

# Bill Tracking

2009 Legislative Session

As of 4-10-09

(The bills we believe are of greatest interest to the judiciary have bill status information under the summary.)

## House Bills

[H0016](#) – FISH & GAME – Provides that no more than 10% of tags or permits for any controlled hunt shall be issued to nonresidents.

[H0026](#) – ELECTIONS – Allows voters to apply for and receive permanent absentee voter status and have absentee ballots automatically mailed to them for future elections.

[H0028](#) – LIQUOR – Changes name of State Liquor Dispensary to State Liquor Division, and changes title of Superintendent to Director.

03/03 Governor signed  
Session Law Chapter 23  
Effective: 07/01/09

[H0039](#) – PUBLIC EMPLOYEES – Changes eligibility rules for health care coverage for retired state employees. Among other things, retiree eligibility for health care coverage would be limited to persons who were active employees before June 30, 2009, are eligible for a retirement benefit with at least 20,800 hours of state service, and retire directly from state service. Health care coverage would not be available for retirees who become eligible for Medicare.

01/29 House intro - 1st rdg - to printing  
01/30 Rpt prt - to St Aff

[H0042](#) – CRIMES – Authorizes the investigation section of the Department of Insurance to assist and participate with law enforcement agencies in apply for, serving and executing search warrants when investigating insurance violations.

[H0047](#) – PROPERTY – Amends I.C. § 7-711, regarding assessment of damages in eminent domain actions, to provide that in determining the fair market value of the property, any decrease or increase caused by the proposed project for which the property is taken, or the likelihood that the property would be acquired for the project, shall be disregarded.

[H0048](#) – PROPERTY – Amends I.C. § 7-718 to provide that in condemnation and inverse condemnation proceedings, costs and attorney fees may be allowed only if the judgment awarded to the plaintiff at trial exceeds by 10% the highest written settlement offer submitted to the plaintiff at least 30 days prior to trial. (This would modify the holding of Smith v. Jardine, 130 Idaho 318, 940 P.2d 1137 (1997), where the Court affirmed the trial court's setting of a 90-day cutoff for offers, but said that it was not setting 90 days as a specific time factor and that each case will depend on its own circumstances.)

[H0054](#) – PROPERTY – Amends I.C. § 7-712 to provide that in eminent domain actions, the compensation and damages shall draw interest at the rate of 8% per annum from the date of taking actual possession or the date of the summons, whichever is earlier.

[H0056](#) – PUBLIC EMPLOYEES – Provides that state employees laid off because of budget constraints during FY 2009, FY 2010, or FY 2011 shall be deemed to be on furlough and shall be reinstated in their previous position or a similar position if such a position becomes available.

[H0058](#) – EDUCATION – Extends compulsory school attendance through age 18, rather than age 16, except for those who have received a high school degree or GED.

[H0059](#) – CRIMES – Amends I.C. § 19-5307 to add sexual battery to the list of crimes for which a crime of violence fine is imposed.

03/25 Governor signed  
Session Law Chapter 56  
Effective: 07/01/09

[H0060](#) – CRIMES – Gives the Attorney General and prosecuting attorneys the authority to issue administrative subpoenas, in investigations of crimes against children, to Internet service providers for records regarding names, addresses, network addresses, and session times and durations; subpoenaed information would not include contents of electronic communications or Internet locations accessed; refusal to provide records may be found to be contempt of court.

03/24 To Governor  
Law without signature  
Session Law Chapter 61  
Effective: 07/01/09

[H0061](#) – APPROPRIATIONS – Idaho Budget Reduction Act of 2009, reflecting the 4% general fund holdback.

[H0065a](#) – FIREARMS – Amends I.C. §§ 18-3314 and 18-3315 to allow purchases of firearms by residents of Idaho in other states, and purchases by residents of other states in Idaho, as long as the purchase is consistent with law both in Idaho and the other state.

[H0068](#) – ELECTIONS – Limits the dates for various elections beginning in 2011; only effect on judicial elections would be that primaries would be held on the third Tuesday in May rather than the fourth Tuesday in May.

