaction in which the interested shareholder became an interested shareholder, whichever is higher, plus, in either case, interest compounded annually from the earliest date on which the highest per share acquisition price was paid through the consummation date at the rate for one (1) year United States treasury obligations from time to time in effect less the aggregate amount of any cash dividends paid and the market value of any dividends paid other than in cash, per share of the class or series since such earliest date, up to the amount of the interest;
  2. The highest preferential amount per share to which the holders of shares of the class or series are entitled in the event of any voluntary liquidation, dissolution or winding up of the issuing public corporation, plus the aggregate amount of any unpaid dividends declared or due as to which the holders are ~~-entitled-~~ ~~entitled~~ before payment of dividends on some other class or series of shares unless the aggregate amount of the dividends is included in the preferential amount; and
  3. The market value per share of the class or series on the announcement date with respect to the business combination or on the interested shareholder's share acquisition date, whichever is higher, plus interest compounded annually from that date through the consummation date at the rate for one (1) year United States treasury obligations from time to time in effect less the aggregate amount of any cash dividends paid and the market value of any dividends paid other than in cash, per share of the class or series since that date, up to the amount of the interest.
- (c) The consideration to be received by holders of a particular class or series of outstanding shares, including common shares, of the issuing public corporation in the business combination is in cash or in the same form as the interested shareholder has used to acquire the largest number of shares of the class or series of shares previously acquired by it and the consideration is distributed promptly.
- (d) The holders of all outstanding shares of the issuing public corporation not beneficially owned by the interested shareholder immediately before the consummation date with respect to the business

combination are entitled to receive in the business combination cash or other consideration for the shares in compliance with paragraphs (a), (b) and (c) of this subsection.

(e) After the interested shareholder's share acquisition date and before the consummation date with respect to the business combination, the interested shareholder has not become the beneficial owner of any additional shares entitled to vote of the issuing public corporation except:

1. As part of the transaction that resulted in the interested shareholder becoming an interested shareholder;
2. By virtue of proportionate share splits, share dividends or other distributions of shares in respect of shares not constituting a business combination;
3. Through a business combination meeting all of the conditions of section 30-1704, Idaho Code, and this subsection; and
4. Through purchase by the interested shareholder at any price that, if the price had been paid in an otherwise permissible business combination the announcement date and consummation date of which were the date of the purchase, would have satisfied the requirements of paragraphs (a), (b) and (c) of this subsection.

**SECTION 19.** That Section 31-3403, Idaho Code, be, and the same is hereby amended to read as follows:

**31-3403.**

Definitions. As used in this chapter:

- (1) "Adult household member" means any individual eighteen (18) years of age and over who resides in the household.
- (2) "Anticipated future income" means a reasonable expectation of income to the household based on an analysis of past income, future income, current income, experience, skills, education, inheritance and possible assets from any source.
- (3) "Applicant" means the individual and all others in the household who are requesting nonmedical assistance ~~and~~ and who submit ~~a~~ a county application.
- (4) "Assets" means property rights including, but not limited to, personal, real, tangible and intangible property.
- (5) "Authorized representative" means the applicant's guardian or appointed attorney-in-fact.
- (6) "Board" means a board of county commissioners.
- (7) "Clerk" means the clerk of a board of county commissioners or his designee.
- (8) "Emergency" means any circumstance demanding immediate action.
- (9) "Household" means a collective body of persons consisting of spouses or parents and their children who reside in the same residence; or all other persons who by choice or necessity are mutually dependent upon each other for basic necessities and who reside in the same residence.
- (10) "Indigent" means any applicant who does not have resources available from whatever source which shall be sufficient to enable the applicant to provide nonmedical assistance or a portion thereof.
- (11) "Information release" means the document authorizing release of confidential information.
- (12) "Investigation" means a detailed examination of the application and information required from the applicant and others to verify eligibility.
- (13) "Nonmedical assistance" means reasonable costs for assistance  , which includes food and shelter  , and other such necessary services determined by the board by resolution.
- (14) "Obligated county for payment" means the county wherein residency has been established.

