

IN THE SENATE

SENATE BILL NO. 1335

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 5-241, IDAHO CODE,
3 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-405, IDAHO CODE,
4 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-703, IDAHO CODE,
5 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 6-1204, IDAHO CODE,
6 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 6-1205, IDAHO CODE,
7 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-1206, IDAHO CODE,
8 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 9-334, IDAHO CODE,
9 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 14-530, IDAHO CODE,
10 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 14-531, IDAHO CODE,
11 TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 87, TITLE 18, IDAHO
12 CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE
13 THE CHAPTER AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION
14 19-4705, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL
15 CORRECTIONS; AMENDING SECTION 26-2120, IDAHO CODE, TO MAKE TECHNICAL
16 CORRECTIONS; AMENDING SECTION 31-208, IDAHO CODE, TO MAKE TECHNICAL
17 CORRECTIONS; AMENDING SECTION 31-212, IDAHO CODE, TO MAKE TECHNICAL
18 CORRECTIONS; AMENDING SECTION 31-1004, IDAHO CODE, TO MAKE TECHNICAL
19 CORRECTIONS; AMENDING SECTION 31-1007, IDAHO CODE, TO MAKE A TECHNICAL
20 CORRECTION; AMENDING SECTION 31-2015, IDAHO CODE, TO MAKE TECHNICAL
21 CORRECTIONS; AMENDING SECTION 31-3503B, IDAHO CODE, TO PROVIDE A
22 CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING
23 SECTION 31-4815, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING
24 SECTION 33-138, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 207, LAWS
25 OF 2021, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-205, IDAHO
26 CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 33-1201A, IDAHO
27 CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 33-2101A, IDAHO
28 CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 35-104, IDAHO CODE,
29 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 35-109, IDAHO CODE, TO
30 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 35-202, IDAHO CODE, TO
31 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 35-304, IDAHO CODE, TO
32 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2006, IDAHO CODE, TO
33 REMOVE SURPLUS VERBIAGE AND TO MAKE A CODIFIER'S CORRECTION; AMENDING
34 SECTION 54-2105, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE
35 TECHNICAL CORRECTIONS; AMENDING SECTION 57-825, IDAHO CODE, AS EN-
36 ACTED BY SECTION 1, CHAPTER 3, LAWS OF 2021, TO REDESIGNATE THE SECTION;
37 AMENDING SECTION 63-3022, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS
38 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-450D, IDAHO
39 CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS;
40 AMENDING SECTION 67-7103, IDAHO CODE, TO REMOVE SURPLUS PUNCTUATION;
41 AMENDING SECTION 74-117, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION;
42 AMENDING SECTION 74-120, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS;
43 AMENDING SECTION 74-123, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION;
44 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

2 SECTION 1. That Section 5-241, Idaho Code, be, and the same is hereby
3 amended to read as follows:

4 5-241. ACCRUAL OF ACTIONS ARISING OUT OF THE DESIGN OR CONSTRUCTION OF
5 IMPROVEMENT TO REAL PROPERTY. (1) Actions will be deemed to have accrued and
6 the statute of limitations shall begin to run as to actions against any per-
7 son by reason of his having performed or furnished the design, planning, su-
8 pervision, or construction of an improvement to real property, as follows:

9 (a) Tort actions, if not previously accrued, shall accrue and the ap-
10 plicable limitation statute shall begin to run six (6) years after the
11 final completion of construction of such an improvement; and

12 (b) Contract actions shall accrue and the applicable limitation
13 statute shall begin to run at the time of final completion of construc-
14 tion of such an improvement.

15 (2) The times fixed by ~~these~~ this sections shall not be asserted by way
16 of defense by any person in actual possession or control, as owner, tenant,
17 or otherwise, of such an improvement at the time any deficiency in such an
18 improvement constitutes the proximate cause of an injury or death for which
19 it is proposed to bring an action.

20 (3) Nothing in this section shall be construed as extending the period
21 prescribed by the laws of this state for the bringing of any action.

22 (4) As used in this section, the term "person" shall mean an individual,
23 corporation, partnership, business trust, unincorporated organization, as-
24 sociation, or joint stock company.

25 SECTION 2. That Section 6-405, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 6-405. ORDER FOR SURVEY AND EXAMINATION. (1) Any person having a bona
28 fide claim to the possession of, title of, or interest in, any real property
29 or mining claim, including any ledges thereof, ~~which that~~ is, or which that
30 he has good reason to believe is, in the possession of another, either by sur-
31 face or underground holdings or workings, and it is necessary for the ascer-
32 tainment, enforcement or protection of such rights or interests, that an ex-
33 amination or survey of such property be had, and the person so in the posses-
34 sion thereof fails or refuses for three (3) days after demand on him made in
35 writing, to permit such examination or survey to be made, the party desiring
36 the same may apply to the court or the judge thereof, whether he have an ac-
37 tion concerning such property pending in such court or not, for an order for
38 such examination and survey.

39 (2) Such application must be made upon written petition or statement
40 under oath, setting out a description of the property, interest of the party
41 therein, that the premises are in the possession of a party, naming him, the
42 reason why such survey or examination is asked, the demand made for same, and
43 refusal thereof.

44 (3) The court or judge must appoint a time and place for hearing, of
45 which notice, with a copy of the petition, must be served upon the adverse
46 party at least three (3) days before the hearing and one (1) additional day
47 for each twenty-five (25) miles between the place of service of notice and

1 the hearing, and such hearing must be had and the testimony must be produced
 2 in the same manner as provided by section 8-411, Idaho Code, for hearings on
 3 injunctions.

4 (4) If upon such hearing the court or judge is satisfied that either
 5 party is entitled to any relief or order for examination or survey of any
 6 property in the possession of the other, which has, by the papers in the pro-
 7 ceedings been put in controversy, an order must be granted for such examina-
 8 tion, survey and other privileges as the court or judge may deem just, and the
 9 order must specify as nearly as possible what the person in whose favor such
 10 order is granted may do.

11 (5) Thereupon, such person may have free access, with such agents and
 12 assistants as may be allowed, to all parts of such property, with right to
 13 remove any loose rock, debris or other obstacle, when the same is necessary
 14 to the making of a full inspection or survey of such property, but no such
 15 removal must be made without the consent of the adverse party or the order of
 16 the court or judge permitting the same.

17 (6) The court or judge may also, upon proper showing with a view of pro-
 18 ducing such evidence as may be needed to determine the rights of the parties,
 19 allow work to be done on such property, but any work so permitted must be al-
 20 lowed only after the same is particularly defined, and must not be allowed in
 21 such manner as to interfere with the workings of the adverse party, and then
 22 only when the court is satisfied the adverse party is acting in bad faith and
 23 is infringing, or attempting so to do, upon the rights of the party asking to
 24 do such work, and when there is no other reasonable or convenient mode for the
 25 production of the evidence necessary to settle the rights of the parties.

26 (7) The party so asking to do work upon the premises of, or in the pos-
 27 session of another, must give good and sufficient security for the payment of
 28 all damages he may do the adverse party by reason of such work, and the court
 29 or judge must at every stage of the proceedings have due regard for the rights
 30 of all parties in interest.

31 SECTION 3. That Section 6-703, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 6-703. JUDGMENT A BAR TO SECOND ACTION. A judgment in any jurisdiction
 34 for or against the plaintiff upon the substantive merits of any action for
 35 damages founded upon a single publication or exhibition or utterance as de-
 36 scribed in section 6-702, Idaho Code, shall bar any other action for damages
 37 by the same plaintiff against the same defendant founded upon the same publi-
 38 cation or exhibition or utterance.

39 SECTION 4. That Section 6-1204, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

41 6-1204. DUTIES OF A GUIDE. Any guide providing personal services for
 42 an outfitter in this state shall conform to the standard of care expected of
 43 members of his profession, and he shall comply with all duties and require-
 44 ments placed on him by chapter 21, title 36, Idaho Code, and by the rules pro-
 45 mulgated by the Idaho outfitters and guides licensing board created by chap-
 46 ter 21, title 36, Idaho Code.

1 SECTION 5. That Section 6-1205, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 6-1205. DUTIES OF PARTICIPANTS. It is recognized that some recre-
4 ational activities conducted by outfitters and guides are hazardous to
5 participants regardless of all feasible safety measures ~~which~~ that can be
6 taken. Participants shall have a duty to act as would a reasonably prudent
7 man when engaging in recreational activities offered by licensed outfitters
8 and guides in this state. Participants shall have a duty not to:

9 (a~~1~~) Do any act ~~which shall~~ that interferes with the running or opera-
10 tion of an outfitter's or guide's activities, when such activities conform
11 to the rules of the Idaho outfitters and guides licensing board and to the re-
12 quirements of chapter 21, title 36, Idaho Code;

13 (b~~2~~) Use any outfitter's or guide's equipment or facilities or services
14 if the participant does not have the ability to use such facilities or equip-
15 ment or services safely without instructions until the participant has re-
16 quested and received sufficient instruction to permit safe usage;

17 (c~~3~~) Engage in any harmful conduct, or willfully or negligently engage
18 in any type of conduct ~~which~~ that contributes to or causes injury to any per-
19 son;

20 (d~~4~~) Embark on any self-initiated activity without first informing the
21 outfitter or guide of his intentions and receiving permission from the out-
22 fitter or guide to engage in such self-initiated activity.

23 SECTION 6. That Section 6-1206, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 6-1206. LIABILITY OF OUTFITTERS AND GUIDES. (a~~1~~) No licensed out-
26 fitter or guide acting in the course of his employment shall be liable to a
27 participant for damages or injuries to such participant unless such damage
28 or injury was directly or proximately caused by failure of the outfitter or
29 guide to comply with the duties placed on him by chapter 21, title 36, Idaho
30 Code, or by the rules of the Idaho outfitters and guides licensing board,
31 or by the duties placed on such outfitter or guide by the provisions of this
32 chapter.

33 (b~~2~~) The limitations on liability created by this chapter shall apply
34 only to outfitters or guides appropriately licensed under the provisions of
35 chapter 21, title 36, Idaho Code, and only when the outfitter or guide is act-
36 ing within the course of his employment. In the event that there is damage or
37 injury to a participant by the action of an outfitter or guide, and there is
38 no exemption for liability for such outfitter or guide under the provisions
39 of this ~~act~~ chapter, the rules of negligence and comparative negligence ex-
40 isting in the laws of the state of Idaho shall apply.

41 SECTION 7. That Section 9-334, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 9-334. COPIES OF RECORDS TO BE IN DUPLICATE -- ONE COPY FOR DISPLAY
44 PURPOSES, THE OTHER PLACED IN FIREPROOF VAULT. Whenever any record or doc-
45 ument is copied or reproduced by microphotographic, ~~or~~ microfilm, or other
46 mechanical process as ~~herein~~ provided in this section, it shall be made in

1 duplicate, and the custodian thereof shall place one copy in a fireproof
2 vault or fireproof storage place, and he shall retain the other copy in his
3 office with suitable equipment for displaying such record by projection
4 to not less than its original size or for preparing, for persons entitled
5 thereto, ~~to~~ copies of the record.

6 SECTION 8. That Section 14-530, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 14-530. REQUESTS FOR REPORTS AND EXAMINATION OF RECORDS. (1) The ad-
9 ministrator may require any person who has not filed a report to file a veri-
10 fied report stating whether or not the person is holding any unclaimed prop-
11 erty reportable or deliverable under this chapter.

