

IN THE SENATE

SENATE BILL NO. 1112

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 18-8315, IDAHO CODE,
2 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-521, IDAHO
3 CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 33-1634, IDAHO
4 CODE, AS ENACTED BY SECTION 3, CHAPTER 16, LAWS OF 2018, TO REDESIG-
5 NATE THE SECTION; AMENDING SECTION 33-3728, IDAHO CODE, AS ENACTED BY
6 SECTION 3, CHAPTER 96, LAWS OF 2018, TO REDESIGNATE THE SECTION AND TO
7 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-106, IDAHO CODE, TO
8 REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 36-1107, IDAHO CODE, TO RE-
9 MOVE OBSOLETE LANGUAGE; AMENDING SECTION 41-232, IDAHO CODE, TO REMOVE
10 OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
11 49-117, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SEC-
12 TION 50-3112, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO
13 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1705, IDAHO CODE, TO
14 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 63-3004, IDAHO CODE,
15 TO REMOVE SURPLUS VERBIAGE; AND AMENDING SECTION 67-823, IDAHO CODE, TO
16 MAKE A CODIFIER'S CORRECTION.
17

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

19 SECTION 1. That Section 18-8315, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 18-8315. COMPLIANCE WITH OPEN MEETINGS LAW. All meetings of the board
22 shall be held in accordance with the open meetings law as provided in chapter
23 23, title 674, Idaho Code.

24 SECTION 2. That Section 33-521, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 33-521. EMPLOYEE SEVERANCE IN CONSOLIDATED DISTRICT. The board of
27 trustees of any school district newly formed within the last twelve (12)
28 months through the consolidation of two (2) or more school districts may of-
29 fer a one (1) time severance payment to a maximum of ten percent (10%) of the
30 employees that were previously employed by the separate school districts.
31 Such severance offers shall be made entirely at the discretion of the board
32 of trustees, and shall not be bound by custom, seniority or contractual com-
33 mitment. Employees are under no obligation to accept a severance offer. Any
34 employee accepting a severance payment shall not be eligible for reemploy-
35 ment by the school district for a one (1) year period thereafter.

36 The severance payment shall consist of fifty-five percent (55%) of the
37 salary-based apportionment funds allocated for the employee in the last
38 year, plus any applicable state paid employee benefits. Such severance
39 shall be reduced by one-half (1/2) for any employee who is simultaneously
40 receiving a disbursement of early retirement incentive funds, pursuant to

1 ~~section 33-1004G, Idaho Code.~~ The state department of education shall re-
2 imburse eligible school districts for one hundred percent (100%) of such
3 costs, upon application by the school district.

4 SECTION 3. That Section 33-1634, Idaho Code, as enacted by Section 3,
5 Chapter 16, Laws of 2018, be, and the same is hereby amended to read as fol-
6 lows:

7 33-1634~~5~~. CAREER TECHNICAL EDUCATION PROGRAM QUALITY AND WORKFORCE
8 READINESS INCENTIVE PROGRAM. (1) It is the ultimate goal of the legislature
9 that every student have access to career technical education courses and
10 programs that lead to workforce readiness certification.

11 (2) The state board for career technical education shall establish
12 and administer a quality program funding mechanism for high-quality career
13 technical education secondary programs and program technical assistance
14 offered in grades 9 through 12.

15 (a) Quality program incentive funding will be available to high-per-
16 forming approved career technical education programs in the areas of
17 business management and marketing, engineering and technology, family
18 and consumer sciences, health sciences, and skilled and technical sci-
19 ences.

20 (b) Technical assistance funding will be available to approved career
21 technical education programs in the areas of agriculture and natural
22 resources, business management and marketing, engineering and tech-
23 nology, family and consumer sciences, health sciences, and skilled and
24 technical sciences.

25 (c) The division of career technical education will develop criteria
26 to evaluate each program and will award funding to those programs that
27 meet or exceed the criteria established by the division for quality pro-
28 gram funding and technical assistance funding. Specific criteria will
29 be developed for each type of program. Types of programs will be defined
30 by the state board for career technical education. All eligible career
31 technical programs will be considered for funding. Eligible programs
32 may not be career technical schools and must meet all eligibility crite-
33 ria developed by the division of career technical education. The amount
34 of each award will be determined each award cycle by the division of ca-
35 reer technical education and will be contingent upon the availability
36 of appropriated funds.

37 (3) Workforce readiness incentive funding.

38 (a) Eligible career technical education pathway programs in any career
39 technical education program area may receive workforce readiness in-
40 centive funds. Workforce readiness incentive funds will be distributed
41 based on the number of secondary career technical concentrators who
42 have demonstrated workforce readiness at the completion of the career
43 technical education program.

44 (b) The division of career technical education will develop criteria
45 to evaluate each program and will award funding to those programs that
46 meet or exceed the criteria established by the division for quality pro-
47 gram funding and technical assistance funding. Specific criteria will
48 be developed for each type of program. Types of programs will be defined
49 by the state board for career technical education. All eligible career

1 technical programs will be considered for funding. Eligible programs
2 may not be career technical schools and must meet all eligibility crite-
3 ria developed by the division of career technical education. The amount
4 of each award will be determined each award cycle by the division of ca-
5 reer technical education and will be contingent upon the availability
6 of appropriated funds.

7 (4) The state board for career technical education may adopt rules to
8 implement the provisions of this section.

9 SECTION 4. That Section 33-3728, Idaho Code, as enacted by Section 3,
10 Chapter 96, Laws of 2018, be, and the same is hereby amended to read as fol-
11 lows:

12 33-3728~~9~~. TRANSFER OF CREDITS. (1) Any student who completes the re-
13 quirements for the associate of arts or associate of science degree at a
14 postsecondary institution accredited by a regional accrediting body recog-
15 nized by the state board of education will be considered as satisfying the
16 general education requirements, as defined by the state board of education,
17 upon transfer to a public postsecondary institution in Idaho and will not be
18 required to complete any additional general education requirements.

19 (2) A student who has completed the general education framework as de-
20 fined by the state board of education, without an associate of arts or as-
21 sociate of science degree, and transfers from a postsecondary institution
22 in Idaho accredited by a regional accrediting body recognized by the state
23 board of education will not be required to complete additional general ed-
24 ucation requirements at the receiving Idaho public postsecondary institu-
25 tion.

26 (3) If a student who has completed a general education course or general
27 education courses but has not completed the entire general education frame-
28 work; or has not earned an associate of arts or associate of science degree
29 from a postsecondary institution in Idaho accredited by a regional accred-
30 iting body recognized by the state board of education; or has earned an as-
31 sociate of applied science degree from a postsecondary institution in Idaho
32 accredited by a regional accrediting body recognized by the state board of
33 education; and transfers to a public postsecondary institution, those gen-
34 eral education course credits will be applied towards the associated general
35 education course requirements at the receiving public postsecondary insti-
36 tution.

37 (4) Any student who completes an associate of applied science degree at
38 a postsecondary institution in Idaho accredited by a regional accrediting
39 body recognized by the state board of education and meets the receiving in-
40 stitution's criteria for admission may pursue an interdisciplinary bachelor
41 of applied science or a bachelor of applied technology degree focused on up-
42 per-level academic coursework at any Idaho public postsecondary institution
43 that has such degree programs available.

44 (5) Receiving institutions must notify students in writing of all ini-
45 tial credit transfer decisions. Whenever a receiving institution makes an
46 initial credit transfer decision that results in credits not being trans-
47 ferred in a manner that moves the student toward certificate or degree com-
48 pletion or in the manner requested by a student or applicant, the receiving
49 institution must provide a written explanation of the credit transfer deci-

1 sion to the student or applicant specifying why the credits were not eligi-
 2 ble for transfer or were not credited toward certificate or degree progress
 3 and the policies and procedures available to the student to request recon-
 4 sideration of the initial credit transfer decision. Written explanations
 5 may be provided in an electronic format. Institutions shall report annually
 6 to the state board of education the number of credits that were requested
 7 to be transferred, the number of credits transferred, the number of credits
 8 that were not applied toward certificate or degree progress, including those
 9 credits that transferred as electives over the amount needed for certificate
 10 or degree progress, and such other information requested by the state board
 11 of education.