- (15) "Recipient" means the individual(s) determined eligible for county assistance.
- (16) "Repayment" means the authority of the board of county commissioners to require indigent person(s) to repay the county for assistance when investigation of their application determines their ability to do so.
- (17) "Resident" means a person with a home, house, place of abode, place of habitation, dwelling or place where one actually lived for a consecutive period of thirty (30) days or more prior to the date of application.
- (18) "Resource" means assets, whether tangible or intangible, real or personal, liquid or nonliquid, including, but not limited to, gifts, bequests, grants, all forms of public or private assistance, crime ~~victim's~~ victims compensation, worker's compensation, veteran's benefits, medicaid, medicare and any other property from any source for which an applicant and/or an obligated person may be eligible or in which he or she may have an interest. For purposes of determining approval for nonmedical indigency only, resources shall not include the value of the homestead of the applicant or obligated person's residence, a burial plot, exemptions for personal property allowed in section 11-605(1) through (3), Idaho Code, and additional exemptions allowed by county resolution.

**SECTION 20.** That Section 31-3505, Idaho Code, be, and the same is hereby amended to read as follows:

**31-3505.**

Time and manner of filing applications for financial assistance. Applications for financial assistance shall be filed according to the following time limits. Filing is complete upon receipt by the clerk or the department.

- (1) A completed application for nonemergency necessary medical services shall be filed with the clerk ten (10) days prior to receiving services from the provider or the hospital.
- (2) A completed application for emergency necessary medical services shall be filed with the clerk any time within thirty-one (31) days beginning with the first day of the provision of necessary medical services from the provider, except as provided in subsection (3) of this section.
- (3) In the case of hospitalization, a completed application for emergency necessary medical services shall be filed with the department any time within thirty-one (31) days of the date of admission.
- (4) Requests for additional treatment related to an original diagnosis in accordance with a preapproved treatment plan shall be filed ten (10) days prior to receiving services.
- (5) A delayed application for necessary medical services may be filed up to one hundred eighty (180) days beginning with the first day of the provision of necessary medical services provided that:
  - (a) Written documentation is included with the application or no later than forty-five (45) days after an application has been filed showing that a bona fide application or claim has been filed for social security disability insurance, supplemental security income, third party insurance, medicaid, medicare, crime ~~victim's~~ victims compensation, and/or worker's compensation. A bona fide application means that:
    - (i) The application was timely filed within the appropriate agency's application or claim time period; and
    - (ii) Given the circumstances of the patient and/or obligated persons, the patient and/or obligated persons, and given the information available at the time the application or claim for other resources is filed, would reasonably be expected to meet the eligibility criteria for such resources; and
    - (iii) The application was filed with the appropriate agency in such a time and manner that, if approved, it would provide for payment coverage of the bills included in the county application; and

- (iv) In the discretion of the county commissioners, bills on a delayed application which would not have been covered by a successful application or timely claim to the other resource(s) may be denied by the county commissioners as untimely; and
  - (v) In the event an application is filed for supplemental security income, an Idaho medicaid application must also have been filed within the department of health and welfare's application or claim time period to provide payment coverage of eligible bills included in the county application.
- (b) Failure by the patient and/or obligated persons to complete the application process described in this section, up to and including any reasonable appeal of any denial of benefits, with the applicable program noted in paragraph (a) of this subsection, shall result in denial of the application.
- (6) No application for financial assistance under the county medically indigent program or the catastrophic health care cost program shall be approved by the county commissioners or the board unless the provider or the hospital completes the application process and complies with the time limits prescribed by this chapter.
- (7) Any application or request which fails to meet the provisions of this section, and/or other provisions of this chapter, shall be denied.
- (8) In the event that a county determines that a different county is obligated, such county shall notify the applicant or third party applicant of the denial and shall also notify the county it believes to be the obligated county and provide the basis for the determination. An application may be filed by the applicant or third party applicant in the indicated county within thirty (30) days of the date of the initial county denial.