12 (2) The administrator, at reasonable times and upon reasonable notice,
13 may examine the records of any person to determine whether the person has
14 complied with the provisions of this chapter. The administrator may conduct
15 the examination even if the person believes it is not in possession of any
16 property reportable or deliverable under the provisions of this chapter.

17 (3) If a person is treated under section 14-512, Idaho Code, as the
18 holder of the property only insofar as the interest of the business associa-
19 tion in the property is concerned, the administrator, pursuant to subsection
20 (2) of this section, may examine the records of the person if the administra-
21 tor has given the notice required by subsection (2) of this section to both
22 the person and the business association at least ninety (90) days before the
23 examination.

24 (4) If a holder fails to maintain the records required by section
25 14-531, Idaho Code, and the records of the holder available for the periods
26 subject to this chapter ~~and~~ are insufficient to permit the preparation of
27 a report, the administrator may require the holder to report and pay such
28 amounts as may reasonably be estimated from any available records.

29 SECTION 9. That Section 14-531, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 14-531. RETENTION OF RECORDS. (1) Every holder of unclaimed property
32 under this chapter, as to any property for which it has obtained the last
33 known address of the owner, shall maintain a record of the name and last known
34 address of the owner for seven (7) years after the year in which the property
35 becomes unclaimed, except to the extent that a shorter time ~~as~~ is provided in
36 subsection (2) of this section or by rule of the administrator.

37 (2) Any business association that sells in this state its travelers
38 checks, money orders, or other similar written instruments, other than
39 third-party bank checks on which the business association is directly li-
40 able, or that provides such instruments to others for sale in this state,
41 shall maintain a record of those instruments while they remain outstanding,
42 indicating the state and date of issue for three (3) years after the year in
43 which the property becomes unclaimed.

44 SECTION 10. That Chapter 87, Title 18, Idaho Code, as enacted by Section
45 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as
46 follows:

1 (8) Therefore, the state of Idaho has a compelling interest in protect-
2 ing the life of a preborn child at all stages of its development, including
3 after the preborn child has a detectable heartbeat, which signals rhythmi-
4 cally and without pause the presence of a precious and unique life, one that
5 is independent and distinct from the mother's and one that is also worthy of
6 our utmost protection.

7 18-87038803. DETERMINATION OF FETAL HEARTBEAT. Any person who in-
8 tends to perform or induce an abortion on a pregnant woman must determine if
9 there is the presence of any fetal heartbeat, except in the case of a medical
10 emergency. In testing for any fetal heartbeat, the person conducting the
11 physical examination on the pregnant woman must determine in his reasonable
12 medical judgment and according to standard medical practice whether or not
13 any fetal heartbeat is present. The person who determines the presence or
14 absence of any fetal heartbeat must record in the pregnant woman's medical
15 record the estimated gestational age of the preborn human individual or in-
16 dividuals, the method used to test for the fetal heartbeat, the date and time
17 of the test, and the results of the test.

18 18-87048804. ABORTION FOLLOWING DETECTION OF A FETAL HEARTBEAT PRO-
19 HIBITED. A person may not perform an abortion on a pregnant woman when a fe-
20 tal heartbeat has been detected, except in the case of a medical emergency,
21 in the case of rape as defined in section 18-6101, Idaho Code, or in the case
22 of incest as described in section 18-6602, Idaho Code. In the case of rape or
23 incest:

24 (1) If the woman is not a minor or subject to guardianship, then, prior
25 to the performance of the abortion, the woman has reported the act of rape or
26 incest to a law enforcement agency and provided a copy of such report to the
27 physician who is to perform the abortion; or

28 (2) If the woman is a minor or subject to guardianship, then, prior to
29 the performance of the abortion, the woman or her parent or guardian has re-
30 ported the act of rape or incest to a law enforcement agency or child protec-
31 tive services and a copy of such report have been provided to the physician
32 who is to perform the abortion.

33 18-87058805. PENALTIES FOR VIOLATIONS. Every licensed health care
34 professional who intentionally, knowingly, and recklessly performs or in-
35 duces an abortion in violation of this chapter commits the crime of criminal
36 abortion. Criminal abortion shall be a felony punishable by a sentence of
37 imprisonment of no less than two (2) years and no more than five (5) years
38 in prison. The professional license of any health care professional who
39 performs or induces an abortion or who assists in performing or inducing an
40 abortion in violation of this chapter shall be suspended by the appropriate
41 licensing board for a minimum of six (6) months upon a first offense and shall
42 be permanently revoked upon a subsequent offense.

43 18-87068806. EFFECTIVE UPON A CERTAIN OCCURRENCE. (1) This chapter
44 shall become effective thirty (30) days following the issuance of the judg-
45 ment in any United States appellate court case in which the appellate court
46 upholds a restriction or ban on abortion for a preborn child because a de-

1 tectable heartbeat is present on the grounds that such restriction or ban
2 does not violate the United States constitution.

3 (2) Nothing in this section shall be construed to conflict with the ef-
4 fectiveness of section 18-622, Idaho Code, following the occurrence of the
5 circumstances described therein. In the event both this section and section
6 18-622, Idaho Code, are enforceable, section 18-622, Idaho Code, shall su-
7 persede this section.

8 18-~~8707~~8807. CIVIL ACTION. Any woman on whom an abortion is performed
9 in violation of this chapter may recover in a civil action all damages avail-
10 able to her under Idaho law from the person or persons who intentionally,
11 knowingly, and recklessly violated the provisions of section 18-~~8703~~8803 or
12 18-~~8704~~8804, Idaho Code.

13 18-~~8708~~8808. SEVERABILITY. The provisions of this chapter are hereby
14 declared to be severable, and if any provision of this chapter or the appli-
15 cation of such provision to any person or circumstance is declared invalid
16 for any reason, such declaration does not affect the validity of the remain-
17 ing portions of this chapter. Any invalidity or potential invalidity of the
18 provisions of this chapter does not impair the immediate and continuing en-
19 forceability of the remaining provisions. The provisions of this chapter do
20 not have the effect of repealing or limiting any other laws of this state, ex-
21 cept as specified by this chapter.

22 SECTION 11. That Section 19-4705, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT
25 -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsec-
26 tion (2) of this section:

27 (a) All fines and forfeitures collected pursuant to the judgment of
28 any court of the state shall be remitted to the court in which the judg-
29 ment was rendered. The judgment shall then be satisfied by entry in the
30 docket of the court. The clerk of the court shall daily remit all fines
31 and forfeitures to the county auditor, who shall at the end of each month
32 apportion the proceeds according to the provisions of this chapter.
33 Other existing laws regarding the disposition of fines and forfeitures
34 are hereby repealed to the extent such laws are inconsistent with the
35 provisions of this chapter, except as provided in section 49-1013(5),
36 Idaho Code.

37 (b) Fines and forfeitures remitted for violations of fish and game
38 laws shall be apportioned two and one-half percent (2 1/2%) to the
39 state treasurer for deposit in the state general fund, ten percent
40 (10%) to the search and rescue account, twenty-two and one-half percent
41 (22 1/2%) to the district court fund, and sixty-five percent (65%) to
42 the public shooting range fund as provided in section 36-418, Idaho
43 Code. ~~account~~

44 (c) Fines and forfeitures remitted for violations of state motor ve-
45 hicle laws, for violation of state driving privilege laws, and for
46 violation of state laws prohibiting driving while under the influence
47 of alcohol, drugs or any other intoxicating substances, shall be appor-

1 tioned ten percent (10%) to the state treasurer, of which eighty-six
2 percent (86%) shall be deposited to the state general fund and fourteen
3 percent (14%) shall be deposited to the peace officers standards and
4 training fund authorized in section 19-5116, Idaho Code, forty-five
5 percent (45%) to the state treasurer for deposit in the highway distri-
6 bution account, twenty-two and one-half percent (22 1/2%) to the dis-
7 trict court fund, and twenty-two and one-half percent (22 1/2%) to the
8 state treasurer for deposit in the public school income fund; provided,
9 however, that fines and forfeitures remitted for violation of state mo-
10 tor vehicle laws, for violation of state driving privilege laws, and for
11 violation of state laws prohibiting driving while under the influence
12 of alcohol, drugs or any other intoxicating substances, where an arrest
13 is made or a citation is issued by a city law enforcement official, or by
14 a law enforcement official of a governmental agency under contract to
15 provide law enforcement services for a city, shall be apportioned ten
16 percent (10%) to the state treasurer, of which eighty-six percent (86%)
17 shall be deposited to the state general fund and fourteen percent (14%)
18 shall be deposited to the peace officers standards and training fund
19 authorized in section 19-5116, Idaho Code, and ninety percent (90%) to
20 the city whose officer made the arrest or issued the citation.

21 (d) Fines and forfeitures remitted for violation of any state law not
22 involving fish and game laws, ~~or~~ motor vehicle laws, ~~or~~ state driving
23 privilege laws, or state laws prohibiting driving while under the in-
24 fluence of alcohol, drugs or any other intoxicating substances, shall
25 be apportioned ten percent (10%) to the state treasurer, of which
26 eighty-six percent (86%) shall be deposited to the state general fund
27 and fourteen percent (14%) shall be deposited to the peace officers
28 standards and training fund authorized in section 19-5116, Idaho Code,
29 and ninety percent (90%) to the district court fund of the county in
30 which the violation occurred.

31 (e) Fines and forfeitures remitted for violation of county ordinances
32 shall be apportioned ten percent (10%) to the state treasurer, of which
33 eighty-six percent (86%) shall be deposited to the state general fund
34 and fourteen percent (14%) shall be deposited to the peace officers
35 standards and training fund authorized in section 19-5116, Idaho Code,
36 and ninety percent (90%) to the district court fund of the county whose
37 ordinance was violated.

38 (f) Fines and forfeitures remitted for violation of city ordinances
39 shall be apportioned ten percent (10%) to the state treasurer, of which
40 eighty-six percent (86%) shall be deposited to the state general fund
41 and fourteen percent (14%) shall be deposited to the peace officers
42 standards and training fund authorized in section 19-5116, Idaho Code,
43 and ninety percent (90%) to the city whose ordinance was violated.

44 (g) Fines and forfeitures remitted for violations not specified in this
45 chapter shall be apportioned ten percent (10%) to the state treasurer,
46 of which eighty-six percent (86%) shall be deposited to the state gen-
47 eral fund and fourteen percent (14%) shall be deposited to the peace of-
48 ficers standards and training fund authorized in section 19-5116, Idaho
49 Code, and ninety percent (90%) to the district court fund of the county
50 in which the violation occurred, except in cases where a duly designated

1 officer of any city police department or city law enforcement official
2 ~~shall have~~ made the arrest for any such violation, in which case ninety
3 percent (90%) shall be apportioned to the city whose officer made the
4 arrest.

5 (h) Fines and forfeitures remitted for violations involving any of the
6 provisions of chapter 71, title 67, Idaho Code, shall be apportioned ten
7 percent (10%) to the state treasurer, of which eighty-six percent (86%)
8 shall be deposited to the state general fund and fourteen percent (14%)
9 shall be deposited to the peace officers standards and training fund au-
10 thorized in section 19-5116, Idaho Code, and ninety percent (90%) to the
11 general fund of the county or city whose law enforcement official issued
12 the citation.

13 (i) Fines and forfeitures remitted for violations of overweight laws
14 as provided in section 49-1013(3), Idaho Code, shall be deposited one
15 hundred percent (100%) into the highway distribution account.