12 (6) No Idaho public postsecondary institution shall discriminate
 13 against any student or applicant for admission due to the number of credits
 14 that the student may be able to transfer, or has transferred, to the public
 15 college or university pursuant to this section, any other provision of law,
 16 or any rule, policy, guideline or practice of the state board of education or
 17 the public postsecondary institution.

18 (7) Nothing in this section shall be deemed to:

19 (a) Invalidate any requirement that a student earn a specified number
 20 of credits at an Idaho public college or university in order to receive a
 21 degree from the institution;

22 (b) Require any Idaho public postsecondary institution to grant a stu-
 23 dent a degree within a specified period of time; or

24 (c) Amend the provisions of section 33-2205(4), Idaho Code, or expand
 25 the rights of career technical education students or applicants with
 26 respect to the transfer of credits from one (1) institution to another.

27 (8) All public postsecondary institutions are responsible for work-
 28 ing to facilitate the effective and efficient transfer of students between
 29 ~~public~~ Idaho public postsecondary institutions. Institutions shall publish
 30 the current curriculum equivalencies of all courses on the state board of
 31 education transfer web portal.

32 SECTION 5. That Section 36-106, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Direc-
 35 tor Created. The commission shall appoint a director of the department of
 36 fish and game, hereinafter referred to as the director, who shall be a person
 37 with knowledge of, and experience in, the requirements for the protection,
 38 conservation, restoration, and management of the wildlife resources of the
 39 state. The director shall not hold any other public office, nor any office
 40 in any political party organization, and shall devote his entire time to the
 41 service of the state in the discharge of his official duties, under the di-
 42 rection of the commission.

43 (b) Secretary to Commission. The director or his designee shall serve
 44 as secretary to the commission.

45 (c) Compensation and Expenses. The director shall receive such compen-
 46 sation as the commission, with the concurrence and approval of the governor,
 47 may determine and shall be reimbursed at the rate provided by law for state
 48 employees for all actual and necessary traveling and other expenses incurred
 49 by him in the discharge of his official duties.

1 (d) Oath and Bond. Before entering upon the duties of his office, the
2 director shall take and subscribe to the official oath of office, as provided
3 by section 59-401, Idaho Code, and shall, in addition thereto, swear and af-
4 firm that he holds no other public office, nor any position under any polit-
5 ical committee or party. Such oath, or affirmation, shall be signed in the
6 office of the secretary of state.

7 The director shall be bonded to the state of Idaho in the time, form and
8 manner prescribed by chapter 8, title 59, Idaho Code.

9 (e) Duties and Powers of Director.

10 1. The director shall have general supervision and control of all
11 activities, functions, and employees of the department of fish and
12 game, under the supervision and direction of the commission, and shall
13 enforce all the provisions of the laws of the state, and rules and
14 proclamations of the commission relating to wild animals, birds, and
15 fish and, further, shall perform all the duties prescribed by section
16 67-2405, Idaho Code, and other laws of the state not inconsistent with
17 this act, and shall exercise all necessary powers incident thereto not
18 specifically conferred on the commission.

19 2. The director is hereby authorized to appoint as many classified em-
20 ployees as the commission may deem necessary to perform administrative
21 duties, to enforce the laws and to properly implement management, prop-
22 agation, and protection programs established for carrying out the pur-
23 poses of the Idaho fish and game code.

24 3. The appointment of such employees shall be made by the director in
25 accordance with chapter 53, title 67, Idaho Code, and rules promulgated
26 pursuant thereto, and they shall be compensated as provided therein.
27 Said employees shall be bonded to the state of Idaho in the time, form,
28 and manner prescribed by chapter 8, title 59, Idaho Code.

29 4. The director is hereby authorized to establish and maintain fish
30 hatcheries for the purpose of hatching, propagating, and distributing
31 all kinds of fish.

32 5. (A) The director, or any person appointed by him in writing to do
33 so, may take wildlife of any kind, dead or alive, or import the
34 same, subject to such conditions, restrictions and rules as he may
35 provide, for the purpose of inspection, cultivation, propagation,
36 distribution, scientific or other purposes deemed by him to be of
37 interest to the fish and game resources of the state.

38 (B) The director shall have supervision over all of the matters
39 pertaining to the inspection, cultivation, propagation and dis-
40 tribution of the wildlife propagated under the provisions of ti-
41 tle 36, Idaho Code. He shall also have the power and authority to
42 obtain, by purchase or otherwise, wildlife of any kind or variety
43 which he may deem most suitable for distribution in the state and
44 may have the same properly cared for and distributed throughout
45 the state of Idaho as he may deem necessary.

46 (C) The director is hereby authorized to issue a license/tag/per-
47 mit to a nonresident landowner who resides in a contiguous state
48 for the purpose of taking one (1) animal during an emergency depre-
49 dation hunt which includes the landowner's Idaho property subject
50 to such conditions, restrictions or rules as the director may pro-

1 vide. The fee for this license/tag/permit shall be equal to the
2 costs of a resident hunting license, a resident tag fee and a resi-
3 dent depredation permit.

4 (D) Unless relocation is required pursuant to subparagraph (E)
5 herein, notwithstanding the provisions of section 36-408, Idaho
6 Code, to the contrary, the director shall not expend any funds, or
7 take any action, or authorize any employee or agent of the depart-
8 ment or other person to take any action, to undertake actual trans-
9 plants of bighorn sheep into areas they do not now inhabit for the
10 purpose of augmenting existing populations until:

11 (i) The boards of county commissioners of the counties in
12 which the release is proposed to take place have been given
13 reasonable notice of the proposed release.

14 (ii) The affected federal and state land grazing permittees
15 and owners or leaseholders of private land in or contiguous
16 to the proposed release site have been given reasonable no-
17 tice of the proposed release.

18 (iii) The president pro tempore of the senate and the speaker
19 of the house of representatives have received from the di-
20 rector a plan for the forthcoming year that details, to the
21 best of the department's ability, the proposed transplants
22 which shall include the estimated numbers of bighorn sheep
23 to be transplanted and a description of the areas the pro-
24 posed transplant or transplants are planned for.

25 Upon request, the department shall grant one (1) hearing per
26 transplant or relocation if any affected individual or entity
27 expresses written concern within ten (10) days of notification re-
28 garding any transplants or relocations of bighorn sheep and shall
29 take into consideration these concerns in approving, modifying or
30 canceling any proposed bighorn sheep transplant or relocation.
31 Any such hearing shall be held within thirty (30) days of the re-
32 quest. It is the policy of the state of Idaho that existing sheep
33 or livestock operations in the area of any bighorn sheep trans-
34 plant or relocation are recognized and that the potential risk,
35 if any, of disease transmission and loss of bighorn sheep when the
36 same invade domestic livestock or sheep operations is accepted.
37 Prior to any transplant or relocation of bighorn sheep into ar-
38 eas they do not now inhabit or a transplant or relocation for the
39 purpose of augmenting existing populations, the department shall
40 provide for any affected federal or state land grazing permittees
41 or owners or leaseholders of private land a written agreement
42 signed by all federal, state and private entities responsible for
43 the transplant or relocation stating that the existing sheep or
44 livestock operations in the area of any such bighorn sheep trans-
45 plant or relocation are recognized and that the potential risk,
46 if any, of disease transmission and loss of bighorn sheep when the
47 same invade domestic livestock or sheep operations is accepted.