**SECTION 21.** That Section 31-4819, Idaho Code, be, and the same is hereby amended to read as follows:

**31-4819. Enhanced emergency communications grant fee.**

- (1) ~~Effective from~~ **On and after** July 1, 2013, there shall be an enhanced emergency communications grant fee established by virtue of authority granted by this chapter. The fee shall be twenty-five cents (25[cents]) per month per access or interconnected VoIP service line.
- (a) Such fee shall be authorized by resolution of a majority vote of the board of commissioners of a countywide system or by the governing board of a 911 service area.
- (b) Such fee shall be remitted to the Idaho emergency communications fund provided in section 31-4818(1), Idaho Code, on a quarterly basis by county, city or consolidated emergency communications systems. Such fee shall be dedicated for and shall be authorized for disbursement as grants to eligible entities that are operating consolidated emergency communications systems for use to achieve the purposes of this chapter.
- (~~e~~ **2**) The commission, on an annual basis, shall prepare a budget allocating the grant funds available to eligible entities and the portion of the funds necessary for the continuous operation of the commission to achieve the purposes of this chapter.
- (~~d~~ **3**) To be eligible for grant funds under this chapter, a county or 911 service area must be collecting the emergency communications fee in accordance with section 31-4804, Idaho Code, in the full amount authorized and must also be collecting the enhanced emergency communications grant fee in the full amount authorized in this subsection.
- (~~e~~ **4**) If a county or 911 service area has authorized the collection of the enhanced emergency communications grant fee pursuant to this chapter, such county or 911 service area shall retain the full amount of the emergency communications fee that was set by the board of commissioners or governing board pursuant to section 31-4803, Idaho Code. The county or 911 service area is then also exempt from remitting to the Idaho emergency communications commission one percent (1%) of the total emergency communications fee received by the county or 911 service area as required in section 31-4818(3), Idaho Code. The remaining funds from the enhanced emergency



communications grant fee collected shall then be remitted by the county or 911 service area to the Idaho emergency communications commission.

**SECTION 22.** That Section 33-1602, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1602.**

United States Constitution -- National flag and colors -- National anthem -- "America" -- Citizenship. (1) Instruction in the Constitution of the United States shall be given in all elementary and secondary schools. The state board of education shall adopt such materials as may be deemed necessary for said purpose, and shall also determine the grades in which such instruction shall be given.

(2) Instruction in the proper use, display and history of and respect for the American flag and the national colors shall be given in all elementary and secondary schools. Such instruction shall include the pledge of allegiance to the flag, the words and music of the national anthem, and of "America."

(3) Every school board of trustees shall cause the United States flag to be displayed in every classroom during the school hours of each school day.

(4) Every public school shall offer the pledge of allegiance or the national anthem in grades one (1) through twelve (12) at the beginning of each school day.

(5) No pupil shall be compelled, against the pupil's objections or those of the pupil's parent or guardian, to recite the pledge of allegiance or to sing the national anthem.

( ~~3~~ 6 ) Instruction in citizenship shall be given in all elementary and secondary schools. Citizenship instruction shall include lessons on the role of a citizen in a constitutional republic, how laws are made, how officials are elected, and the importance of voting and of participating in government. Such instruction shall also include the importance of respecting and obeying statutes which are validly and lawfully enacted by the Idaho legislature and the congress of the United States.