16 (j) Fines remitted for violations of section 18-7008, Idaho Code, shall
17 be apportioned ten percent (10%) to the district court fund, sixty-five
18 percent (65%) to the county where the trespass occurred for appropria-
19 tion to the sheriff's office, and twenty-five percent (25%) to the Idaho
20 rangeland resources commission for expanded education programs regard-
21 ing private property rights and land user responsibility.

22 (2) Any fine or forfeiture remitted for any misdemeanor violation for
23 which an increase in the maximum fine became effective on or after July 1,
24 2005, shall be apportioned as follows:

25 (a) Any funds remitted, up to the maximum amount that could have been
26 imposed before July 1, 2005, as a fine for the misdemeanor violation,
27 shall be apportioned according to the applicable provisions of subsec-
28 tion (1) of this section; and

29 (b) Any other funds remitted, in excess of the maximum amount that could
30 have been imposed before July 1, 2005, as a fine for the misdemeanor vi-
31 olation, shall be remitted to the state treasurer and shall be deposited
32 in the drug court, mental health court and family court services fund as
33 set forth in section 1-1625, Idaho Code.

34 (3) As used in this section, the term "city law enforcement official"
35 shall include an official of any governmental agency providing law enforce-
36 ment services to a city in accordance with the terms of a contract or agree-
37 ment, when such official makes the arrest or issues a citation within the ge-
38 ographical limits of the city and when the contract or agreement provides for
39 payment to the city of fines and forfeitures resulting from such service.

40 SECTION 12. That Section 26-2120, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 26-2120. LIMIT ON LOAN AMOUNT -- LOANS TO ONE BORROWER. (1) Unless oth-
43 erwise provided in this chapter or by a rule pursuant to this chapter, no loan
44 may be made to any borrower if the loan would cause the borrower and any as-
45 sociated borrowers to be indebted to the credit union on all types of loans
46 in an aggregated amount exceeding one hundred thousand dollars (\$100,000)
47 or fifteen percent (15%) of the net worth of the credit union, whichever is
48 greater, without the approval of the director.

49 (a) This section does not apply to a corporate credit union.

1 (b) Two (~~two~~²) borrowers are "associated" for the purposes of this sec-
2 tion if any of the following factors are present:

3 (i) One (1) of them will derive a direct benefit from the credit
4 union's loan to the other. For this purpose, the term "direct ben-
5 efit" means that the loan proceeds or assets purchased with those
6 proceeds will be transferred to the other party other than in a
7 bona fide arm's-length transaction where the proceeds are used to
8 acquire property, goods, or services;

9 (ii) Loan proceeds for each of them are used to purchase interests
10 in the same enterprise, and the borrowers will in the aggregate own
11 more than fifty percent (50%) of the ownership interests in such
12 enterprise. In such case, the borrowers are considered associated
13 only to the extent of the loans made to purchase interests in the
14 same enterprise;

15 (iii) The borrowers are related directly or indirectly through
16 common control and either borrower derives fifty percent (50%) or
17 more of its income from the other. For this purpose, "control"
18 means that a person directly or indirectly owns or has the power
19 to vote twenty-five percent (25%) or more of the ownership inter-
20 est of an organization, controls the election of a majority of the
21 directors, managers, trustees, or other persons exercising sim-
22 ilar functions of an organization, or has the power to exercise a
23 controlling influence over the management or policies of the or-
24 ganization;

25 (iv) The expected source of repayment is the same for each bor-
26 rower, and no individual borrower has a separate source of income
27 from which the loan may be paid, taking into account the borrower's
28 other obligations; or

29 (v) One (1) borrower is generally liable for the obligations or
30 actions of the other.

31 (2) The limit on a loan amount in this section does not apply to any loan
32 that is fully secured by shares or deposits.

33 SECTION 13. That Section 31-208, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 31-208. VOTING FOR REMOVAL OF COUNTY SEAT. The voting for the removal
36 of any county seat shall be by ballot, and each ballot shall have printed or
37 written thereon the words stated in section 31-214, Idaho Code. Such ballot
38 shall be smaller than the general election ballots, and shall be officially
39 stamped, and there shall be printed or written thereon the words "county seat
40 ballot," and any elector who is registered as provided in title 34 ~~provided~~,
41 Idaho Code, and who, in addition to being qualified to vote for county of-
42 ficers, has resided in the county six (6) months and in the precinct ninety
43 (90) days, shall be permitted to vote for or against the removal of the county
44 seat, by handing to one (1) of the judges of election a county seat ballot,
45 at the same time announcing that he is entitled to vote on the question of
46 the removal of the county seat. If the judges of election are of the opin-
47 ion that the said elector is entitled to vote on the question of the removal
48 of the county seat, his ballot shall then be deposited in the ballot box, and

1 the clerks of election shall write opposite his name in brackets the words
2 "county seat" or "county division," as the case may be.

3 SECTION 14. That Section 31-212, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 31-212. CHANGING COUNTY BOUNDARIES. Whenever the boards of county
6 commissioners of affected counties have by joint ordinance provided that
7 a part of an affected county be stricken off from said county and annexed
8 to an adjoining affected county, the provisions of the constitution being
9 complied with, the qualified electors who have resided ninety (90) days
10 next preceding the first general election after the passage of this chapter
11 within the boundary lines of the territory stricken off and annexed, shall be
12 permitted to vote at said general election, for or against said annexation.
13 If a majority of said electors voting at said election vote in favor of annex-
14 ation, said territory is then stricken off and annexed, as provided in this
15 chapter: provided, that all the requirements of the constitution have been
16 complied with. If such annexation and change of county boundaries occur, the
17 legislature, at its next regular session, shall redefine the boundaries of
18 the affected counties as set forth in the Idaho Code to conform therewith.
19 The county recorder of the county from which the territory is to be detached
20 may have clearly reproduced by photographing or filming in accordance with
21 the provisions of sections 9-328, 9-329, and 9-330, Idaho Code, into perma-
22 nent records, all instruments, papers and other matters and things relating
23 to or affecting real property in the territory being detached and annexed.
24 When the costs have been determined for the transcribing and indexing of
25 all instruments, documents, records, maps, papers, and all other matters
26 relating to or affecting the property in the territory to be annexed, which
27 must be transferred to the annexing county, and the copying and preparing
28 for transfer of all pleadings, court records, and other papers in all court
29 actions and court proceedings to be transferred to the annexing county, the
30 board of county commissioners of the county annexing the detached territory
31 shall cause county warrants to be drawn to pay all such costs; said warrants
32 so drawn shall be paid by a tax to be assessed upon all property within the
33 territory being annexed.

34 SECTION 15. That Section 31-1004, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 31-1004. STATUTES GOVERNING ELECTION AND BOND ISSUE. The board shall
37 be governed in calling and holding said election, and in the issuance and
38 sale of said bonds, and in providing for the payment of the interest thereon,
39 and for their redemption, by the provisions of sections 31-1901 ~~to~~ through
40 31-1909, Idaho Code.

41 SECTION 16. That Section 31-1007, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 31-1007. JOINT SITES AND BUILDINGS -- INDEBTEDNESS. Counties and
44 cities operating under sections 31-1005 and 31-1006, Idaho Code, are hereby
45 authorized and empowered to incur indebtedness and issue bonds for any of

1 the purposes authorized hereby in the same manner in which they are now or
 2 hereafter may be authorized by law to incur indebtedness and issue bonds for
 3 similar purposes.

4 SECTION 17. That Section 31-2015, Idaho Code, be, and the same is hereby
 5 amended to read as follows:

6 31-2015. BONDS OF OFFICERS -- AMOUNT OF PENALTY. County~~r~~ and district
 7 officers must execute official bonds in the following amounts:

8 ~~(1-)~~ County commissioners each in the sum of five thousand dollars
 9 (\$5,000-);

10 ~~(2-)~~ County treasurers each in double the probable amount of money that
 11 may at any time come into his hands as such treasurer, to be fixed by the board
 12 of county commissioners: provided, if surety bond ~~be is~~ given as provided in
 13 section 41-2707, Idaho Code, the bond need not exceed ~~twenty-five per cent~~
 14 percent (25%) of the probable amount that may be at hand at any one time, but
 15 in no case to be less than ten thousand dollars (\$10,000-);

16 ~~(3-)~~ Sheriffs each in the sum of ten thousand dollars (\$10,000-);

17 ~~(4-)~~ Clerks of the district court each in the penal sum of five thou-
 18 sand dollars (\$5,000), with two (2) sufficient sureties, to be approved by
 19 the judge of the district conditioned that he will faithfully perform the du-
 20 ties of his office and at all times account for and pay over all moneys in his
 21 hands as clerk; and the penalty of such bond may at any time be increased by
 22 the judge of the district. The clerk may require a bond from any deputy-;

23 ~~(5-)~~ County recorders each in the sum of not less than five thousand
 24 dollars (\$5,000) nor more than twenty thousand dollars (\$20,000), to be
 25 fixed by the board of county commissioners, and to cover his duties and
 26 liabilities as recorder, auditor, and clerk of the board of county commis-
 27 sioners-;

28 ~~(6-)~~ Assessors each in the sum of five thousand dollars (\$5,000-);

29 ~~(7-)~~ Tax collectors and license collectors each in the sum of not less
 30 than two thousand dollars (\$2,000) nor more than fifty thousand dollars
 31 (\$50,000) to be fixed by the board of county commissioners-;

32 ~~(8-)~~ Prosecuting attorneys each in the sum of two thousand dollars
 33 (\$2,000-);

34 ~~(9-)~~ Coroners each in the sum of one thousand dollars (\$1,000-);

35 ~~(10-)~~ Public administrators each in the sum of two thousand dollars
 36 (\$2,000-); and

37 ~~(11-)~~ Constables in the sum of not less than five hundred dollars (\$500)
 38 nor more than one thousand dollars (\$1,000), to be fixed by the board of
 39 county commissioners.

40 SECTION 18. That Section 31-3503B, Idaho Code, be, and the same is
 41 hereby amended to read as follows:

42 31-3503B. RECIPROCAL AGREEMENTS -- OUT-OF-STATE TREATMENT. (1) The
 43 governor of the state of Idaho or his or her designee is empowered to negoti-
 44 ate reciprocal agreements with other states for the provision of necessary
 45 medical services for residents of this and other states.

46 (2) No payment shall be made for necessary medical services to an
 47 out-of-state provider unless a reciprocal agreement has been entered into

1 by the governor of this state, or unless contracted for pursuant to sections
2 31-3520 and 31-352~~2~~1, Idaho Code.

3 SECTION 19. That Section 31-4815, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 31-4815. CREATION OF THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMIS-
6 SION -- TERMS. (1) There is hereby created in the military division an Idaho
7 public safety communications commission (hereinafter referred to as "the
8 commission") with the purposes identified in section 31-4801(2)(d), Idaho
9 Code.

10 (2) Notwithstanding any other provision of law to the contrary, the
11 commission shall, upon being constituted, exercise its powers and duties
12 in accordance with the provisions of this section relative to consolidated
13 emergency communications and interoperable public safety communications
14 and data systems in this state established by enactment of the legislature
15 or by private act.

16 (3) All members of the commission will be appointed by the governor and
17 will serve at the pleasure of the governor.

18 (4) The commission shall be composed of eighteen (18) voting members.
19 The statewide interoperability coordinator of the Idaho ~~bureau of homeland~~
20 ~~security~~ office of emergency management will not be a member of the commis-
21 sion, but shall report quarterly to the commission.