48 (E) The Idaho department of fish and game: (1) shall develop a
49 state management plan to maintain a viable, self-sustaining pop-
50 ulation of bighorn sheep in Idaho which shall consider as part

1 of the plan the current federal or state domestic sheep grazing
2 allotment(s) that currently have any bighorn sheep upon or in
3 proximity to the allotment(s); (2) within ninety (90) days of the
4 effective date of this act will cooperatively develop best manage-
5 ment practices with the permittee(s) on the allotment(s). Upon
6 commencement of the implementation of best management practices,
7 the director shall certify that the risk of disease transmission,
8 if any, between bighorn and domestic sheep is acceptable for the
9 viability of the bighorn sheep. The director's certification
10 shall continue for as long as the best management practices are
11 implemented. The director may also certify that the risk of dis-
12 ease transmission, if any, between bighorn and domestic sheep
13 is acceptable for the viability of the bighorn sheep based upon
14 a finding that other factors exist, including but not limited
15 to previous exposure to pathogens that make separation between
16 bighorn and domestic sheep unnecessary.

17 6. (A) The director shall have the power, at any time when it is de-
18 sired to introduce any new species, or if at any time any species
19 of wildlife of the state of Idaho shall be threatened with exces-
20 sive shooting, trapping, or angling or otherwise, to close any
21 open season or to reduce the bag limit or possession limit for such
22 species for such time as he may designate; in the event an emer-
23 gency is declared to exist such closure shall become effective
24 forthwith upon written order of the director; in all other cases
25 upon publication and posting as provided in section 36-105, Idaho
26 Code.

27 (B) (i) In order to protect property from damage by wildlife, in-
28 cluding bear and turkey, the fish and game commission may delegate
29 to the director or his designee the authority to declare an open
30 season upon that particular species of wildlife to reduce its pop-
31 ulation. The director or his designee shall make an order embody-
32 ing his findings in respect to when, under what circumstances, in
33 which localities, by what means, and in what amounts, numbers and
34 sex the wildlife subject to the hunt may be taken. In the event an
35 emergency is declared to exist such open season shall become ef-
36 fective forthwith upon written order of the director or his de-
37 signee; in all other cases upon publication and posting as pro-
38 vided in section 36-105, Idaho Code.

39 (ii) In the event a kill permit is issued by the director or his de-
40 signee, the individual or landowner with the kill permit, in con-
41 junction with their responsibility for field dressing the animals
42 taken, may keep one (1) animal for their personal use. In the event
43 the director or his designee issues a subsequent kill permit for
44 the same individual or landowner due to continued depredation, the
45 director or his designee may authorize the individual or landowner
46 to keep a second subsequently taken animal for their personal use.

47 (C) Any season closure order issued under authority hereof shall
48 be published in at least one (1) newspaper of general circulation
49 in the area affected by the order for at least once a week for two

1 (2) consecutive weeks, and such order shall be posted in public
2 places in each county as the director may direct.

3 (D) During the closure of any open season or the opening of any
4 special depredation season by the director all provisions of laws
5 relating to the closed season or the special depredation season
6 on such wildlife shall be in force and whoever violates any of the
7 provisions shall be subject to the penalties prescribed therefor.

8 (E) Prior to the opening of any special depredation hunt, the di-
9 rector or his designee shall be authorized to provide up to a max-
10 imum of fifty percent (50%) of the available permits for such big
11 game to the landholder(s) of privately owned land within the hunt
12 area or his designees. If the landholder(s) chooses to designate
13 hunters, he must provide a written list of the names of designated
14 individuals to the department. If the landholder(s) fails to des-
15 ignate licensed hunters, then the department will issue the total
16 available permits in the manner set by rule. All hunters must have
17 a current hunting license and shall have equal access to both pub-
18 lic and private lands within the hunt boundaries. It shall be un-
19 lawful for any landholder(s) to receive any form of compensation
20 from a person who obtains or uses a depredation controlled hunt
21 permit.

22 7. The director shall make an annual report to the governor, the legis-
23 lature, and the secretary of state, of the doings and conditions of his
24 office, ~~which report shall be made in accordance with section 67-2509,~~
25 ~~Idaho Code.~~

26 8. The director may sell or cause to be sold publications and materials
27 in accordance with section 59-1012, Idaho Code.

28 9. Any deer, elk, antelope, moose, bighorn sheep or bison imported or
29 transported by the department of fish and game shall be tested for the
30 presence of certain communicable diseases that can be transmitted to
31 domestic livestock. Those communicable diseases to be tested for shall
32 be arrived at by mutual agreement between the department of fish and
33 game and the department of agriculture. Any moneys expended by the de-
34 partment of fish and game on wildlife disease research shall be mutually
35 agreed upon by the department of fish and game and the department of
36 agriculture.

37 In addition, a comprehensive animal health program for all deer, elk,
38 antelope, moose, bighorn sheep, or bison imported into, transported, or
39 resident within the state of Idaho shall be implemented after said pro-
40 gram is mutually agreed upon by the department of fish and game and the
41 department of agriculture.

42 10. In order to monitor and evaluate the disease status of wildlife and
43 to protect Idaho's livestock resources, any suspicion by fish and game
44 personnel of a potential communicable disease process in wildlife shall
45 be reported within twenty-four (24) hours to the department of agricul-
46 ture. All samples collected for disease monitoring or disease evalu-
47 ation of wildlife shall be submitted to the division of animal indus-
48 tries, department of agriculture.

49 11. (A) The director is authorized to enter into an agreement with an
50 independent contractor for the purpose of providing a telephone

1 order and credit card payment service for controlled hunt permits,
2 licenses, tags, and permits.

3 (B) The contractor may collect a fee for its service in an amount
4 to be set by contract.

5 (C) All moneys collected for the telephone orders of such li-
6 censes, tags, and permits shall be and remain the property of the
7 state, and such moneys shall be directly deposited by the con-
8 tractor into the state treasurer's account in accordance with the
9 provisions of section 59-1014, Idaho Code. The contractor shall
10 furnish a good and sufficient surety bond to the state of Idaho in
11 an amount sufficient to cover the amount of the telephone orders
12 and potential refunds.

13 (D) The refund of moneys for unsuccessful controlled hunt permit
14 applications and licenses, tags, and permits approved by the de-
15 partment may be made by the contractor crediting the applicant's
16 or licensee's credit card account.

17 12. The director may define activities or facilities that primarily
18 provide a benefit: to the department; to a person; for personal use; to
19 a commercial enterprise; or for a commercial purpose.

20 SECTION 6. That Section 36-1107, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions
23 of this title notwithstanding, any person may control, trap, and/or remove
24 any wild animals or birds or may destroy the houses, dams, or other struc-
25 tures of furbearing animals for the purpose of protecting property from the
26 depredations thereof as hereinafter provided.

27 The director may delegate any of the authority conferred by this section
28 to any other employee of the department.

29 (a) Director to Authorize Removal of Wildlife Causing Damage. Except
30 for antelope, elk, deer or moose when any other wildlife, protected by this
31 title, is doing damage to or is destroying any property, including water
32 rights, or is likely to do so, the owner or lessee thereof may make complaint
33 and report the facts to the director or his designee who shall investigate
34 the conditions complained of. In the case of water rights, the director
35 shall request an investigation by the director of the department of water
36 resources of the conditions complained of. The director of the department
37 of water resources shall request a recommendation from the local water mas-
38 ter, if any and, upon such examination, shall certify to the director of the
39 department of fish and game whether said wildlife, or houses, dams or other
40 structures erected by said wildlife, is injuring or otherwise adversely
41 impacting water rights. If it appears that the complaint is well-founded
42 and the property of such complainant is being or is likely to be damaged or
43 destroyed by any such wildlife protected under this title, the director may:

44 1. Send a representative onto the premises to control, trap, and/or re-
45 move such protected wildlife as will stop the damage to said property.
46 Any animals or birds so taken shall remain the property of the state and
47 shall be turned over to the director.

48 2. Grant properly safeguarded permission to the complainant to con-
49 trol, trap and/or remove such protected wildlife or to destroy any

1 houses, dams, or other structures erected by said animals or birds. Any
2 protected wildlife so taken shall remain the property of the state and
3 shall be turned over to the director.