**SECTION 23.** That Section 38-1019, Idaho Code, be, and the same is hereby amended to read as follows:

**38-1019.**

Warrants. The board of commissioners may issue warrants of such district in payment of claims of indebtedness against such district. Such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw interest ~~at~~ from the date of issue at a rate established by the board of commissioners. They must be signed by the chairman and attested by the secretary of said board: provided, that no warrant shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

**SECTION 24.** That Section 40-312, Idaho Code, be, and the same is hereby amended to read as follows:

**40-312.**

Powers and duties -- Rules and regulations. The board shall:

(1) Prescribe rules and regulations affecting state highways and turnpike projects ~~and~~ and enforce compliance with those rules and regulations.

(2) Establish rules and regulations for the expenditure of all moneys appropriated or allotted by law to the department or the board. The board shall cooperate with the counties and highway districts in the expenditure of funds and shall establish a uniform system of accounting in the expenditure of moneys and a uniform method for allocation of funds ~~by~~ by counties and highway districts as shall be necessary in the construction and maintenance of highways by counties and districts in cooperation with the state

and the United States, or either, but the initiatory power of expenditure of any of those moneys shall rest with the county or district in which expenditure of the moneys mentioned is to be made.

- (3) Make reasonable regulations for the installation, construction, maintenance, repair, renewal and relocation of facilities of any utility or communication transmitting entity, in, on, along, over, across, through or under any project on the federal-aid primary or secondary systems or on the interstate system, including extensions within urban areas. Whenever the board shall determine, after notice and opportunity for hearing, that it is necessary that any facilities which now are, or hereafter may be, located in, on, along, over, across, through or under any federal-aid primary or secondary system or on the interstate system, including extensions within urban areas, should be relocated, the utility owning or operating the facilities shall relocate them in accordance with the order of the board. In case of any relocation of facilities, the utility owning or operating the facilities, its successors or assigns, may maintain and operate the facilities, with the necessary appurtenances, in the new location or locations.
- (4) Prescribe and enforce regulations for the erection and maintenance of advertising structures permitted by sections 40-1909, 40-1913 ~~—~~ and 40-1914, Idaho Code, designed to protect the safety of the users of the highway and otherwise to achieve the objectives set forth in section 40-1903, Idaho Code, and consistent with the national policy set forth in ~~section 131, title 23, United States Code,~~ **23 U.S.C. 131** and the national standards promulgated by the secretary of transportation. The board shall not prescribe or enforce rules or regulations that are more restrictive than those authorized under ~~section 131, title 23, United States Code—~~ **23 U.S.C. 131** . Proceedings for review of any action taken by the board pursuant to this section shall be instituted under the provisions of chapter 52, title 67, Idaho Code.
- (5) Prescribe rules and regulations to implement the provisions of chapter 20, title 40, Idaho Code, and other rules and regulations relating to relocation assistance as may be necessary under existing federal laws and rules and regulations promulgated thereunder. Rules and regulations shall include provisions relating to:
  - (a) Standards for decent, safe and sanitary dwellings;
  - (b) Eligibility of displaced persons for relocation assistance payments, procedural methods whereby persons may make application for and claim payments and the amounts of them; and
  - (c) Other rules and regulations consistent with the provisions of chapter 20, title 40, Idaho Code, as are considered necessary or appropriate to carry out the provisions of that chapter.
- (6) Establish by rule a statewide comprehensive plan for public transportation.
  - ( ~~-6-~~ **7** ) Prescribe rules and regulations to encourage the use of recycled materials in highway construction and repair projects.

**SECTION 25.** That Section 40-317, Idaho Code, be, and the same is hereby amended to read as follows:

**40-317.**

Powers and duties -- Cooperative efforts. The board may:

- (1) Cooperate with, and receive and expend aid and donations from **[ ]**, the federal government for transportation purposes ~~—~~ and receive and expend donations from other sources for the construction and improvement of any state highway or transportation project or any project on the federal-aid primary or secondary systems or on the interstate system, including extensions of them within urban areas; and, when authorized or directed by any act of congress or any rule or regulation of any agency of the federal government, expend funds donated or granted to the state of Idaho by the federal government for that purpose, upon highways and bridges not in the state highway system.
- (2) Contract jointly with counties, cities, and highway districts for the improvement and construction of state highways.