22 (5) Appointment by the governor will include the following voting mem-
23 bers:

24 (a) The director of the Idaho ~~bureau of homeland security~~ office of
25 emergency management or a designated representative and the director of
26 the Idaho state police or a designated representative.

27 (b) The chair of the Idaho technology authority and one (1) legislator
28 selected by joint approval from the speaker of the house of representa-
29 tives and the president pro tempore of the senate.

30 (c) The governor will receive suggested names of candidates and alter-
31 nates for representation from the following and will appoint at his own
32 discretion one (1) representative as a voting member from each: one

33 (1) member representing the association of Idaho cities, one (1) member
34 representing the Idaho association of counties, two (2) members repre-
35 senting the Idaho sheriffs' association, one (1) member representing
36 the Idaho chiefs of police association, one (1) member representing the
37 Idaho fire chiefs association, one (1) member representing the Idaho
38 health and welfare department's state emergency medical services com-
39 munications center, and one (1) member representing the Native American
40 tribes of the state.

41 (d) Six (6) district interoperable governance board (DIGB) representa-
42 tives. Each district shall select from the following to represent its
43 district: a county commissioner, sheriff, mayor, chief of police, fire
44 service chief, public safety answering point manager, public safety
45 technology manager or emergency medical services manager.

46 (6) Commission representatives shall be appointed by the governor as
47 follows:

48 (a) Each association, entity or DIGB shall select one (1) primary and
49 one (1) alternate candidate to represent the association, entity or

1 DIGB. Following administrative procedures guidelines, both names shall
2 be submitted to the administrative agency responsible for these tasks,
3 which is the Idaho ~~bureau of homeland security~~ office of emergency
4 management, within thirty (30) days after a term expires or a vacancy
5 occurs. The Idaho ~~bureau of homeland security~~ office of emergency
6 management will then forward each entity's names to the governor for
7 consideration and appointment to the commission.

8 (b) Should any association, entity or DIGB fail to submit the names
9 of the candidate and the alternate as directed in this subsection, the
10 commission shall select a candidate and alternate from the association,
11 entity or district and submit those names to the governor for considera-
12 tion and appointment to the commission.

13 (7) Except as provided in this subsection, members of the commission
14 shall be appointed to a term of four (4) years. The following members shall
15 be appointed to an initial term of two (2) years: the member representing the
16 Idaho fire chiefs association, the member representing the Idaho chiefs of
17 police association, one (1) member representing the Idaho sheriffs' asso-
18 ciation, the member representing the Idaho department of health and welfare
19 emergency medical services communications center, the member representing
20 the Native American tribes, the member from the state legislature, the chair
21 of the Idaho technology authority, and the representatives of DIGBs one,
22 three and five. The remaining members appointed by the governor shall be
23 appointed for an initial term of four (4) years. Thereafter, all terms shall
24 be for a period of four (4) years.

25 (8) The commission shall recommend to the governor a list of candidates
26 to be appointed to a ~~four-year~~ four (4) year term as chair. The governor
27 shall appoint the chair from the list of candidates. The commission shall
28 elect a ~~vice-chair~~ vice chair and such officers as it may deem necessary and
29 appropriate. The commission shall meet at least annually and at the call of
30 the chair. Members of the commission shall be compensated as provided in
31 section 59-509(b), Idaho Code. Compensation shall be paid from the emer-
32 gency communications fund created in section 31-4818, Idaho Code.

33 SECTION 20. That Section 33-138, Idaho Code, as enacted by Section 1,
34 Chapter 207, Laws of 2021, be, and the same is hereby amended to read as fol-
35 lows:

36 ~~33-13840~~. REPORT -- HIGH-PERFORMING SCHOOLS AND TEACHERS. In the
37 first week of the regular legislative session in 2022, the state board of
38 education shall present to the legislature a statewide strategy for defining
39 and rewarding high-performing schools and teachers for growth in student
40 achievement. The strategy should consider:

- 41 (1) How to incentivize, encourage, and recognize schools and teachers,
42 along with their communities, for dedicated and high-quality work; and
- 43 (2) Ways to reduce disincentives to excel in student achievement.

44 SECTION 21. That Section 33-205, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 33-205. DENIAL OF SCHOOL ATTENDANCE. (1) The board of trustees may
47 deny enrollment, or may deny attendance at any of its schools by expulsion,

1 to any pupil who is a habitual truant, or who is incorrigible, or whose con-
2 duct, in the judgment of the board, is such as to be continuously disruptive
3 of school discipline or of the instructional effectiveness of the school, or
4 whose presence in a public school is detrimental to the health and safety of
5 other pupils, or who has possessed a deadly or dangerous weapon or firearm
6 on school property, or who has been expelled from another school district in
7 this state or any other state. Any pupil having been denied enrollment or
8 expelled may be enrolled or readmitted to the school by the board of trustees
9 upon such reasonable conditions as may be prescribed by the board; but such
10 enrollment or readmission shall not prevent the board from again expelling
11 such pupil for cause.

12 (2) Provided however, the board shall expel from school for a period of
13 not less than one (1) year, twelve (12) calendar months, or may deny enroll-
14 ment to a student who has been found to have possessed a firearm on school
15 property in this state or any other state. The board may modify such expul-
16 sion or denial of enrollment requirement on a case-by-case basis when the
17 board determines reasonable conditions apply and the student's presence is
18 not detrimental to the health and safety of other students. Discipline of
19 students with disabilities shall be in accordance with the requirements of
20 federal law part B of the individuals with disabilities education act and
21 section 504 of the rehabilitation act. An authorized representative of the
22 board shall report such student and incident to the appropriate law enforce-
23 ment agency.

24 (3) ~~(2)~~ No pupil shall be expelled or denied enrollment without the
25 board of trustees having first given written notice to the parent or guardian
26 of the pupil, which notice shall state the grounds for the proposed expul-
27 sion or denial of enrollment and the time and place where such parent or
28 guardian may appear to contest the action of the board to deny school atten-
29 dance and which notice shall state the rights of the pupil to be represented
30 by counsel, to produce witnesses and submit evidence on his own behalf, and
31 to cross-examine any adult witnesses who may appear against him. Within a
32 reasonable period of time following such notification, the board of trustees
33 shall grant the pupil and his parents or guardian a full and fair hearing on
34 the proposed expulsion or denial of enrollment. However, the board shall
35 allow a reasonable period of time between such notification and the holding
36 of such hearing to allow the pupil and his parents or guardian to prepare
37 their response to the charge. Notwithstanding the provisions of sections
38 74-205 and 74-206, Idaho Code, a decision to expel or to deny enrollment of a
39 student may be made in executive session, and the student shall not be named
40 in the minutes of the meeting. A record of the decision shall be placed in
41 the student's educational record and in the official records of the board.
42 Any pupil within the age of compulsory attendance who is expelled or denied
43 enrollment as herein provided shall come under the purview of the juvenile
44 corrections act, and an authorized representative of the board shall, within
45 five (5) days, give written notice of the pupil's expulsion to the prosecut-
46 ing attorney of the county of the pupil's residence.

47 (4) ~~(3)~~ The superintendent of any district or the principal of any
48 school may temporarily suspend any pupil for disciplinary reasons, in-
49 cluding student harassment, intimidation or bullying, or for other conduct
50 disruptive of good order or of the instructional effectiveness of the

1 school. A temporary suspension by the principal shall not exceed five (5)
2 school days, and the school superintendent may extend the temporary sus-
3 pension an additional ten (10) school days. Provided, that on a finding by
4 the board of trustees, which finding must be made in executive session, that
5 immediate return to school attendance by the temporarily suspended student
6 would be detrimental to other pupils' health, welfare, or safety, the board
7 of trustees may extend the temporary suspension for an additional five (5)
8 school days. Prior to suspending any student, the superintendent or princi-
9 pal shall grant an informal hearing on the reasons for the suspension and the
10 opportunity to challenge those reasons. Any pupil who has been suspended may
11 be readmitted to the school by the superintendent or principal who suspended
12 him upon such reasonable conditions as said superintendent or principal may
13 prescribe. The board of trustees shall be notified of any temporary suspen-
14 sions, the reasons therefor, and the response, if any, thereto.

15 (5) The board of trustees of each school district shall establish the
16 procedure to be followed by the superintendent and principals under its ju-
17 risdiction for the purpose of effecting a temporary suspension, which proce-
18 dure must conform to the minimal requirements of due process and afford the
19 pupil privacy.

20 (6) As used in this section, "possess," "deadly or dangerous weapon,"
21 and "firearm" have the same meanings as provided in section 18-3302D, Idaho
22 Code.

23 SECTION 22. That Section 33-1201A, Idaho Code, be, and the same is
24 hereby amended to read as follows:

25 33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any in-
26 structional staff employee or any pupil service staff employee will receive
27 mentoring as outlined in such employee's individualized professional learn-
28 ing plan during the initial three (3) years of holding such certificate.
29 Upon holding a certificate for three (3) years, any such instructional staff
30 or pupil service staff employee may apply for an Idaho professional endorse-
31 ment. Upon holding a professional endorsement for five (5) years or more,
32 any such instructional staff or pupil service staff employee may apply for an
33 Idaho advanced professional endorsement. Individuals who hold an instruc-
34 tional staff certificate and a pupil service staff certificate shall have
35 their experience based on the overall years of experience if held consec-
36 utively or the certificate they have held the longest if dually certificated.

37 (2) To be eligible for an Idaho professional endorsement, the instruc-
38 tional staff or pupil service staff employee must:

39 (a) Have held a certificate and been employed in a public school for at
40 least three (3) years or have completed a state board of education-ap-
41 proved interim certificate of three (3) years or longer;

42 (b) Show they met the professional compensation rung performance cri-
43 teria for two (2) of the three (3) previous years or the third year;

44 (c) Have a written recommendation from the employing school district;
45 and

46 (d) Have an annual individualized professional learning plan developed
47 in conjunction with the employee's school district supervisor.

48 Instructional staff employees may provide additional evidence demonstrat-
49 ing effective teaching that may be considered in exceptional cases for

1 purposes of determining proficiency and student achievement in the event
 2 required standards for professional endorsement are not met. Pupil service
 3 staff employees may provide additional evidence demonstrating effective
 4 student achievement or success that may be considered in exceptional cases
 5 for purposes of determining proficiency and student achievement or success
 6 in the event required standards for professional endorsement are not met.

7 (3) To be eligible for an Idaho advanced professional endorsement, the
 8 instructional staff or pupil service staff employee must:

9 (a) Have held a renewable certificate and been employed in a public
 10 school for at least eight (8) years or more or have completed a state
 11 board of education-approved interim certificate of three (3) years or
 12 longer and held a renewable certificate and been employed in a public
 13 school for five (5) years or more;

14 (b) Show they met the professional compensation rung performance cri-
 15 teria for four (4) of the five (5) previous years or the third, fourth,
 16 and fifth year;

17 (c) During three (3) of the previous five (5) years, have served in
 18 an additional building or district leadership role in an Idaho public
 19 school, including but not limited to:

20 (i) Instructional specialist or instructional coach;

21 (ii) Mentor;

22 (iii) Curriculum or assessment committee member;

23 (iv) Team or committee leadership position;

24 (v) Data coach; or

25 (vi) Other leadership positions identified by the school dis-
 26 trict;

27 (d) Have a written recommendation from the employing school district;

28 (e) Have an annual individualized professional learning plan developed
 29 in conjunction with the employee's supervisor and a self-evaluation;
 30 and

31 (f) (i) Effective July 1, 2020, through June 30, 2021, show they
 32 have met the advanced professional compensation rung performance
 33 criteria for three (3) of the five (5) previous years or the fifth
 34 year;

35 (ii) Effective July 1, 2021, through June 30, 2022, show they have
 36 met the advanced professional compensation rung performance cri-
 37 teria for three (3) of the five (5) previous years or the fourth and
 38 fifth year; or

39 (iii) Effective July 1, 2022, show they have met the advanced pro-
 40 fessional compensation rung performance criteria for three (3) of
 41 the five (5) previous years.