4 3. Whenever deemed to be in the public interest, authorize or cause the
5 removal, modification or destruction of any dam, house, structure or
6 obstruction erected by any furbearing animals. The director shall have
7 authority to enter upon all lands, both public and private, as neces-
8 sary, to control, trap or remove such animals, or to so remove, modify
9 or destroy such dam, house, structure or obstruction that is injuring or
10 otherwise adversely impacting water rights, or to require the landowner
11 to do so. The director shall make a reasonable effort to contact any
12 private landowner to schedule a date and approximate time for the re-
13 moval, modification or destruction. No liability whatever shall accrue
14 to the department or the director by reason of any direct or indirect
15 damage arising from such entry upon land, destruction, removal or modi-
16 fication.

17 4. Issue a permit to any bona fide owner or lessee of property that is
18 being actually and materially damaged by furbearing animals, to trap
19 or kill or to have trapped or killed such animals on his own or leased
20 premises. Such permit may be issued without cost to a landholder ap-
21 plicant and shall designate therein the number of furbearing animals
22 that may be trapped or killed, the name of the person who the landowner
23 has designated to take such furbearers and the valid trapping license
24 number of the taker. Furbearers so taken shall be the property of the
25 taker. ~~Beaver so taken shall be handled in the manner provided in sec-~~
26 ~~tion 36-1104, Idaho Code.~~ The term "premises" shall be construed to
27 include any irrigation ditch or right-of-way appurtenant to the land
28 for which said permit is issued.

29 (b) Control of Depredation of Black Bear, Mountain Lion, and Predators.
30 Black bear, mountain lion, and predators may be disposed of by livestock own-
31 ers, their employees, agents and animal damage control personnel when same
32 are molesting or attacking livestock and it shall not be necessary to obtain
33 any permit from the department. Mountain lion so taken shall be reported to
34 the director within ten (10) days of being taken. Livestock owners may take
35 steps they deem necessary to protect their livestock.

36 (c) Control of Depredation of Wolves. Wolves may be disposed of by
37 livestock or domestic animal owners, their employees, agents and animal
38 damage control personnel when the same are molesting or attacking livestock
39 or domestic animals and it shall not be necessary to obtain any permit from
40 the department. Wolves so taken shall be reported to the director within ten
41 (10) days of being taken. Wolves so taken shall remain the property of the
42 state. Livestock and domestic animal owners may take all nonlethal steps
43 they deem necessary to protect their property. A permit must be obtained
44 from the director to control wolves not molesting or attacking livestock or
45 domestic animals. Control is also permitted by owners, their employees and
46 agents pursuant to the Idaho department of fish and game harvest rules. For
47 the purposes of this subsection, "molesting" means the actions of a wolf that
48 are annoying, disturbing or persecuting, especially with hostile intent or
49 injurious effect, or chasing, driving, flushing, worrying, following after

1 or on the trail of, or stalking or lying in wait for, livestock or domestic
2 animals.

3 (d) Control of Depredation of Grizzly Bears. For purposes of this sec-
4 tion, "grizzly bear" means any grizzly bear not protected by the federal en-
5 dangered species act. Grizzly bears may be disposed of by livestock or do-
6 mestic animal owners, their employees, agents and animal damage control per-
7 sonnel when the same are molesting or attacking livestock or domestic ani-
8 mals and it shall not be necessary to obtain any permit from the department.
9 Grizzly bears so taken shall be reported to the director within seventy-two
10 (72) hours, with additional reasonable time allowed if access to the site
11 where taken is limited. Grizzly bears so taken shall remain the property of
12 the state. Livestock and domestic animal owners may take all nonlethal steps
13 they deem necessary to protect their property.

14 (e) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may
15 be taken at any time in or along the banks of irrigation ditches, canals,
16 reservoirs or dams, by the owners, their employees, or those in charge of
17 said irrigation ditches or canals.

18 SECTION 7. That Section 41-232, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 41-232. HEARINGS IN GENERAL. (1) The director may hold a hearing which
21 he deems necessary for any purpose within the scope of this code.

22 (2) The director shall hold a hearing:

23 (a) If required by any provision of this code, ~~7~~; or

24 (b) Upon written demand for a hearing by a person aggrieved by any act,
25 threatened act or failure of the director to act, or by any report, rule,
26 regulation or order of the director (other than an order for the holding
27 of a hearing, or an order on a hearing of which hearing such person had
28 actual notice or pursuant to such order).

29 (3) Any such demand for a hearing shall summarize the information and
30 grounds to be relied upon as a basis for the relief to be sought at the hear-
31 ing.

32 (4) The director shall hold such demanded hearing within thirty (30)
33 days after his receipt of the demand, unless postponed by mutual consent.
34 Failure to hold the hearing shall constitute a denial of the relief sought,
35 and shall be the equivalent of an order on hearing for the purpose of an ap-
36 ~~peal under section 41-241, Idaho Code.~~

37 (5) In any administrative proceeding of the director where a hearing
38 is otherwise authorized or required by law, if a party with respect to whom
39 the hearing is to be held waives the hearing in writing, or fails to plead,
40 or to defend or prosecute, as the case may be, and that fact is made known to
41 the director by affidavit or otherwise, the right of hearing shall be deemed
42 to have been waived, and, any other provision of this code to the contrary
43 notwithstanding, without holding or concluding a hearing the director may,
44 upon satisfactory proof of service of the petition or complaint upon such a
45 party, enter an order which shall be as lawful as to such party as if all al-
46 legations in the petition or complaint relative to or concerning such party
47 were proved or admitted at a hearing. For good cause shown, the director may,
48 in his discretion, set aside any order so entered, and the proceedings may
49 continue as if no waiver or default had existed.

1 SECTION 8. That Section 49-117, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing
4 of a vehicle, whether occupied or not, other than temporarily for the pur-
5 pose of and while actually engaged in loading or unloading property or pas-
6 sengers.

7 (2) "Park model recreational vehicle" means a recreational vehicle
8 that is designed to provide temporary accommodations for recreational,
9 camping or seasonal use, is built on a single chassis, was originally mounted
10 on wheels, has a gross trailer area not exceeding four hundred (400) square
11 feet in the set-up mode and is certified by its manufacturer as complying
12 with the American National Standards Institute (ANSI) A119.5 Standard for
13 Recreational Park Trailers, and includes park models, park trailers and
14 recreational park trailers.

15 (3) "Part-time salesman" means any person employed as a vehicle sales-
16 man on behalf of a dealer less than thirty (30) hours per week.

17 (4) "Peace officer." (See section 19-5101(d), Idaho Code)

18 (5) "Pedestrian" means any person afoot and any person operating a
19 wheelchair or a motorized wheelchair or an electric personal assistive mo-
20 bility device.

21 (6) "Pedestrian path" means any path, sidewalk or way set aside and used
22 exclusively by pedestrians.

23 (7) (a) "Person" means every natural person, firm, fiduciary, copart-
24 nership, association, corporation, trustee, receiver or assignee for
25 the benefit of creditors, political subdivision, state or federal gov-
26 ernmental department, agency, or instrumentality and, for the purposes
27 of chapter 22, title 49, Idaho Code, shall include a private, common or
28 contract carrier operating a vehicle on any highway of this state.

29 (b) "Person with a disability" means:

30 (i) A person who is unable to walk two hundred (200) feet or more
31 unassisted by another person;

32 (ii) A person who is unable to walk two hundred (200) feet or more
33 without the aid of a walker, cane, crutches, braces, prosthetic
34 device or a wheelchair; or

35 (iii) A person who is unable to walk two hundred (200) feet or
36 more without great difficulty or discomfort due to the following
37 impairments: neurological, orthopedic, respiratory, cardiac,
38 arthritic disorder, blindness, or the loss of function or absence
39 of a limb.

40 (iv) For the purposes of chapters 3 and 4, title 49, Idaho Code,
41 a person with a permanent disability is one whose physician certi-
42 fies that the person qualifies as a person with a disability pur-
43 suant to this paragraph and further certifies that there is no ex-
44 pectation for a fundamental or marked change in the person's con-
45 dition at any time in the future.