- (3) Cooperate with the federal government, counties, highway districts, and cities for construction, improvement, and maintenance of secondary or feeder highways not in the state highway system.
- (4) Cooperate financially or otherwise with any other state or any county or city of any other state, or with any foreign country or any province or district of any foreign country, or with the government of the United States or its agencies, or private agencies or persons, for the erecting, construction, reconstructing, and maintaining of any bridge, trestle, or other structure for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp or other topographical formation requiring any such structure and forming a boundary between the state of Idaho and any other state or foreign country, and for the purchase or condemnation or other acquisition of right-of-way.
- (5) Serve as the state's representative in the designation of forest highways within the state.
- (6) Negotiate and enter into bilateral agreements with designated representatives of contiguous states. Agreements may provide for the manning and operation of jointly occupied ports of entry, for the collection of highway user fees, registration fees and taxes which may be required by law, rule and regulation. Agreements may further provide for the collection of these fees and taxes by either party state at jointly occupied ports of entry before authorization is given for vehicles to legally operate within that state or jurisdiction, and for the enforcement of safety, size and weight laws, rules or regulations of the respective states. As to the provisions of **chapter 30,** title 63, ~~chapter 30,~~ Idaho Code, the state tax commission is hereby authorized to enter into reciprocal agreements with other states concerning the exemption of, or taxation of, persons employed by the state of Idaho or of another state in jointly operated ports of entry. As used ~~is~~ **in** this section, "jointly operated ports of entry" shall mean any state operated facility located within or without this state that employs persons that are direct employees of the state of Idaho and of another state which operates for the mutual benefit of both states.
- (7) Pursuant to the authority and process defined in sections 67-2328 and 67-2333, Idaho Code, enter into agreements with authorized representatives of contiguous states for the purpose of establishing reciprocal procedures allowing the Idaho transportation department and contiguous state motor vehicle departments to collect fees for and to issue driver's licenses and identification cards to nonresident individuals in the same manner as would be issued in the individual's home state, provided that no Idaho driver's license or Idaho identification card may be issued to a nonresident of the state of Idaho and that any reciprocal agreement under this provision shall otherwise be consistent with the driver license compact, chapter 20, title 49, Idaho Code.
- (8) Enter into all contracts and agreements with the United States government in the name of the state of Idaho, relating to the survey, construction and maintenance of roads, under the provisions of any act of congress including county and city highways, and submit a program of construction and maintenance as may be required by the United States government or any of its agencies, and do all other things necessary to cooperate and complete those programs.

**SECTION 26.** That Section 41-716, Idaho Code, be, and the same is hereby amended to read as follows:

**41-716. Investment trust securities.**

- (1) An insurer may invest in the securities of any open-end management type investment company or investment trust registered with the federal securities and exchange commission under the ~~+~~ **i**nvestment ~~C~~ **c**ompany ~~A~~ **a**ct of 1940 as from time to time amended, if such investment company or trust has been organized for not less than three (3) years and has assets of not less than twenty-five million dollars (\$ 25,000,000) as at the date of investment by the insurer. The aggregate amount invested under this section shall not exceed twenty-five percent (25%) of the insurer's assets with limitations of five percent (5%) of the insurer's assets in any one (1) fund and ten percent (10%) of the insurer's assets in any one (1) fund family.

- (2) For the purpose of determining the investment limitation imposed by this section ~~-41-716, Idaho Code-~~, the insurer shall value securities subject to the provisions of this section ~~-41-716, Idaho Code-~~ at the cost of the security or at the market value of the security, whichever is lower.