42 Instructional staff employees may provide additional evidence demon-
 43 strating effective teaching that may be considered in exceptional cases
 44 for purposes of determining proficiency and student achievement in the
 45 event required standards for the advanced professional endorsement are not
 46 met. Pupil service staff employees may provide additional evidence demon-
 47 strating effective student achievement or success that may be considered
 48 in exceptional cases for purposes of determining proficiency and student
 49 achievement or success in the event required standards for the advanced pro-
 50 fessional endorsement are not met.

1 (4) Instructional staff and pupil service staff who have been certified
2 in another state and have not previously held certification in the state of
3 Idaho shall be eligible for the professional endorsement if they:

4 (a) Have a written recommendation from the employing school district;

5 (b) Have worked in a certificated position in a compact-member state
6 other than Idaho pursuant to section 33-4104, Idaho Code; and

7 (c) Would have been eligible to work in a certificated position in an
8 Idaho public school based on that certification for three (3) to eight
9 (8) years.

10 (5) Instructional staff and pupil service staff who have been certified
11 in another state and have not previously held certification in the state of
12 Idaho shall be eligible for the advanced professional endorsement if they:

13 (a) Have a written recommendation from the employing school district;

14 (b) Have worked in a certificated position in a compact-member state
15 other than Idaho pursuant to section 33-4104, Idaho Code; and

16 (c) Would have been eligible to work in a certificated position in an
17 Idaho public school based on that certification for nine (9) years or
18 more.

19 (6) Instructional staff and pupil service staff who have worked in
20 an accredited private school and maintained their instructional or pupil
21 service staff certification may use their years of private school work ex-
22 perience to meet the years of experience requirements for the professional
23 and advanced professional endorsement. Such staff may provide additional
24 evidence demonstrating effective teaching that may be considered in excep-
25 tional cases for purposes of determining proficiency and student achieve-
26 ment requirements for professional and advanced professional eligibility
27 criteria.

28 (7) Individuals holding a professional endorsement or an advanced pro-
29 fessional endorsement will be annually evaluated in at least two (2) domains
30 in the state evaluation framework approved by the state board of education.
31 All other instructional or pupil service staff employees must be evaluated
32 across all domains in the evaluation framework. Ratings in domain 2 or do-
33 main 3 are required as part of the advanced professional compensation rung
34 performance criteria.

35 (78) The state board of education shall promulgate rules implementing
36 the provisions of this section.

37 (89) For the purposes of this section:

38 (a) "Certificate" means an Idaho instructional certificate, pupil
39 service staff certificate, or out-of-state educator certificate that
40 meets the requirements for reciprocity under rules promulgated by the
41 state board of education;

42 (b) In conjunction with the Idaho evaluation framework, "individual-
43 ized professional learning plan" means an individualized professional
44 development plan based on the Idaho framework for teaching evaluation
45 and includes, at a minimum, identified interventions based on the indi-
46 vidual's strengths and areas of needed growth, how the individual will
47 set student achievement and growth goals, and areas of identified pro-
48 fessional development and mentoring that target continuous improvement
49 in professional areas, future student achievement, and school building
50 or district culture;

1 (c) "Instructional staff" means those involved in the direct instruc-
 2 tion of a student or group of students and who hold a certificate issued
 3 under section 33-1201, Idaho Code;

4 (d) "Pupil service staff" means those who provide services to students
 5 but are not involved in direct instruction of those students and who
 6 hold a certificate issued under section 33-1201, Idaho Code; and

7 (e) "School district" means a school district or a public charter
 8 school.

9 SECTION 23. That Section 33-2101A, Idaho Code, be, and the same is
 10 hereby amended to read as follows:

11 33-2101A. JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE. Notwith-
 12 standing any other provision of law, in sections 21-805, 21-806, 21-809,
 13 23-404, ~~31-808~~, 33-101, 33-107, 33-107B, 33-601, 33-1252, 33-2101, 33-2102,
 14 33-2103, 33-2104, 33-2105, 33-2106, 33-2107, 33-2107A, 33-2107B, 33-2107C,
 15 33-2108, 33-2109A, 33-2110, 33-2110A, 33-2110B, 33-2111, 33-2112, 33-2113,
 16 33-2114, 33-2115, 33-2116, 33-2117, 33-2118, 33-2119, 33-2121, 33-2122,
 17 33-2123, 33-2124, 33-2125, 33-2126, 33-2130, 33-2135, 33-2137, 33-2138,
 18 33-2139, 33-2141, 33-2142, 33-2143, 33-2144, 33-2211, 33-3716, 33-4001,
 19 33-4003, 33-4004, 33-4006, 33-4201, 46-314, 50-1721, 57-1105A, 59-1324,
 20 59-1371, 59-1374, 67-2320, 67-2322 and 67-5332, Idaho Code, the term "junior
 21 college" shall mean and shall be denoted as "community college."

22 SECTION 24. That Section 35-104, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 35-104. CARE OF FENCES BY ADJOINING OWNERS. Each adjoining land owner,
 25 unless both otherwise agree, or unless other arrangements have heretofore
 26 been made, must construct and keep in repair that half of the line fence
 27 between their respective tracts of land ~~which~~ that is to his left when he
 28 is standing on his own land facing the other; unless the owner of one (1) of
 29 said tracts chooses to allow his land to be uninclosed: provided, that one
 30 (1) party may, for his own convenience, strengthen, or render hog-tight, the
 31 whole or any part of said fence by stretching one (1) or more additional wires
 32 thereon or otherwise; in which event the other shall not be liable for his
 33 proportion of the additional cost: ~~provided.~~ Provided further, if one (1)
 34 of the parties shall render such fence hog-tight and the other shall at any
 35 time use his field for the pasture of hogs, sheep or goats, without a herder,
 36 such other shall become liable as a joint user or owner, and shall, upon
 37 demand of the party building the hog-tight fence, pay his just proportion
 38 thereof. In case viewers are appointed, as provided in section 35-106, Idaho
 39 Code, the report of such viewers must be in conformity with this section.

40 SECTION 25. That Section 35-109, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 35-109. RESTRICTIONS ON OCCUPANT'S RIGHT TO REMOVE FENCE. The occu-
 43 pant or owner of land whereon a fence has been built by mistake, must not
 44 throw down or in any manner disturb such fence during the period ~~which~~ that

1 the person who built it is authorized by section 35-108, Idaho Code, to re-
2 move it, when by so doing he will expose any crop to destruction.

3 SECTION 26. That Section 35-202, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 35-202. LIABILITY FOR FAILURE TO INCLOSE. Every person who fails to
6 comply with the provisions of section 35-201, Idaho Code, is liable to the
7 owner of any stock injured by drinking the water or acids that flow from such
8 mill, in twice the damage sustained.

9 SECTION 27. That Section 35-304, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 35-304. PROCEDURE IN CASE OF UNKNOWN OWNER. It shall be the duty of any
12 sheriff, deputy sheriff or constable, who by personal knowledge or who oth-
13 erwise ~~knowing~~ knows of any barbed wire or barbed wire fence being so strewn
14 or down as provided in section 35-301, Idaho Code, on any ranch or knows of
15 any fence which that has been abandoned, and the owner of such fence or ranch
16 is unknown or has left the state so that notice cannot be served on such per-
17 son, firm, or corporation, to take or cause to be taken up, ~~such~~ such barbed wire
18 or barbed wire fence, and sell the same at public auction to the highest bid-
19 der ~~and the~~. The proceeds shall go to cover the expense of the removal of said
20 barbed wire or barbed wire fence, and if there be any money left over from
21 such sale, it shall be turned in to the county treasurer of the county wherein
22 such fence or ranch is located.

23 SECTION 28. That Section 50-2006, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 50-2006. URBAN RENEWAL AGENCY.

26 (1) (a) There is hereby created in each municipality an independent
27 public body corporate and politic to be known as the "urban renewal
28 agency" that was created by resolution as provided in section 50-2005,
29 Idaho Code, before July 1, 2011, for the municipality; provided, that
30 such agency shall not transact any business or exercise its powers here-
31 under until or unless the local governing body has made the findings
32 prescribed in section 50-2005, Idaho Code.

33 (b) An urban renewal agency created after July 1, 2011, shall not trans-
34 act any business or exercise its powers provided for in this chapter
35 until a majority of qualified electors, voting in a citywide or coun-
36 tywide election, depending on the municipality in which such agency is
37 created, vote to authorize such agency to transact business and exer-
38 cise its powers provided for in this chapter. If prior to July 1, 2011,
39 the local governing body has made the findings prescribed in paragraph
40 (a) of this subsection, then such agency shall transact business and
41 shall exercise its powers hereunder and is not subject to the require-
42 ments of this paragraph. ~~sub~~

43 (2) Upon satisfaction of the requirements under subsection (1) of this
44 section, the urban renewal agency is authorized to transact the business and

1 exercise the powers hereunder by a board of commissioners to be established
2 as follows:

3 (a) Unless provided otherwise in this section, the mayor, by and with
4 the advice and consent of the local governing body, shall appoint a
5 board of commissioners of the urban renewal agency, which shall consist
6 of not less than three (3) commissioners nor more than nine (9) commis-
7 sioners. In the order of appointment, the mayor shall designate the
8 number of commissioners to be appointed, and the term of each, provided
9 that the original term of office of no more than two (2) commissioners
10 shall expire in the same year. The commissioners shall serve for terms
11 not to exceed five (5) years, from the date of appointment, except that
12 all vacancies shall be filled for the unexpired term.

13 (b) For inefficiency or neglect of duty or misconduct in office, a com-
14 missioner may be removed by a majority vote of the local governing body
15 only after a hearing and after he shall have been given a copy of the
16 charges at least ten (10) days prior to such hearing and have had an op-
17 portunity to be heard in person or by counsel. Any commission position
18 that becomes vacant at a time other than the expiration of a term shall
19 be filled by the mayor or chair of the board of county commissioners, if
20 that is the local governing body, by and with the advice and consent of
21 the local governing body, including the mayor, if applicable, and shall
22 be filled for the unexpired term.

23 (c) By enactment of an ordinance, the local governing body may appoint
24 and designate, from among its members, members of the board of commis-
25 sioners of the urban renewal agency, provided that such representation
26 shall be less than a majority of the board of commissioners of the urban
27 renewal agency of the members of the local governing body on and after
28 July 1, 2017, in which case all the rights, powers, duties, privileges,
29 and immunities vested by the urban renewal law of 1965, and as amended,
30 in an appointed board of commissioners, shall be vested in the local
31 governing body, which shall, in all respects when acting as an urban re-
32 newal agency, be acting as an arm of state government, entirely separate
33 and distinct from the municipality, to achieve, perform, and accomplish
34 the public purposes prescribed and provided by said urban renewal law of
35 1965, and as amended.