46 (8) "Personal delivery device" means an electrically powered device
47 that is operated on sidewalks and crosswalks and is intended primarily to
48 transport property; weighs less than eighty (80) pounds, excluding cargo;
49 has a maximum speed of ten (10) miles per hour; and is equipped with technol-

1 ogy to allow for operation of the device with or without the active control
2 or monitoring of a natural person. A personal delivery device shall not be
3 defined as a vehicle or motor vehicle in any section of the law, unless ex-
4 pressly so stated.

5 (9) "Personal delivery device operator" means an entity or its agent
6 that exercises direct physical control or monitoring over the navigation
7 system and operation of a personal delivery device. For the purposes of this
8 subsection, the term "agent" means a person charged by the entity with the
9 responsibility of navigating and operating the personal delivery device.
10 The term "personal delivery device operator" does not include an entity
11 or person who requests the services of a personal delivery device for the
12 purpose of transporting property or an entity, nor does it include a person
13 who merely arranges for and dispatches the requested services of a personal
14 delivery device.

15 (10) "Personal information" means information that identifies an indi-
16 vidual, including an individual's photograph or computerized image, social
17 security number, driver identification number, name, address, telephone
18 number, and medical or disability information, but does not include infor-
19 mation on vehicular accidents, driving or equipment-related violations,
20 the five-digit zip code of the person's address, or status of the driver's
21 license or motor vehicle registration.

22 (11) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

23 (12) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

24 (13) "Possessory lien" means a lien dependent upon possession for com-
25 pensation to which a person is legally entitled for making repairs or per-
26 forming labor upon, and furnishing supplies or materials for, and for the
27 towing, storage, repair, or safekeeping of, any vehicle of a type subject to
28 registration.

29 (14) "Possessory lienholder" means any person claiming a lien, which
30 lien claimed to have accrued on a basis of services rendered to the vehicle
31 that is the subject of the lien.

32 (15) "Preceding year" means, for the purposes of section 49-4354, Idaho
33 Code, a period of twelve (12) consecutive months fixed by the department,
34 prior to July 1 of the year immediately preceding the commencement of the
35 registration or license year for which proportional registration is sought.
36 The department in fixing the period shall make it conform to the terms, con-
37 ditions and requirements of any applicable agreement or arrangement for the
38 proportional registration of vehicles.

39 (16) "Pressure regulator valve" means a device or system that governs
40 the load distribution and controls the weight borne by a variable load sus-
41 pension axle in accordance with a predetermined valve setting.

42 (17) "Principal place of business" means an enclosed commercial struc-
43 ture located within the state, easily accessible and open to the public at
44 all reasonable times, with an improved display area large enough to display
45 five (5) or more vehicles of the type the dealer is licensed to sell, imme-
46 diately adjoining the building, and at which the business of a dealership,
47 including the display and repair of vehicles, may be lawfully carried on
48 in accordance with the terms of all applicable building codes, zoning and
49 other land-use regulatory ordinances, and in which building the public shall
50 be able to contact the dealer or his salesmen in person or by telephone at

1 all reasonable times. The books, records and files necessary to conduct
2 the business of the dealership must be kept or reproduced electronically at
3 the dealership's licensed location(s). A dealership keeping its physical
4 books, records and files at an off-site location must notify the department
5 in writing of such location at least thirty (30) days in advance of moving
6 such books, records and files off site. Physical books, records and files
7 must be made available to the department upon request within three (3) busi-
8 ness days of such request. The principal place of business shall display
9 an exterior sign permanently affixed to the land or building, with letters
10 clearly visible to the major avenue of traffic. In no event shall a room or
11 rooms in a hotel, rooming house, or apartment house building or a part of any
12 single or multiple unit dwelling house be considered a "principal place of
13 business" within the terms and provisions of this title unless the entire
14 ground floor of that hotel, apartment house, or rooming house building or
15 dwelling house be devoted principally to and occupied for commercial pur-
16 poses, and the office or offices of the dealer be located on the ground floor.

17 (18) "Private property open to the public" means real property not owned
18 by the federal government or the state of Idaho or any of its political sub-
19 divisions, but is available for vehicular traffic or parking by the general
20 public with the permission of the owner or agent of the real property.

21 (19) "Private road" means every way or place in private ownership and
22 used for vehicular travel by the owner and those having express or implied
23 permission from the owner, but not by other persons.

24 (20) "Proof of financial responsibility" means proof of ability to re-
25 spond in damages for liability, on account of accidents occurring subsequent
26 to the effective date of the proof, arising out of the ownership, mainte-
27 nance or use of a motor vehicle, in the amount of twenty-five thousand dol-
28 lars (\$25,000) because of bodily injury to or death of one (1) person in any
29 one (1) accident and, subject to the limit for one (1) person, in the amount
30 of fifty thousand dollars (\$50,000) because of bodily injury to or death of
31 two (2) or more persons in any one (1) accident, and in the amount of fifteen
32 thousand dollars (\$15,000) because of injury to or destruction of property
33 of others in any one (1) accident.

34 (21) "Proper authority" means a public highway agency.

35 (22) "Public highway agency" means the state transportation depart-
36 ment, any city, county, highway district or any other state agency that has
37 jurisdiction over public highway systems and public rights-of-way.

38 (23) "Public right-of-way" means a right-of-way open to the public and
39 under the jurisdiction of a public highway agency, where the public highway
40 agency has no obligation to construct or maintain said right-of-way for ve-
41 hicular traffic.

42 (24) "Public road jurisdiction" means a public highway agency.

43 (25) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho
44 Code)

45 SECTION 9. That Section 50-3112, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 50-3112. NOTICE AND CONDUCT OF ELECTION. (1) Any election pursuant
48 to this chapter shall be a nonpartisan election, and in regard to election
49 dates, shall be held in compliance with section 34-106, Idaho Code, or sec-

1 tion ~~50-42905~~⁵⁰⁻⁴²⁹⁰⁵, Idaho Code. Except as otherwise specifically set forth in
2 this section, the district board shall cause the election to be held and
3 conducted in the same manner prescribed by law for the holding of general
4 elections in this state, including chapter 14, title 34, Idaho Code, and
5 shall call the election by posting notices in three (3) public places within
6 the boundaries of the district not less than thirty (30) days before the
7 election. Notice shall also be published twice, the first time not less than
8 twelve (12) days prior to the election and the second time not less than five
9 (5) days prior to the election, in a newspaper of general circulation in each
10 county or city in which the proposed district is located. A copy of such
11 notice shall also be mailed to each district resident and each owner of real
12 property in the district if known or such owner's agent if known, addressed
13 to such person at his or her post office address if known or, if unknown, to a
14 post office in the county or city where the district is located. Ownership
15 of real property shall be determined as of the date of the adoption of the
16 resolution ordering the hearing. The notice shall state:

17 (a) The place of holding the election;

18 (b) Subject to section 34-1409, Idaho Code, the hours during the day in
19 which the polls will be open;

20 (c) If the election is a bond election, whether the bonds are general
21 obligation bonds or revenue bonds, the total principal amount of bonds
22 to be authorized, whether the bonds will be issued in series, the maxi-
23 mum rate of interest to be paid on the bonds and the maximum term of the
24 bonds, not exceeding thirty (30) years;

25 (d) If the election is an election to change or eliminate an existing
26 tax, the maximum tax amount to be imposed as a result of the change or
27 elimination;

28 (e) The purposes for which property taxes levied and revenues raised
29 will be used, including a description of the community infrastructure
30 to be financed with tax revenues, district revenues or bond proceeds;

31 (f) That the imposition of property taxes will result in a lien for the
32 payment thereof on real property within the district; and

33 (g) That a general plan is on file with the county clerk of each county
34 in which the district is located.

35 (2) The district board shall determine the date of the election and the
36 polling place or places for the election. The district board may establish,
37 change, and consolidate election precincts within the district, as it deems
38 necessary and appropriate, and shall define precinct boundaries.