[H0069](#) – ELECTIONS – Distributes \$4,500,000 in sales tax revenue to counties to defray the costs of consolidation of elections provided for in HB 68.

[H0070a](#) – SEX OFFENDERS – Amends I.C. § 18-8310 to provide that notice of a petition to remove a person from the sexual offender registry must be served upon the central registry, that the central registry may appear as a party in the case, and that if the court exempts the petitioner from the reporting requirement it must make written findings

and conclusions, and must find that the petitioner is not a recidivist, has not been convicted of an aggravated offense, and has not been designated as a violent sexual predator.

04/01 Governor signed  
Session Law Chapter 68  
Effective: 07/01/09

[H0071](#) – CRIMES – Amends I.C. § 19-2604 to provide that any action taken by a court pursuant to that section shall not result in expungement of the defendant's criminal history record.

02/06 House intro - 1st rdg - to printing  
02/09 Rpt prt - to Jud  
02/24 Rpt out - rec d/p - to 2nd rdg  
02/25 2nd rdg - to 3rd rdg  
02/26 3rd rdg - **FAILED - 33-34-3**

[H0072](#) – CRIMES – Repeals I.C. § 19-4701, an obsolete provision regarding distribution of fines and forfeitures.

[H0073a](#) – CRIMES – Provides that it is misuse of public funds for a prosecuting attorney to compromise or dismiss a prosecution, or agree to a bond forfeiture, on condition of the payment of money that is distributed in a manner not authorized by law.

02/06 House intro - 1st rdg - to printing  
02/09 Rpt prt - to Jud  
03/06 Rpt out - to Gen Ord  
03/11 Rpt out amen - to engros  
03/12 Rpt engros - 1st rdg - to 2nd rdg as amen  
03/13 2nd rdg - to 3rd rdg as amen  
03/16 3rd rdg as amen - **PASSED - 68-0-2**  
03/17 Senate intro - 1st rdg - to Jud

[H0075](#) – INSURANCE – Enacts the Life Settlements Act, intended to protect consumers who are transferring their life insurance policies in exchange for compensation; prohibits the initiation of life insurance policies for the benefit of an investor who has no insurable interest in the insured.

04/01 Governor signed  
Session Law Chapter 69  
Effective: 07/01/09

[H0082](#) – CRIMES – Amends I.C. § 18-6710 to prohibit the use of the Internet or emails to annoy, terrify, threaten, harass, intimidate or offend.

03/05 Will not proceed this year

[H0086](#) – CORRECTIONS – Appropriates additional money to the Department of Correction for FY 2009 for management services and ISCI, and reduces appropriation for county and out-of-state placements.

03/03 Governor signed  
Session Law Chapter 25  
Effective: 03/03/09

[H0087](#) – CRIMES – Amends I.C. § 18-1505 to redefine "vulnerable adult" to include persons who are incapable of making or communicating decisions regarding their funds, property or resources.

04/01 Governor signed  
Session Law Chapter 71  
Effective: 07/01/09

[H0097](#) – MOTOR VEHICLES – Makes it an infraction to drive in a high occupancy vehicle lane with fewer than two persons in the vehicle.

[H0102](#) – GOVERNMENT – Creates a seven-year statute of limitations for challenges to the creation or disestablishment of districts.

03/23 Governor signed  
Session Law Chapter 43  
Effective: 07/01/09

[H0103](#) – GUARDIANS & CONSERVATORS – Removes the sunset clause for the Guardianship Pilot Project; provides that certain records, accounts, and inventories in conservatorships shall be subject to review by the court or persons designated by the court. (Court bill)

04/01 Governor signed  
Session Law Chapter 78  
Effective: 07/01/09

[H0104](#) – COURTS – Creates a statutory framework for domestic violence courts; adopts a \$30 fee to be paid by persons convicted of crimes involving domestic violence, alcohol, or controlled substances, to be used to support the operation of domestic violence courts. (Court bill)