36 (d) By enactment of an ordinance, the local governing body may termi-
37 nate the appointed board of commissioners and thereby appoint and des-
38 ignate itself as the board of commissioners of the urban renewal agency
39 for not more than one (1) calendar year.

40 (e) By enactment of an ordinance, the local governing body may provide
41 that the board of commissioners of the urban renewal agency shall be
42 elected at an election held for such purpose on one (1) of the November
43 dates provided in section 34-106, Idaho Code, and the ordinance may pro-
44 vide term limits for the commissioners. In this case, all the rights,
45 powers, duties, privileges, and immunities vested by the urban renewal
46 law of 1965, and as amended, in an appointed board of commissioners,
47 shall be vested in the elected board of commissioners of the urban
48 renewal agency, which shall, in all respects when acting as an urban re-
49 newal agency, be acting as an arm of state government, entirely separate
50 and distinct from the municipality, to achieve, perform, and accomplish

1 the public purposes prescribed and provided by said urban renewal law
2 of 1965, and as amended. The provisions of chapter 66, title 67, Idaho
3 Code, shall apply to elected commissioners, and the county election law
4 shall apply to the person running for commissioner as if the person were
5 running for county commissioner. In the event of a vacancy in an elected
6 commissioner position, the replacement shall be appointed by the mayor
7 or chair of the board of county commissioners, if that is the local gov-
8 erning body, by and with the advice and consent of the local governing
9 body, and shall be filled for the unexpired term.

10 (3) In all instances, a member of the board of commissioners of the ur-
11 ban renewal agency must be a resident of the county where the urban renewal
12 agency is located or is doing business.

13 (4) A commissioner shall receive no compensation for his services but
14 shall be entitled to the necessary expenses, including travel expenses, in-
15 curred in the discharge of his duties. Each commissioner shall hold office
16 until his successor has been appointed and has qualified. A certificate of
17 the appointment or reappointment of any commissioner shall be filed with the
18 clerk of the municipality and such certificate shall be conclusive evidence
19 of the due and proper appointment of such commissioner.

20 (5) (a) The powers of an urban renewal agency shall be exercised by the
21 commissioners thereof. A majority of the commissioners shall consti-
22 tute a quorum for the purpose of conducting business and exercising the
23 powers of the agency and for all other purposes. Action may be taken by
24 the agency upon a vote of a majority of the commissioners present, un-
25 less in any case the bylaws shall require a larger number.

26 (b) The commissioners shall elect the chairman, cochairman, or vice
27 chairman for a term of one (1) year from among their members. An agency
28 may employ an executive director, technical experts, and such other
29 agents and employees, permanent and temporary, as it may require, and
30 determine their qualifications, duties, and compensation. For such
31 legal service as it may require, an agency may employ or retain its own
32 counsel and legal staff.

33 (c) An agency authorized to transact business and exercise powers un-
34 der this chapter shall file, with the local governing body, on or be-
35 fore March 31 of each year a report of its activities for the preced-
36 ing calendar year, which report shall include the financial data and au-
37 dit reports required under sections 67-1075 and 67-1076, Idaho Code.
38 The agency shall be required to hold a public meeting to report these
39 findings and take comments from the public. At the time of filing the
40 report, the agency shall publish in a newspaper of general circulation
41 in the community a notice to the effect that such report has been filed
42 with the municipality and the state controller and that the report is
43 available for inspection during business hours in the office of the city
44 clerk or county recorder, in the office of the agency, and at all times
45 on the website of the state controller.

46 (d) An urban renewal agency shall have the same fiscal year as a mu-
47 nicipality and shall be subject to the same audit requirements as a mu-
48 nicipality. An urban renewal agency shall be required to prepare and
49 file with its local governing body an annual financial report and shall
50 prepare, approve, and adopt an annual budget for filing with the local

1 governing body, for informational purposes. A budget means an annual
 2 estimate of revenues and expenses for the following fiscal year of the
 3 agency.

4 (6) An urban renewal agency shall comply with the public records law
 5 pursuant to chapter 1, title 74, Idaho Code, open meetings law pursuant to
 6 chapter 2, title 74, Idaho Code, the ethics in government law pursuant to
 7 chapter 4, title 74, Idaho Code, and the competitive bidding provisions of
 8 chapter 28, title 67, Idaho Code.

9 (~~7~~) Upon dissolution of the urban renewal agency, title to all prop-
 10 erty of the urban renewal agency shall revert to the municipality.

11 SECTION 29. That Section 54-2105, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT
 14 -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFI-
 15 CERS -- REVENUES -- POWERS.

16 (1) (a) A board of veterinary medicine, which shall consist of six (6)
 17 members to be appointed by and serve at the pleasure of the governor,
 18 is hereby created in the division of occupational and professional li-
 19 censes. Five (5) members shall be veterinarians and one (1) shall be
 20 a public member. Each of the five (5) veterinary board members shall
 21 serve a term of five (5) years, with the fifth year serving also as a
 22 liaison officer, or until a successor is appointed. The public member
 23 shall serve for a term of three (3) years or until a successor is ap-
 24 pointed.

25 (b) Whenever the occasion arises for an appointment of a veterinary
 26 member under this section, the governor may consider recommendations
 27 for appointment to the board from the state veterinary medical associ-
 28 ation, from any of the regional veterinary medical associations, and
 29 from any individual residing in this state. Vacancies due to death,
 30 resignation or removal shall be filled for the remainder of the un-
 31 expired term in the same manner as regular appointments. Filling the
 32 remainder of a previous member's term shall not count toward the term
 33 limits provided for in this section. No veterinarian shall serve two
 34 (2) consecutive terms. The public member may serve two (2) full consec-
 35 utive terms. Each of the five (5) veterinarians shall be qualified to
 36 serve as a member of the board if a graduate of an accredited or approved
 37 school of veterinary medicine or, if a graduate of a nonaccredited or
 38 nonapproved school, by providing a letter from the educational commis-
 39 sion for foreign veterinary graduates (ECFVG) certifying completion of
 40 the ECFVG program or a copy of their ECFVG certificate or verification
 41 of successful completion of any educational equivalency program estab-
 42 lished for the purpose of evaluating an individual's educational knowl-
 43 edge and clinical skills as they relate to the practice of veterinary
 44 medicine, as approved and outlined by the rules of the board. In addi-
 45 tion to verification of graduation from an accredited or nonaccredited
 46 school of veterinary medicine, each of the five (5) veterinary members
 47 shall be a resident of this state and have been licensed to practice
 48 veterinary medicine in this state for the five (5) years immediately
 49 preceding the time of appointment. The public member shall be at least

1 twenty-one (21) years of age and a resident of this state for five (5)
2 years immediately preceding appointment. No person may serve on the
3 board who is, or was, during the two (2) years preceding appointment, a
4 member of the faculty or trustees of an accredited school of veterinary
5 medicine.

6 (2) Each member of the board and committee on humane euthanasia shall be
7 compensated as provided by section 59-509(n), Idaho Code.

8 (3) Any member of the board may be removed by the governor at his discre-
9 tion.

10 (4) The board shall meet at least once each year at the time and place
11 fixed by the rules of the board. Other necessary meetings may be called
12 by the president of the board by giving notice as may be required by state
13 statute or rule. Except as may otherwise be provided, a majority of the board
14 constitutes a quorum. Meetings shall be open and public except as otherwise
15 provided by the open meetings law, chapter 2, title 74, Idaho Code.

16 (5) The board member serving the fourth year of appointment shall be the
17 president of the board and shall serve as chairman at the board meetings.

18 (6) The veterinary board member serving the fifth year of appointment
19 shall be the liaison officer of the board and shall render advice, review and
20 mediate complaints, and perform other tasks assigned by the board.

21 (7) All revenues received under this chapter shall be paid to the oc-
22 cupational licenses fund and shall be subject to and administered in accor-
23 dance with the provisions of this chapter.

24 (8) The responsibility for enforcement of the provisions of this chap-
25 ter is hereby vested in the board. The board shall have all of the duties,
26 powers and authority specifically granted by or necessary for the enforce-
27 ment of this chapter and the rules made pursuant thereto, as well as such
28 other duties, powers and authority as it may be granted from time to time by
29 applicable law. The powers vested in the board shall include, but are not
30 limited to:

31 (a) Establish qualifications and prescribe the application format for
32 issuance or renewal of a license to practice as a veterinarian and cer-
33 tification to practice as a veterinary technician, euthanasia agency or
34 euthanasia technician, to review each application for compliance with
35 the licensure and certification requirements, and to issue, renew or
36 deny licenses and certifications. Upon a showing of good cause by a li-
37 censee or certificate holder to the board, the board may grant an ex-
38 tension of time for submission of the required application or renewal
39 documentation, including the required number of continuing education
40 hours, as set forth by this chapter or the rules of the board.

41 (b) Examine and determine the qualifications and fitness of applicants
42 for a license to practice veterinary medicine, or a certification to
43 practice veterinary technology or as a euthanasia technician or operate
44 as a certified euthanasia agency in the state.

45 (c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, re-
46 strict, limit, place on probation, require voluntary surrender of, or
47 revoke any licenses, certifications or temporary permits or certifi-
48 cations to practice veterinary medicine, veterinary technology or the
49 euthanizing of animals in the state and may fine and impose other forms
50 of discipline and enter into consent agreements and negotiated settle-

1 ments with licensed veterinarians, certified veterinary technicians,
2 certified euthanasia technicians and certified euthanasia agencies
3 consistent with the provisions of this chapter and the rules adopted
4 hereunder. Whenever it appears that grounds for discipline exist under
5 this chapter and the board finds that there is an immediate danger to the
6 public health, safety or welfare, the board is authorized to commence
7 emergency proceedings for revocation or other action. Such proceedings
8 shall be promptly instituted and processed under the applicable provi-
9 sions of chapter 52, title 67, Idaho Code.

10 (d) Establish a schedule of fees for licensing, certifying and regis-
11 tering veterinarians, veterinary technicians, euthanasia agencies and
12 euthanasia technicians, as well as for the review, approval and admin-
13 istration of national licensing and certification examinations.

14 (e) In addition to the fees specifically provided for herein, the board
15 may assess additional reasonable fees for services rendered to carry
16 out its duties and responsibilities as required or authorized by this
17 chapter or rules adopted hereunder. Such services rendered shall in-
18 clude, but not be limited to, the following:

- 19 (i) Issuance of duplicate licenses or certificates;
- 20 (ii) Mailing lists or reports of data maintained by the board;
- 21 (iii) Copies of any documents;
- 22 (iv) Verification of license or certification status;
- 23 (v) Examination review, approval and administration; and
- 24 (vi) Examination materials.

25 (f) Upon its own motion or upon any complaint, initiate and conduct
26 investigations on all matters relating to the practice of veterinary
27 medicine or veterinary technology or the euthanizing of animals. ~~as~~

28 (g) Initiate and conduct disciplinary hearings or proceedings on its
29 own or through its designated hearing officer, provided such hearings
30 and proceedings shall be held in conformance with the provisions of
31 chapter 52, title 67, Idaho Code, and in connection thereto, to admin-
32 ister oaths, receive evidence, make the necessary determinations, and
33 enter orders consistent with the findings. The board may require the
34 attendance and testimony of witnesses and the production of papers,
35 records, or other documentary evidence and may commission depositions.
36 The board may designate one (1) or more of its members or appoint a per-
37 son to serve as its hearing officer.