39 (3) Subject to sections ~~50-3102(10)~~ and ~~50-3102(13)~~, Idaho Code, the
40 current property rolls for the district and current voter lists in effect at
41 the time that the election has begun shall be used to determine the quali-
42 fied electors. If the district includes land lying partly in and partly out
43 of any precinct, the voter lists may contain the names of all electors in the
44 precinct, and the precinct boards at those precincts shall require that a
45 prospective elector execute an affidavit stating that the elector is also a
46 qualified elector.

47 (4) If the district is to be located within two (2) or more counties
48 and/or cities, the election shall be held on the same day in each jurisdic-
49 tion.

50 (5) The ballot material provided to each voter shall include:

1 (a) For an election concerning the issuance of bonds, an impartial de-
2 scription of the bonds to be issued and an impartial description of the
3 property taxes to be imposed; the method of apportionment, collection
4 and enforcement and other details sufficient to enable each qualified
5 elector to reasonably estimate the amount of tax he or she will be obli-
6 gated to pay; and a statement that the issuance of the bonds and the im-
7 position of property taxes is for the provision of certain, but not nec-
8 essarily all, community infrastructure that may be needed or desirable
9 within the district, and that other taxes or assessments by other gov-
10 ernmental entities may be presented for approval by qualified electors;
11 and

12 (b) For an election to change an existing maximum tax or eliminate an
13 existing tax, an impartial description of the change or elimination.

14 (6) Within ten (10) days after an election, the district board shall
15 meet and canvass the returns, and declare the results thereof. At least a
16 two-thirds (2/3) majority of the votes cast at the election shall be required
17 for issuing bonds or changing an existing tax. The canvass may be continued
18 for an additional period not to exceed thirty (30) days at the election of the
19 district board for the purpose of completing the canvass. Failure of a re-
20 quired majority to vote in favor of the matter submitted shall not prejudice
21 the submission of the same or similar matters at a later election. The can-
22 vass of any general obligation bond election shall be filed and recorded in
23 each county in which the district is located.

24 (7) In any election held pursuant to this chapter, every voter may vote
25 at any election held pursuant to this chapter, but shall be entitled to cast
26 votes, as follows: (i) each resident qualified elector shall be entitled to
27 one (1) vote; and (ii) each owner qualified elector shall be entitled to one
28 (1) vote. An owner qualified elector shall not be entitled to an additional
29 vote as a result of also being a resident of the district. When record title
30 is held in more than one (1) name, the owners shall file with the clerk of the
31 district at or prior to the election a designation in writing, of which one of
32 the owners shall be deemed the owner for purposes of voting.

33 (8) In conducting an election, the polling official may require evi-
34 dence of ownership of property and designation of the power to exercise the
35 vote of any owner consistent with the provisions of this section and section
36 50-3102(10), Idaho Code.

37 SECTION 10. That Section 54-1705, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 54-1705. DEFINITIONS. In this chapter:

40 (1) "Board of pharmacy" or "board" means the Idaho state board of phar-
41 macy.

42 (2) "Central drug outlet" means a resident or nonresident pharmacy,
43 drug outlet or business entity employing or contracting pharmacists to per-
44 form off-site pharmacy services.

45 (3) "Compounding" means the practice in which a pharmacist, a pre-
46 scriber, or, in the case of an outsourcing facility, a person under the
47 supervision of a pharmacist, combines, mixes or alters ingredients of a drug
48 to create a medication tailored to the needs of an individual patient.

1 (4) "Counseling" or "counsel" means the effective communication by
2 the pharmacist of information, as set out in this chapter, to the patient or
3 caregiver in order to improve therapeutic outcomes by maximizing proper use
4 of prescription drugs and devices. Specific areas of counseling include,
5 but are not limited to:

6 (a) Name and strength and description of the drug;

7 (b) Route of administration, dosage, dosage form, continuity of ther-
8 apy and refill information;

9 (c) Special directions and precautions for preparation, administra-
10 tion, storage and use by the patient as deemed necessary by the pharma-
11 cist;

12 (d) Side effects or adverse effects and interactions and therapeutic
13 contraindications that may be encountered, including their avoidance,
14 which may interfere with the proper use of the drug or device as was in-
15 tended by the prescriber, and the action required if they occur;

16 (e) Techniques for self-monitoring drug therapy; and

17 (f) Action to be taken in the event of a missed dose.

18 (5) "Deliver" or "delivery" means the actual, constructive or at-
19 tempted transfer of a drug or device from one person to another, whether or
20 not for a consideration.

21 (6) "Device" means an instrument, apparatus, implement, machine, con-
22 trivance, implant, in vitro reagent or other similar related article includ-
23 ing any component part or accessory which is:

24 (a) Recognized in the official United States Pharmacopoeia or official
25 National Formulary, other drug compendia or any supplement to them;

26 (b) Intended for use in the diagnosis of disease or other conditions, or
27 the cure, mitigation, treatment or prevention of disease in man or other
28 animal;

29 (c) Intended to affect the structure or any function of the body of man
30 or other animal, and which does not achieve any of its principal in-
31 tended purposes through chemical action within or on the body of man or
32 other animal, and which is not dependent upon being metabolized for the
33 achievement of any of its principal intended purposes.

34 (7) "Dispense" or "dispensing" means the preparation and delivery of
35 a drug pursuant to a lawful prescription drug order of a practitioner in a
36 suitable container appropriately labeled for subsequent administration to
37 or use by a patient or other individual entitled to receive the prescription.

38 (8) "Distribute" means the delivery of a drug other than by administer-
39 ing or dispensing.

40 (9) "Drug" means:

41 (a) Articles recognized as drugs in the official United States Phar-
42 macopoeia, official National Formulary, official Homeopathic Pharma-
43 copoeia, other drug compendia or any supplement to any of them;

44 (b) Articles intended for use in the diagnosis, cure, mitigation,
45 treatment or prevention of disease in man or other animal;

46 (c) Articles, other than food, intended to affect the structure or any
47 function of the body of man or other animal; and

48 (d) Articles intended for use as a component of any articles specified
49 in paragraph (a), (b) or (c) of this subsection.

1 (10) "Drug outlet" means a resident or nonresident pharmacy, business
2 entity or other facility where employees or personnel are engaged in the
3 practice of pharmacy, in the provision of pharmaceutical care, or in the
4 dispensing, delivering, distributing or manufacturing of drugs or devices
5 in or into Idaho.

6 (11) "Institutional drug order" means a prescription drug order issued
7 in the unique form and manner permitted for a patient or resident of an in-
8 stitutional facility or as permitted for other purposes as defined in rule.
9 Unless specifically differentiated, state law applicable to a prescription
10 drug order is also applicable to an institutional drug order.

11 (12) "Institutional facility" means a facility for which its primary
12 purpose is to provide a physical environment for patients to obtain health
13 care services and in which patients spend a majority of their time, as may be
14 further defined by board rule.

15 (13) "Internship" means a practical experience program under the super-
16 vision of a preceptor.

17 (14) "Investigational or new drug" means any drug which is limited by
18 state or federal law to use under professional supervision of a practitioner
19 authorized by law to prescribe or administer such drug.

20 (15) "Labeling" means the process of preparing and affixing of a label
21 to any drug container, exclusive however of the labeling by a manufacturer,
22 packer or distributor of a nonprescription drug or commercially packaged
23 legend drug or device. Any such label shall include all information required
24 by federal and state law.

25 (16) "Limited service outlet" means a resident or nonresident pharmacy,
26 facility or business entity that is subject to registration by the board,
27 pursuant to section 54-1729, Idaho Code, and has employees or personnel en-
28 gaged in the practice of pharmacy, in the provision of pharmaceutical care,
29 or in the dispensing, delivering, distributing or manufacturing of drugs or
30 devices as may be further defined by board rule but is not a retail pharmacy,
31 institutional facility, manufacturer, wholesaler, nonresident central drug
32 outlet or mail service pharmacy.