04/01 Governor signed  
Session Law Chapter 79  
Effective: 07/01/09

[H0105](#) – COURTS – Adds \$6 Senior Magistrate Judges Fund fee to fee required for filing a small claims case; updates and clarifies civil filing fees provisions of I.C. § 31-3201A. (Court bill)

04/01 Governor signed  
Session Law Chapter 80  
Effective: 07/01/09

[H0106a](#) – CRIMES – Amends I.C. 19-2522 to provide that an examination of the mental condition of a defendant prior to sentencing may be conducted by any qualified professional appointed by the court; permits mental health examinations under I.C. § 19-2524 to be used as the examination required by I.C. § 19-2522 if they provide the required information. (Court bill)

04/08 Governor signed  
Session Law Chapter 124  
Effective: 07/01/09

[H0107](#) – CRIMES – Amends I.C. § 19-2716 to provide that executions by lethal injection will use a substance or substances approved by the director of the Department of Correction; removes option of use of a firing squad if execution by lethal injection proves to be impracticable.

04/01 Governor signed  
Session Law Chapter 81  
Effective: 07/01/09

[H0108](#) – INSURANCE – Allows coverage under their parents' health insurance policies of persons who are under 25, unmarried and dependant.

[H0116](#) – PROPERTY – Provides that a conservation easement or agreement is invalid if there is a business relationship between a person having an interest in the servient property and the holder of a third-party right of enforcement.

[H0132a](#) – PUBLIC EMPLOYEES – Provides that state employees who are members of the reserve or National Guard, and who are assigned to uncommon tours of duty, shall have their 120 hours of annual military leave prorated proportionally to the number of hours in their regularly scheduled biweekly pay period.

03/23 Governor signed  
Session Law Chapter 44  
Effective: 07/01/09

[H0137](#) – FIREARMS – Authorizes the Park and Recreation Board to regulate the discharge of firearms in state parks; provides an exception for lawful hunting and for persons discharging a firearm in defense of person or property.

03/25 Governor signed  
Session Law Chapter 58  
Effective: 07/01/09

[H0138aa](#) – TORTS – Provides that in the event of the injury or death of a person caused by a nonnative animal species or subspecies introduced into Idaho by a government agency, there shall be a civil cause of action for negligence “against any individual instrumental in the introduction or protection of the nonnative animal species or subspecies.”

[H0139](#) – CRIMES – Provides that if the population of Canadian gray wolves exceeds 150% of the population objectives, and a Canadian gray wolf causes the death of any person, any person who protects Canadian gray wolves is guilty of a felony.

[HB140](#) – CRIMES – Increases taxes on beer and wine; provides that it is a misdemeanor for any wholesaler or brewer to sell beer to any retailer in Idaho if the state tax on the beer has not been paid.

02/16 House intro - 1st rdg - to printing  
02/17 Rpt prt - to Rev/Tax  
Note: Held in Revenue and Taxation Committee

[H0143](#) – PROPERTY – Amends I.C. § 50-222 to provide that consent to annexation by a city shall be valid only when evidenced by written consent to annexation executed by the owner or the owner’s agent; provides exceptions for enclaved lands and implied consent arising from written request for connection to a city water or wastewater collection system, or where such connection was completed before July 1, 2008.

03/25 Governor signed  
Session Law Chapter 53  
Effective: 07/01/09

[H0144](#) – MENTAL HEALTH – Provides that payment by county for indigent persons who are committed shall be no more than the Medicaid rate; revises definitions.

[H0145a](#) – STERILIZATION – Amends the definition of “persons subject to this chapter” in sterilization chapter.

[H0147](#) – MOTOR VEHICLES – Amends I.C. §§ 49-335 and 49-337, relating to operation of commercial motor vehicles, to conform to federal requirements.

[H0154aa](#) – MOTOR VEHICLES – Amends I.C. § 49-2427 to remove the requirement that Idaho State Police highway patrol vehicles be painted with a white top.