38 (h) Appoint from its own membership one (1) or more members to act as
39 representatives of the board at any meeting within or outside the state
40 where such representation is deemed desirable.

41 (i) Bring proceedings in the courts for the enforcement of this chapter
42 or any rules of the board.

43 (j) For purposes of enforcement of the provisions of this chapter and
44 any rules duly promulgated hereunder, including the levying of civil
45 penalties, assessment and collection of fines, and recovery of costs
46 and paralegal, hearing officer and attorney's fees incurred by the
47 board in investigation and prosecution of complaints, the board shall
48 maintain jurisdiction over individuals, irrespective of their license
49 or certification status (i.e., active, inactive, expired, lapsed, sur-
50 rendered or disciplined) relative to acts, omissions, complaints and

1 investigations that occurred during the licensure or certification
2 period. Jurisdiction of the board shall also extend to all individuals
3 engaged in the practice of veterinary medicine, veterinary technology
4 or practicing as a certified euthanasia agency or certified euthanasia
5 technician in this state as defined in section 54-2103, Idaho Code. It
6 is the intent of this subsection that the board's jurisdiction should
7 extend to all licensed or unlicensed or certified or uncertified in-
8 dividuals and that licensees and certification holders cannot divest
9 the board of jurisdiction by changing, surrendering or relinquishing
10 licensure or certification status.

11 (k) Establish a committee on humane euthanasia for the purposes of
12 training, examining, licensing and certifying euthanasia agencies and
13 euthanasia technicians and assess application, training workshop and
14 certification fees. The fees so assessed are continuously appropriated
15 to the board to support the activities of the committee.

16 (l) Adopt, amend or repeal all sections of this chapter and rules neces-
17 sary for its government and all rules necessary to carry into effect the
18 provisions of this chapter pursuant to the Idaho administrative proce-
19 dure act, chapter 52, title 67, Idaho Code, including the establishment
20 and publication of standards of professional conduct for the practice
21 of veterinary medicine.

22 (m) Conduct probationary or other practice and facility inspections
23 necessary for enforcement of this chapter or the rules duly promul-
24 gated hereunder or any order, negotiated settlement or probationary
25 agreement of the board and issue administrative citations to alleged
26 violators.

27 SECTION 30. That Section 57-825, Idaho Code, as enacted by Section 1,
28 Chapter 3, Laws of 2021, be, and the same is hereby amended to read as fol-
29 lows:

30 57-8256. TWENTY-SEVENTH PAYROLL FUND. There is hereby created in the
31 state treasury the twenty-seventh payroll fund for the purpose of meeting
32 the general fund payroll costs for state employees in years in which the
33 state incurs a twenty-seventh payroll. The account shall consist of any
34 moneys made available through legislative transfers, appropriations, or as
35 otherwise provided by law. Interest earnings from the investment of moneys
36 in this fund by the state treasurer shall be returned to the fund.

37 SECTION 31. That Section 63-3022, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 63-3022. ADJUSTMENTS TO TAXABLE INCOME. The additions and subtrac-
40 tions set forth in this section, and in sections 63-3022A through 63-3022U,
41 Idaho Code, are to be applied to the extent allowed in computing Idaho tax-
42 able income:

43 (a) Add any state and local taxes, as defined in section 164 of the In-
44 ternal Revenue Code that are measured by net income, or for which a credit is
45 allowable under section 63-3029, Idaho Code, and paid or accrued during the
46 taxable year adjusted for state or local tax refunds used in arriving at tax-
47 able income.

1 (b) Add the net operating loss deduction used in arriving at taxable in-
2 come.

3 (c) (1) A net operating loss for any taxable year commencing on and af-
4 ter January 1, 2000, but before January 1, 2013, shall be a net oper-
5 ating loss carryback not to exceed a total of one hundred thousand dol-
6 lars (\$100,000) to the two (2) immediately preceding taxable years. At
7 the election of the taxpayer, the two (2) year carryback may be forgone
8 and the loss subtracted from income received in taxable years arising in
9 the next twenty (20) years succeeding the taxable year in which the loss
10 arises in order until exhausted.

11 (2) A net operating loss for any taxable year commencing on or after
12 January 1, 2013, shall be a net operating loss carryback not to exceed
13 a total of one hundred thousand dollars (\$100,000) to the two (2) imme-
14 diately preceding taxable years only if an amended return carrying the
15 loss back is filed within one (1) year of the end of the taxable year of
16 the net operating loss that results in such carryback.

17 (3) Any portion of the net operating loss not subtracted from income in
18 the two (2) preceding years may be subtracted from income in the next
19 twenty (20) years succeeding the taxable year in which the loss arises
20 in order until exhausted. The sum of the deductions may not exceed the
21 amount of the net operating loss deduction incurred. The carryback
22 shall be limited to a total of fifty thousand dollars (\$50,000) in the
23 case of an individual filing as married filing separate in the year of
24 the loss.

25 (4) Net operating losses incurred by a corporation during a year in
26 which such corporation did not transact business in Idaho or was not
27 included in a group of corporations combined under subsection (t) of
28 section 63-3027, Idaho Code, may not be subtracted. However, if at
29 least one (1) corporation within a group of corporations combined under
30 subsection (t) of section 63-3027, Idaho Code, was transacting business
31 in Idaho during the taxable year in which the loss was incurred, then the
32 net operating loss may be subtracted. Net operating losses incurred by
33 a person, other than a corporation, in activities not taxable by Idaho
34 may not be subtracted.

35 (5) The term "income" as used in this subsection means Idaho taxable in-
36 come as defined in this chapter as modified by section 63-3021(b)(2),
37 (3) and (4), Idaho Code.

38 (d) In the case of a corporation, add the amount deducted under the pro-
39 visions of sections 243(a) and (c), 244, 245, and 246A of the Internal Rev-
40 enue Code (relating to dividends received by corporations and other special
41 deductions) as limited by section 246(b)(1) of said code.

42 (e) In the case of a corporation, subtract an amount determined under
43 section 78 of the Internal Revenue Code to be taxable as dividends.

44 (f) Subtract the amount of any income received or accrued during the
45 taxable year ~~which~~ that is exempt from taxation by this state, under the pro-
46 visions of any other law of this state or a law of the United States, if not
47 previously subtracted in arriving at taxable income.

48 (g) For the purpose of determining the Idaho taxable income of the bene-
49 ficiary of a trust or of an estate:

1 (1) Distributable net income as defined for federal tax purposes shall
2 be corrected for the other adjustments required by this section.

3 (2) Net operating losses attributable to a beneficiary of a trust or es-
4 tate under section 642 of the Internal Revenue Code shall be a deduction
5 for the beneficiary to the extent that income from the trust or estate
6 would be attributable to this state under the provisions of this chap-
7 ter.

8 (h) In the case of an individual who is on active duty as a full-time
9 officer, enlistee, or draftee, with the armed forces of the United States,
10 which full-time duty is or will be continuous and uninterrupted for one hun-
11 dred twenty (120) consecutive days or more, deduct compensation paid by the
12 armed forces of the United States for services performed outside this state.
13 The deduction is allowed only to the extent such income is included in tax-
14 able income.

15 (i) In the case of a corporation, including any corporation included
16 in a group of corporations combined under subsection (t) of section 63-3027,
17 Idaho Code, add any capital loss or passive loss deducted, which loss was in-
18 curred during any year in which such corporation did not transact business in
19 Idaho. However, do not add any capital loss deducted if a corporation, in-
20 cluding any corporation in a group of corporations combined under subsection
21 (t) of section 63-3027, Idaho Code, was transacting business in Idaho during
22 the taxable year in which the loss was incurred. In the case of persons other
23 than corporations, add any capital loss or passive loss deducted ~~which~~ that
24 was incurred in activities not taxable by Idaho at the time such loss was in-
25 curred. In computing the income taxable to an S corporation or partnership
26 under this section, deduction shall not be allowed for a carryover or carry-
27 back of a net operating loss provided for in subsection (c) of this section, a
28 passive loss, or a capital loss provided for in section 1212 of the Internal
29 Revenue Code.

30 (j) In the case of an individual, there shall be allowed as a deduction
31 from gross income either paragraph (1) or (2) of this subsection at the op-
32 tion of the taxpayer:

33 (1) The standard deduction as defined in section 63 of the Internal Rev-
34 enue Code; or

35 (2) Itemized deductions as defined in section 63 of the Internal Rev-
36 enue Code except state or local taxes measured by net income and general
37 sales taxes as either is defined in section 164 of the Internal Revenue
38 Code.

39 (k) Add the taxable amount of any lump sum distribution excluded from
40 gross income for federal income tax purposes under the ten (10) year averag-
41 ing method. The taxable amount will include the ordinary income portion and
42 the amount eligible for the capital gain election.

43 (l) Deduct any amounts included in gross income under the provisions of
44 section 86 of the Internal Revenue Code relating to certain social security
45 and railroad benefits.

46 (m) In the case of a self-employed individual, deduct the actual cost
47 of premiums paid to secure worker's compensation insurance for coverage in
48 Idaho, if such cost has not been deducted in arriving at taxable income.

49 (n) In the case of an individual for any tax period ending on or prior
50 to December 31, 2016, deduct the amount contributed to a college savings pro-

1 gram, but not more than four thousand dollars (\$4,000) per tax year. In the
 2 case of an individual and for any tax period starting on or after January 1,
 3 2017, deduct the amount contributed to a college savings program, but not
 4 more than six thousand dollars (\$6,000) per tax year. For those married and
 5 filing jointly, deduct the amount contributed to a college savings program,
 6 but not more than twice of that allowed for an individual. To be qualified
 7 for this deduction, the contribution must be made during the taxable year and
 8 made to an Idaho college savings program account as described in chapter 54,
 9 title 33, Idaho Code.

10 (o) In the case of an individual, add the amount of a nonqualified with-
 11 drawal from an individual trust account or savings account established pur-
 12 suant to chapter 54, title 33, Idaho Code, less any amount of such nonqual-
 13 ified withdrawal included in the individual's federal gross income pursuant
 14 to section 529 of the Internal Revenue Code. The addition provided in this
 15 subsection is limited to contributions previously exempt from Idaho state
 16 income tax and earnings generated from the program as long as the earnings
 17 are not already included in federal adjusted gross income.

18 (p) In the case of an individual, add the amount of a withdrawal from
 19 an individual trust account or savings account established pursuant to chap-
 20 ter 54, title 33, Idaho Code, transferred to a qualified tuition program, as
 21 defined in section 529 of the Internal Revenue Code, that is operated by a
 22 state other than Idaho or to a qualified ABLE program as defined in section
 23 529A of the Internal Revenue Code. The addition provided in this subsection
 24 is limited to the amount of the contributions to the Idaho individual trust
 25 account or savings account by the account owner that was deducted on the ac-
 26 count owner's Idaho income tax return for the year of the transfer and the
 27 prior taxable year.

28 (q) Deduct any amount disallowed under section 461(1)(1)(B) of the In-
 29 ternal Revenue Code (relating to excess business losses) that is treated as
 30 part of the taxpayer's net operating loss carryforward for federal income
 31 tax purposes.

32 (r) Add the excess business losses under section 461(1) of the Internal
 33 Revenue Code, as required by section 63-3004, Idaho Code. The excess busi-
 34 ness losses may be carried forward and deducted as an Idaho net operating
 35 loss under section 63-3021, Idaho Code, successively over the next twenty
 36 (20) years succeeding the taxable year in which the loss arises until such
 37 losses are exhausted. Excess business losses shall not be carried back.