**SECTION 27.** That Section 41-3813, Idaho Code, be, and the same is hereby amended to read as follows:

**41-3813. Management of domestic insurers subject to registration.**

- (1) Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to assure its separate operating identity consistent with this chapter.
- (2) Nothing in this section shall preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property or services with one (1) or more other persons under arrangements meeting the standards of section 41-3810(1), Idaho Code.
- (3) Not less than one-third (1/3) of the directors of a domestic insurer, and not less than one-third (1/3) of the members of each committee of the board of directors of any domestic insurer, shall be persons who are not officers or employees of the insurer or of any entity controlling, controlled by or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or entity. At least one (1) person must be included in any quorum for the transaction of business at any meeting of the board of directors or any committee thereof.
- (4) The board of directors of a domestic insurer shall establish one (1) or more committees comprised solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees shall have responsibility for nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer and recommending to the board of directors the selection and compensation of the principal officers.
- (5) The provisions of subsections (3) and (4) of this section shall not apply to a domestic insurer if the person controlling the insurer, such as an insurer, a mutual insurance holding company or a publicly held corporation, has a board of directors and committees thereof that meet the requirements of subsections (3) and (4) of this section with respect to such controlling entity.
- (6) An insurer may make application to the director for a waiver from the requirements of this section, if the insurer's annual direct written and assumed premium, excluding premiums reinsured with the federal crop insurance corporation and ~~-federal-~~ national flood insurance program, is less than three hundred million dollars (\$ 300,000,000). An insurer may also make application to the director for a waiver from the requirements of this section based upon unique circumstances. The director may consider various factors including, but not limited to, the type of business entity, volume of business written, availability of qualified board members or the ownership or organizational structure of the entity.

**SECTION 28.** That Section 42-1736, Idaho Code, be, and the same is hereby repealed.

**SECTION 29.** That Section 49-244, Idaho Code, be, and the same is hereby amended to read as follows:

**49-244.**

Idaho residency and domicile requirements -- Indian reservations. Notwithstanding the residency and domicile requirements provided for in chapters 1, 4 and 5 of ~~-this-~~ title 49, Idaho Code, enrolled tribal members, residing and domiciled within the boundaries of a federally recognized Indian reservation, which boundaries are located in whole or in part within this state, shall be considered Idaho residents for purposes of vehicle registration and vehicle titling in Idaho.

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

**49-420J. Selway-bitterroot wilderness plates.**

- (1) Any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, may apply for and upon department approval receive special Idaho Selway-Bitterroot wilderness license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of Selway-Bitterroot wilderness plates for other vehicles shall be subject to the rules, policies and procedures of the department.
- (2) In addition to the regular registration fee required in chapter 4, title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars (\$ 35.00) for the initial issuance of plates and twenty-five dollars (\$ 25.00) upon each succeeding annual registration. Thirteen dollars (\$ 13.00) of the initial fee and thirteen dollars (\$ 13.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Twenty-two dollars (\$ 22.00) of each initial fee and twelve dollars (\$ 12.00) of each renewal fee shall be transferred by the state treasurer to the Selway-Bitterroot ~~F~~ **f** oundation ~~—~~, and shall be used by the foundation for the purpose of assisting in the stewardship of the Idaho Selway-Bitterroot wilderness and surrounding wildlands of north central Idaho.
- (3) Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the owner may transfer the special plates to another vehicle upon payment of the required transfer fees. The owner may only display the plates on another vehicle upon receipt of the new registration from the department.
- (4) The license plate design shall be acceptable to the Selway-Bitterroot ~~F~~ **f** oundation and shall be approved by the department and shall utilize a numbering system as determined by the department. Initial costs of the plate program, including costs of plate design, shall be paid by the Selway-Bitterroot ~~F~~ **f** oundation.
- (5) Sample Idaho Selway-Bitterroot wilderness license plates may be purchased for a fee of thirty dollars (\$ 30.00), thirteen dollars (\$ 13.00) of which shall be deposited in the state highway account and seventeen dollars (\$ 17.00) of which shall be transferred to the Selway-Bitterroot ~~F~~ **f** oundation.