33 (17) "Mail service pharmacy" means a nonresident pharmacy that ships,
34 mails or delivers by any lawful means a dispensed legend drug to residents
35 in this state pursuant to a legally issued prescription drug order and en-
36 sures the provision of corresponding related pharmaceutical care services
37 required by law.

38 (18) "Manufacture" means the production, preparation, propagation,
39 compounding, conversion or processing of a device or a drug, either directly
40 or indirectly by extraction from substances of natural origin or indepen-
41 dently by means of chemical synthesis or by a combination of extraction and
42 chemical synthesis, and includes any packaging or repackaging of the sub-
43 stance or labeling or relabeling of its container, except that this term does
44 not include the preparation or compounding of a drug by an individual for his
45 own use or the preparation, compounding, packaging or labeling of a drug:

46 (a) By a pharmacist or practitioner as an incident to his administer-
47 ing, dispensing or, as authorized by board rule, distributing of a drug
48 in the course of his professional practice; or

1 (b) By a practitioner or by his authorization under his supervision for
2 the purpose of or as an incident to research, teaching or chemical anal-
3 ysis and not for sale.

4 (19) "Manufacturer" means a person who by compounding, cultivating,
5 harvesting, mixing or other process produces or prepares legend drugs, and
6 includes persons who prepare such drugs in dosage forms by mixing, com-
7 pounding, encapsulating, entableting, or other process, or who packages or
8 repackages such drugs, but does not include pharmacists or practitioners in
9 the practice of their profession.

10 (20) "Nonprescription drugs" means medicines or drugs which may be sold
11 without a prescription drug order and which are prepackaged for use by the
12 consumer and labeled in accordance with state and federal law.

13 (21) "Nonresident" means a person or business entity located in the Dis-
14 trict of Columbia or a state or territory other than Idaho that practices
15 pharmacy including, but not limited to, pharmaceutical care services into
16 Idaho.

17 (22) "Off-site pharmacy services" means services provided by a central
18 drug outlet or an off-site pharmacist or technician. Services may include,
19 but are not limited to: processing a request from another pharmacy to fill,
20 refill or dispense a prescription drug order; performance of processing
21 functions; or providing cognitive or pharmaceutical case services. Each
22 function may be performed by the same or different persons and at the same or
23 different locations.

24 (23) "Outsourcing facility" means a pharmacy or facility that is regis-
25 tered by the United States food and drug administration pursuant to 21 U.S.C.
26 353b and either registered or endorsed by the board.

27 (24) "Person" means an individual, corporation, partnership, associa-
28 tion or any other legal entity.

29 (25) "Person in charge" or "PIC" means a pharmacist or, in the case of
30 a prescriber drug outlet, a prescriber whose qualifications, responsibili-
31 ties and reporting requirements are defined in rule.

32 (26) "Pharmaceutical care" means drug therapy and other pharmaceutical
33 patient care services intended to achieve outcomes related to the cure or
34 prevention of a disease, elimination or reduction of a patient's symptoms,
35 or arresting or slowing of a disease process as defined in the rules of the
36 board.

37 (27) "Pharmacist" means an individual licensed by this state to engage
38 in the practice of pharmacy or a pharmacist registered by this state who is
39 located in another state, territory or the District of Columbia and is en-
40 gaged in the practice of pharmacy into Idaho, unless exempted.

41 (28) "Pharmacist intern" means a person who is enrolled in or who has
42 completed a course of study at an accredited school or college of pharmacy
43 and is registered with the board as a pharmacist intern prior to commencement
44 of an internship program.

45 (29) "Pharmacy" means any drug outlet, facility, department or other
46 place where prescription drug orders are filled or compounded and prescrip-
47 tions are sold, dispensed, offered or displayed for sale, which has, as its
48 principal purpose, the dispensing of drug and health supplies intended for
49 the general health, welfare and safety of the public.

1 (30) "Practitioner" means a person licensed in this state and permitted
2 by such license to dispense, conduct research with respect to or administer
3 drugs in the course of professional practice or research in this state.

4 (31) "Preceptor" means a pharmacist or other health professional li-
5 censed and in good standing who supervises the internship training of a
6 registered pharmacist intern.

7 (32) "Precursor" means a substance, other than a legend drug, which is
8 an immediate chemical intermediate that can be processed or synthesized into
9 a legend drug, and is used or produced primarily for use in the manufacture
10 of a legend drug by persons other than persons licensed to manufacture such
11 legend drugs by the Idaho board of pharmacy, registered by the state board
12 of health and welfare, or licensed to practice pharmacy by the Idaho board of
13 pharmacy.

14 (33) "Prescriber" means an individual currently licensed, registered
15 or otherwise authorized to prescribe and administer drugs in the course of
16 professional practice.

17 (34) "Prescriber drug outlet" means a drug outlet in which prescription
18 drugs or devices are dispensed directly to patients under the supervision of
19 a prescriber, except where delivery is accomplished only through on-site ad-
20 ministration or the provision of drug samples, patient assistance program
21 drugs, or investigational drugs as permitted in chapter 934, title 39, Idaho
22 Code.

23 (35) "Prescription drug or legend drug" means a drug that under federal
24 law is required, prior to being dispensed or delivered, to be labeled with
25 one (1) of the following statements:

26 (a) "Caution: Federal law prohibits dispensing without a prescrip-
27 tion"; or
28 (b) "Rx Only"; or
29 (c) "Caution: Federal law restricts this drug to use by or on the order
30 of a licensed veterinarian";
31 or a drug which is required by any applicable federal or state law or regula-
32 tion to be dispensed on prescription drug order only or is restricted to use
33 by practitioners only.

34 (36) "Prescription drug order" means a valid order of a prescriber for a
35 drug or device for an ultimate user of the drug or device.

36 (37) "Prospective drug review" includes, but is not limited to, the fol-
37 lowing activities:

38 (a) Evaluation of the prescription drug order for:
39 (i) Known allergies;
40 (ii) Rational therapy contraindications;
41 (iii) Reasonable dose and route of administration; and
42 (iv) Reasonable directions for use.
43 (b) Evaluation of the prescription drug order for duplication of ther-
44 apy.
45 (c) Evaluation of the prescription drug order for interactions:
46 (i) Drug-drug;
47 (ii) Drug-food; and
48 (iii) Drug-disease.
49 (d) Evaluation of the prescription drug order for proper utilization:
50 (i) Over- or under-utilization; and

1 (ii) Abuse/misuse.

2 (38) "Record" means all papers, letters, memoranda, notes, prescrip-
3 tions, drug orders, invoices, statements, patient medication charts or
4 files, computerized records or other written indicia, documents or objects
5 that are used in any way in connection with the purchase, sale or handling of
6 any drug or device.

7 (39) "Sale" means every sale and includes:

8 (a) Manufacturing, processing, transporting, handling, packaging or
9 any other production, preparation or repackaging;

10 (b) Exposure, offer, or any other proffer;

11 (c) Holding, storing or any other possession;

12 (d) Dispensing, giving, delivering or any other supplying; and

13 (e) Applying, administering or any other usage.

14 (40) "Ultimate user" means a person who lawfully possesses a drug for
15 his own use or for the use of a member of his household or for administering to
16 an animal owned by him or by a member of his household.

17 (41) "Veterinary drug outlet" means a prescriber drug outlet that dis-
18 penses drugs or devices intended for animal patients.

19 (42) "Wholesaler" means a person who in the usual course of business
20 lawfully distributes drugs or devices in or into Idaho to persons other than
21 the ultimate user.

22 SECTION 11. That Section 63-3004, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 63-3004. INTERNAL REVENUE CODE. (a) The term "Internal Revenue Code"
25 means, for taxable years beginning on any day of 2017, the Internal Revenue
26 Code of 1986 of the United States, as amended, and in effect on the twenty-
27 first day of December 2017, except that Internal Revenue Code sections 965
28 and 213 are applied as in effect on December 31, 2017; and Internal Revenue
29 Code sections 108, 163, 168(e), 168(i), 179D, 179E, 181, 199, 222 and 451 are
30 applied as in effect on February 9, 2018. ~~or after the first day of January~~

31 (b) The term "Internal Revenue Code" means, for taxable years beginning
32 on or after the first day of January 2018, the Internal Revenue Code of 1986,
33 as amended, and in effect on the first day of January 2018.