38 (~~rs~~) Subtract any amounts included in taxable income for funds received
 39 or loans forgiven pursuant to the provisions of the coronavirus aid, relief,
 40 and economic security act, P.L. 116-136.

41 (~~st~~) Subtract any amounts included in taxable income for loans forgiven
 42 pursuant to the paycheck protection program and health care enhancement act,
 43 P.L. 116-139, including economic injury disaster loan advance funds, and the
 44 paycheck protection program flexibility act of 2020, P.L. 116-142.

45 (~~tu~~) Add any amounts excluded from taxable income for funds received
 46 pursuant to the emergency rental assistance program established by section
 47 501 of division N of the consolidated appropriations act, 2021, P.L. 116-
 48 260.

49 SECTION 32. That Section 67-450D, Idaho Code, be, and the same is hereby
 50 amended to read as follows:

1 67-450D. INDEPENDENT FINANCIAL AUDITS -- DESIGNATED ENTI-
 2 TIES. (1) Notwithstanding any other provisions of the Idaho Code relating
 3 to audit requirements regarding the entities designated in this section,
 4 beginning on July 1, 2021, the requirements set forth in section 67-450B(2),
 5 Idaho Code, shall constitute the minimum audit requirements for the fol-
 6 lowing entities:

- 7 (a) Alfalfa and clover seed commission;
- 8 (b) Idaho apple commission;
- 9 (c) Idaho barley commission;
- 10 (d) Idaho bean commission;
- 11 (e) Idaho beef council;
- 12 (f) Idaho cherry commission;
- 13 (g) Idaho dairy products commission;
- 14 (h) ~~Idaho food quality assurance institute;~~
- 15 ~~(i) Idaho forest products commission;~~
- 16 (j) Idaho grape growers and wine producers commission;
- 17 (k) Idaho honey commission;
- 18 (l) Idaho hop grower's commission;
- 19 (m) Idaho mint commission;
- 20 (n) Idaho oilseed commission;
- 21 (o) Idaho pea and lentil commission;
- 22 (p) Idaho potato commission;
- 23 (q) Idaho rangeland resources commission; and
- 24 (r) Idaho wheat commission.

25 (2) Federal audit requirements applicable because of expenditure of
 26 federal assistance supersede the minimum audit requirements referenced in
 27 subsection (1) of this section.

28 (3) All moneys received or expended by the entities identified in sub-
 29 section (1) of this section shall be audited by a certified public accoun-
 30 tant, designated by the entity, who shall furnish a copy of such audit to the
 31 local governmental entities central registry pursuant to section 67-1076,
 32 Idaho Code, and to the senate agricultural affairs committee and the house
 33 of representatives agricultural affairs committee. The audit shall be com-
 34 pleted within ninety (90) days following the close of the commission's fis-
 35 cal year.

36 (4) Any entity identified in subsection (1) of this section that is not
 37 audited pursuant to the provisions of this section shall submit an unaudited
 38 annual statement of revenues, expenditures, and fund balances to the sen-
 39 ate agricultural affairs committee and the house of representatives agri-
 40 cultural affairs committee, to the state controller, and to the division of
 41 financial management.

42 (5) The right is reserved to the state of Idaho to audit the funds of the
 43 entities identified in this section at any time.

44 SECTION 33. That Section 67-7103, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 67-7103. SNOWMOBILES -- APPLICATION FOR NUMBER -- ATTACHMENT OF VALI-
 47 DATION STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE --
 48 TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) The operator of
 49 each snowmobile requiring numbering by the state of Idaho shall obtain a cer-

1 certificate of number for the snowmobile, which certificate of number shall be
 2 issued by season, for seasons running from November 1 through October 31. To
 3 obtain a certificate of number, the operator shall pay a fee of forty-five
 4 dollars and fifty cents (\$45.50). Upon receipt of the fee, the department
 5 shall issue to the operator a certificate of number together with a valida-
 6 tion sticker to be attached to the snowmobile in a manner as may be prescribed
 7 by rules of the department. The validation sticker shall be located on the
 8 snowmobile and shall be completely visible and shall be maintained in legi-
 9 ble condition whenever the snowmobile is in operation. ~~---~~

10 (2) The department may issue any certificate of number directly or
 11 may authorize any persons to act as vendor for the issuance. In the event a
 12 person accepts the authorization, he may be assigned a block of validation
 13 stickers and certificates of number that, upon issue, in conformity with
 14 this chapter and with any rules of the department, shall be valid as if issued
 15 directly by the department.

16 (3) All records of the department made or kept pursuant to this section
 17 shall be public records.

18 (4) Each snowmobile must be numbered before it leaves the premises at
 19 the time of sale from any retail snowmobile dealer.

20 (5) No number, other than the validation stickers issued to the opera-
 21 tor and affixed to the snowmobile pursuant to this chapter, shall be painted,
 22 attached, or otherwise displayed on the snowmobile, except a temporary num-
 23 ber may be attached to identify a snowmobile for the purpose of racing or
 24 other sporting events.

25 (6) Notwithstanding the provisions of subsection (1) of this section,
 26 resident and nonresident owners of snowmobiles used for rental purposes
 27 shall purchase rental validation stickers for seventy-five dollars and
 28 fifty cents (\$75.50) and the validation stickers shall be displayed on the
 29 machine at all times.

30 SECTION 34. That Section 74-117, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 74-117. ADDITIONAL PENALTY. If the court finds that a public official
 33 has deliberately and in bad faith improperly refused a legitimate request
 34 for inspection or copying, a civil penalty shall be assessed against the pub-
 35 lic official in an amount not to exceed one thousand dollars (\$1,000), which
 36 shall be paid into the general ~~account~~ fund.

37 SECTION 35. That Section 74-120, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 74-120. PROHIBITION ON DISTRIBUTION OR SALE OF MAILING OR TELEPHONE
 40 NUMBER LISTS -- PENALTY. (1) Except as provided in subsections (2), (3), (4),
 41 (5), (6), (7), (8), 9, and (9) of this section, in order to protect the privacy
 42 of those who deal with public agencies or an independent public body corpo-
 43 rate and politic:

44 (a) No agency or independent public body corporate and politic may dis-
 45 tribute or sell for use as a mailing list or a telephone number list any
 46 list of persons without first securing the permission of those on the
 47 list; and

1 (b) No list of persons prepared by the agency or independent public
 2 body corporate and politic may be used as a mailing list or a telephone
 3 number list except by the agency or independent public body corporate
 4 and politic or another agency without first securing the permission of
 5 those on the list.

6 (2) Except as may be otherwise provided in this chapter, this section
 7 does not prevent an individual from compiling a mailing list or a telephone
 8 number list by examination or copying of public records, original documents
 9 or applications ~~which are~~ otherwise open to public inspection.

10 (3) The provisions of this section do not apply to the lists of regis-
 11 tered electors compiled pursuant to title 34, Idaho Code, or to lists of the
 12 names of employees governed by chapter 53, title 67, Idaho Code.

13 (4) The provisions of this section shall not apply to agencies ~~which~~
 14 that issue occupational or professional licenses.

15 (5) This section does not apply to the right of access ~~either~~ by Idaho
 16 law enforcement agencies or, by purchase or otherwise, ~~of the right to access~~
 17 public records dealing with motor vehicle registration.

18 (6) This section does not apply to a corporate information list devel-
 19 oped by the office of the secretary of state containing the name, address,
 20 registered agent, officers and directors of corporations authorized to do
 21 business in this state or to a business information list developed by the
 22 department of commerce containing the name, address, telephone number or
 23 other relevant information of Idaho businesses or individuals requesting
 24 information regarding the state of Idaho or to business lists developed by
 25 the department of agriculture, ~~division of marketing and market~~ development
 26 division, used to promote food and agricultural products produced in Idaho.

27 (7) This section does not apply to lists ~~to be~~ used for ordinary utility
 28 purposes ~~which~~ that are requested by a person who supplies utility services
 29 in this state. Ordinary utility purposes, as used in this chapter only, do
 30 not include marketing or marketing research.

31 (8) This section does not apply to lists ~~to be~~ used to give notice re-
 32 quired by any statute, ordinance, rule, or law or by any governing agency.

33 (9) This section does not apply to student directory information pro-
 34 vided by colleges, universities, secondary schools and school districts to
 35 military recruiters for military recruiting purposes pursuant to the re-
 36 quirements of federal laws.

37 (10) Nothing in this section shall prohibit the release of information
 38 to the state controller as the state social security administrator as pro-
 39 vided in section 59-1101A, Idaho Code.

40 (11) If a court finds that a person or public official has deliberately
 41 and in bad faith violated the provisions of subsection (1)(a) or (1)(b)
 42 of this section, the person or public official shall be liable for a civil
 43 penalty assessed by the court in an amount not in excess of one thousand dol-
 44 lars (\$1,000), which shall be paid into the general ~~account~~ fund.

45 SECTION 36. That Section 74-123, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

47 74-123. IDAHO CODE IS PROPERTY OF THE STATE OF IDAHO. (1) The Idaho
 48 Code is the property of the state of Idaho, and the state of Idaho and the tax-
 49 payers shall be deemed to have a copyright on the Idaho Code. If a person re-

1 produces or distributes the Idaho Code for the purpose of direct or indirect
2 commercial advantage, the person shall owe to the Idaho code commission, as
3 the agent of the state of Idaho, a royalty fee in addition to the fee charged
4 for copying the Idaho Code. Any person who reproduces or distributes the
5 Idaho Code in violation of the provisions of this section, shall be deemed
6 to be an infringer of the state of Idaho's copyright. The Idaho code commis-
7 sion, through the office of the attorney general, is entitled to institute
8 an action for any infringement of that particular right committed while the
9 Idaho code commission or its designated agent has custody of the Idaho Code.

10 (2) A court having jurisdiction of a civil action arising under this
11 section may grant such relief as it deems appropriate. At any time while an
12 action under this section is pending, the court may order the impounding, on
13 such terms as it deems reasonable, of all copies claimed to have been made or
14 used in violation of the Idaho code commission's copyright pursuant to this
15 section.

16 (3) An infringer of the state of Idaho's copyright pursuant to this sec-
17 tion is liable for any profits the infringer has incurred by obtaining the
18 Idaho Code for commercial purposes or is liable for statutory damages as pro-
19 vided in subsection (4) of this section.

20 (4) The Idaho code commission, as agent of the copyright owner, may
21 elect, at any time before final judgment is rendered, to recover, instead
22 of actual damages and profits, an award of statutory damages for all in-
23 fringements involved in the action, with respect to the Idaho Code for which
24 any one (1) infringer is liable individually, or for which any two (2) or
25 more infringers are liable jointly and severally, in a sum of not less than
26 two hundred fifty dollars (\$250) ~~or~~ and not more than ten thousand dollars
27 (\$10,000), as the court considers just.

28 (5) In any civil action under this section, the court may allow the re-
29 covery of full costs by or against any party and may also award reasonable at-
30 torney's fees to the prevailing party as part of the costs.

31 (6) The Idaho code commission is hereby authorized to license and
32 charge fees for the use of the Idaho Code. The Idaho code commission may
33 grant a license for the use of the Idaho Code to a public agency in the state
34 and waive all or a portion of the fees. All fees recovered by the Idaho code
35 commission shall be deposited in the general ~~account~~ fund.

36 SECTION 37. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after
38 July 1, 2022.