**SECTION 31.** That the Heading for Chapter 19, Title 49, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 19

~~MULTISTATE HIGHWAY~~ **WESTERN STATES** TRANSPORTATION AGREEMENT

**SECTION 32.** That Section 54-1218, Idaho Code, be, and the same is hereby amended to read as follows:

**54-1218.**

Public work **S** . (1) It shall be unlawful for this state, or for any county, city, school district, irrigation district, drainage district, highway district, or other subdivision of the state ~~—~~ having power to levy taxes or assessments against property situated therein, to engage in the construction of any public work **S** when the public health or safety is involved unless the plans and specifications and estimates have been prepared by, and the construction reviewed by **S**, a professional engineer.

- (2) The provisions of this section shall not apply to public construction, reconstruction, maintenance and repair work that is insignificant, that is projects of less than ten thousand dollars (\$ 10,000) in total cost, performed by employees of the public agency and performed in accordance with standards for such work that have been certified by a professional engineer and duly adopted by the public agency's governing body including, but not limited to, the Idaho standards for public works construction and any supplements thereto, and only if a professional engineer determines that such public construction,

reconstruction, maintenance and repair work does not represent a material risk to public health or safety.

**SECTION 33.** That Section 54-2706, Idaho Code, be, and the same is hereby amended to read as follows:

**54-2706. PRESERVING EVIDENCE OF METAL THEFT.**

~~(1)~~ Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions, that an item of nonferrous metal property, stainless steel, or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling ~~—~~ and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten (10) business days.

**SECTION 34.** That Section 58-310, Idaho Code, be, and the same is hereby amended to read as follows:

**58-310.**

Two or more applicants for same land -- Auction of lease. Except as otherwise authorized ~~in sections 58-310A and 58-310B, Idaho Code~~ :

- (1) When two (2) or more persons apply to lease the same land, the director of the department of lands, or his agent, shall, at a stated time, and at such place as he may designate, auction off and lease the land to the applicant who will pay the highest premium bid therefor, the annual rental to be established by the state board of land commissioners.
- (2) The director shall give notice by letter at least fourteen (14) days prior to the date of such auction, which notice shall be sent in the course of regular mail, to each of the applicants, notifying them of the time and place such auction is to be held. The notice shall be sent to the name and address exactly as it is given in the application.
- (3) If any applicants fail to appear in person or by proxy at the time and place so designated in said notice, the director may proceed to auction and lease any part or all of the lands applied for.
- (4) The state board of land commissioners shall have power to reject any and all bids made at such auction sales, when in their judgment there has been fraud or collusion, or for any other reason, which in the judgment of said state board of land commissioners justified the rejection of said bids.
- (5) The challenger of the current lease shall be required to provide payment of one (1) year's rental on the lease payable at the time of application to lease. If the amount of the annual rental bid be not paid forthwith by the successful bidder, together with the expense of such sale, if the state board of land commissioners shall require the same to be paid as hereinbefore provided, or if for any reason the successful bidder does not accept the lease on the terms offered, the lease may be immediately reoffered in the same manner at public auction, without further notice.
- (6) Only those persons who have filed applications in the manner and at the time provided for by statute or rule shall be permitted to bid at any such auction for the lease of state lands.

**SECTION 35.** That Sections 58-310A and 58-310B, Idaho Code, be, and the same are hereby repealed.

**SECTION 36.** That Section 67-3002, Idaho Code, be, and the same is hereby amended to read as follows:

**67-3002.**

Positive identification -- Fingerprints required. To ensure positive identification and system integrity, criminal history records shall be supported by fingerprints, which may be maintained manually, electronically or on optical disk. The records shall be linked to an automated fingerprint identification system. For the purpose of including prescribed information categories, the system may be linked with databases maintained by



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

## History

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Approved by the Governor March 17, 2014

Effective July 1, 2014

## Sponsor

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State Affairs

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