34 (c) For all purposes of the Idaho income tax act, a marriage must be one
35 that is considered valid or recognized under section 28, article III, of the
36 constitution of the state of Idaho and defined in section 32-201, Idaho Code,
37 or as recognized under section 32-209, Idaho Code.

38 (d) Notwithstanding subsection (c) of this section, marriages recog-
39 nized and permitted by the United States supreme court and the ninth circuit
40 court of appeals shall also be recognized for purposes of the Idaho income
41 tax act.

42 SECTION 12. That Section 67-823, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 67-823. COORDINATION OF POLICY AND PROGRAMS RELATED TO SCIENCE, TECH-
45 NOLOGY, ENGINEERING AND MATH EDUCATION IN IDAHO. (1) There is hereby created
46 in the office of the governor the "Science, Technology, Engineering and Math
47 (STEM) Action Center" and the STEM action center advisory board. The admin-

1 istrator of the STEM action center shall be the official in the state design-
2 ated to coordinate and oversee implementation of STEM programs; to promote
3 STEM through best practices in education to ensure connection with industry
4 and Idaho's long-term economic prosperity; to produce an Idaho STEM-compet-
5 itive workforce to offer better access to competitive employment opportu-
6 nities; and to drive student experience, engagement and industry alignment
7 by identifying and implementing public and higher education STEM best prac-
8 tices to transform workforce development.

9 (2) The STEM action center advisory board shall consist of the follow-
10 ing nine (9) members:

- 11 (a) The director of the department of commerce, or his designee;
- 12 (b) The director of the department of labor, or his designee;
- 13 (c) One (1) member of the state board of education;
- 14 (d) The superintendent of public instruction, or her designee; and
- 15 (e) Five (5) members appointed by the governor, who shall serve at the
16 pleasure of the governor for terms of three (3) years, and who shall be
17 residents of the state and represent manufacturing or STEM-related in-
18 dustries. The board's chairman will be elected annually by the members
19 of the board.

20 (3) The terms of the first board shall be staggered with three (3) ap-
21 pointments expiring July 1, 2018; three (3) appointments expiring July 1,
22 2019; and three (3) appointments expiring July 1, 2020. Thereafter, the term
23 of office for each member shall be three (3) years.

24 (4) A vacancy occurring other than by expiration of term shall be filled
25 in the same manner as the original appointment and for the balance of the un-
26 expired term.

27 (5) The duties of the STEM action center shall include:

- 28 (a) Coordinate all state departments and divisions on STEM-related ac-
29 tivities;
- 30 (b) Perform industry needs and education process foci on industry
31 career talent, gap analysis and needs assessment to lead future STEM
32 teacher professional development activities and goals;
- 33 (c) Align public education STEM activities with higher education STEM
34 activities;
- 35 (d) Identify and coordinate best practices among public education and
36 higher education;
- 37 (e) Strategically engage industry, business and public or government
38 entities to cooperate with the STEM action center and focus outcomes and
39 goals on workforce needs and opportunities;
- 40 (f) Support high-quality professional development focused on career
41 readiness and talent development and provide other assistance for edu-
42 cators and students;
- 43 (g) Work cooperatively with the Idaho department of education and the
44 Idaho state board of education to define and implement pilot programs
45 and select schools to:
 - 46 (i) Further STEM education;
 - 47 (ii) Ensure that best practices are implemented; and
 - 48 (iii) Integrate research and document results of that research;
 - 49 and

- 1 (h) Engage private entities to provide additional funding and/or
2 in-kind employee time for STEM activities in schools supporting in-
3 industry career readiness in addition to what is currently provided by
4 private entities.
- 5 (6) The duties and oversight of the STEM action center shall not inter-
6 fere or conflict with the duties and oversight of the state board of educa-
7 tion.
- 8 (7) As funding allows, the administrator of the STEM action center
9 shall:
- 10 (a) Support high-quality professional development for educators re-
11 garding STEM education;
- 12 (b) Ensure that the STEM action center acts as a research and develop-
13 ment center for tools and best practice in STEM education coordination
14 and development;
- 15 (c) Review and acquire STEM education-related instructional materials
16 and products for:
- 17 (i) Educator high-quality professional development;
- 18 (ii) Assessment, data collection, analysis and reporting; and
- 19 (iii) Public school instruction; and
- 20 (d) Facilitate participation in interscholastic STEM-related competi-
21 tions, fairs, expositions, camps and STEM education student programs;
- 22 (e) Engage private industry in the development and maintenance of the
23 STEM action center and STEM action center projects;
- 24 (f) Use resources to bring the latest STEM content, 21st century skills
25 and hands-on STEM education resources into public education classroom
26 schools;
- 27 (g) Annually identify at least five (5) best practice innovations used
28 in Idaho schools that have resulted in growth in interest and perfor-
29 mance in STEM by students and teachers involved in pilot programs, math
30 academies and STEM projects;
- 31 (h) Identify best practices being used outside the state and, as ap-
32 propriate, develop and implement selected practices through pilot pro-
33 grams;
- 34 (i) As appropriate, join and participate in a national STEM network and
35 collaborate with neighboring states in STEM program development;
- 36 (j) Identify performance changes linked to use of the best practices;
- 37 (k) Support best methods of high-quality professional development for
38 STEM education in kindergarten through grade 12, including methods of
39 high-quality professional development pilot programs that reduce cost
40 and increase effectiveness, implement practices that support industry
41 career readiness and talent development, and help educators learn how
42 to most effectively implement STEM best practices, 21st century skills
43 and STEM resources in classrooms;
- 44 (l) Support targeted high-quality professional development for im-
45 proved instruction in K-12 STEM education, including:
- 46 (i) Improved instructional materials and resources that are dy-
47 namic and engaging for students;
- 48 (ii) Targeted instruction for students who traditionally avoid
49 enrolling in STEM courses;

- 1 (iii) Introduction of engaging engineering and other STEM pro-
2 grams;
- 3 (iv) Use of applied instruction; and
- 4 (v) Introduction of other research-based methods that support
5 student achievement in STEM areas; and
- 6 (m) Provide an Idaho best practices STEM resource database, including
7 best practices from public education, higher education, informal STEM
8 partners and other STEM-related entities.
- 9 (8) The administrator shall track and compare the growth of students
10 participating in a STEM action center program to all other similarly situ-
11 ated students in the state, in the following STEM-related activities, at the
12 beginning and end of each year:
- 13 (a) Public education high school graduation rates;
- 14 (b) The number of students taking STEM courses at an institution of pub-
15 lic higher education;
- 16 (c) The number of students who graduate from an Idaho public school and
17 begin a postsecondary education program; and
- 18 (d) The number of students, as compared to all similarly situated stu-
19 dents, who are performing at grade level in STEM classes.
- 20 (9) The STEM action center may:
- 21 (a) Enter into contracts for the purposes of this section; and
- 22 (b) Apply for, receive and disburse funds, contributions or grants from
23 any source for the purposes set forth in this section.
- 24 (10) The administrator shall report the progress of the STEM action
25 center, including the information described in subsection (5) of this sec-
26 tion, to the following groups once each year:
- 27 (a) The house and senate education committees;
- 28 (b) The governor's office;
- 29 (c) The joint finance-appropriations committee; and
- 30 (d) The state board of education.
- 31 (11) The report described in subsection (10) of this section shall in-
32 clude information that demonstrates the effectiveness of the program, in-
33 cluding:
- 34 (a) The number of educators receiving high-quality STEM professional
35 development;
- 36 (b) The number of students receiving services from the STEM action cen-
37 ter and the number of students participating in STEM camps, academies,
38 pilot programs and classroom STEM activities;
- 39 (c) A report on the STEM action center's fulfillment of its duties; and
- 40 (d) Student performance of students participating in a STEM action cen-
41 ter program.