04/01 Governor signed  
Session Law Chapter 85  
Effective: 07/01/09

[H0161a](#) – PRIVACY – Provides that when an agency, individual, or commercial entity that owns or licenses computerized data that includes personal information about a resident of Idaho becomes aware of a breach of the security of its system, it shall notify the Idaho Attorney General within 24 hours of the discovery of the breach.

[H0162](#) – INDUSTRIAL COMMISSION – Allows the Commission to assess a penalty for failure to pay worker’s compensation only if the failure was intentional and willful; makes decisions of any member, hearing officer, referee, or examiner subject to appeal and hearing before the full Commission.

[H0163](#) – CRIMES – Adopts a new chapter dealing with scrap dealers, including new provisions for record keeping and reports to law enforcement; makes various violations misdemeanors.

[H0164](#) – PUBLIC RECORDS – Provides that Police Officer Standards and Training (POST) records on a peace officer or county detention officer will be made available to a law enforcement agency upon request when that individual applies for employment at that agency.

[H0165](#) – PUBLIC RECORDS – Amends I.C. § 9-343 to provide that nothing in the public records laws restricts a public agency or law enforcement agency from supplying personnel records of a current or former public official to another public agency or law enforcement agency upon request in connection with an investigation or inquiry.

[H0166](#) – POLICE – Provides that persons deputized by a sheriff or chief of police shall not have police officer status outside of the county or city where deputized, other than in fresh pursuit.

[H0167](#) – DOMESTIC RELATIONS – Adds child’s performance in school to factors to be considered by a court in deciding custody in a divorce action.

02/18 House intro - 1st rdg - to printing

02/19 Rpt prt - to Jud

Note: Will not proceed this session

[H0168](#) – SEXUAL OFFENDERS – Provides that a sexual offender who does not provide an address when registering shall report in person every seven days to the sheriff of the county in which he resides and complete a form including a detailed description of the location where he is residing, and that the sheriff shall visit that location at least once each month.

[H0169](#) – PROPERTY – Enacts a new Residential Mortgage Practices Act incorporating the requirements of the federal Safe and Fair Enforcement Mortgage Licensing Act of 2008 (S.A.F.E. Act), requiring licensing or registration of all mortgage loan originators

[H0172](#) – BUSINESS – Provides safeguards relating to payday loans.

[H0173](#) – PUBLIC EMPLOYEES – Changes eligibility rules for health care coverage for retired state employees. Among other things, retiree eligibility for health care coverage would be limited to persons who were active employees before June 30, 2009, are eligible for a retirement benefit with at least 20,800 hours of state service, and retire directly from state service. Health care coverage would not be available for retirees who become eligible for Medicare. (This is a revised version of HB 39, introduced earlier.)

02/19 House intro - 1st rdg - to printing

02/20 Rpt prt - to 2nd rdg

02/23 2nd rdg - to 3rd rdg

02/24 3rd rdg - **PASSED - 59-11-0**

02/25 Senate intro - 1st rdg - to Com/HuRes

03/25 Rpt out - rec d/p - to 2nd rdg

03/26 2nd rdg - to 3rd rdg

04/03 3rd rdg - **PASSED - 26-8-1**

04/06 To enrol

04/07 Rpt enrol - Sp signed

04/08 Pres signed

04/09 To Governor

[H0176](#) – PUBLIC OFFICIALS – Requires newly elected or appointed coroners to attend a coroner’s school and requires coroners to complete 24 hours of continuing education every two years.

[H0177](#) – PUBLIC RECORDS – Requires the state controller to create a budget database website.

[H0178a](#) – SEXUAL OFFENDERS – Amends sexual offender registration law to add offenses to list of aggravated offenses and to list of offenses for which registration is required; amends definition of "incarceration" to include commitment to the Department of Juvenile Corrections; amends definition of "residence" to include habitual locales of transients.

[H0179](#) – GUARDIANSHIP – Authorizes testamentary appointment of a guardian for a developmentally disabled person.

04/01 Governor signed  
Session Law Chapter 86  
Effective: 07/01/09

[H0180](#) – MOTOR VEHICLES – Designates repeat DUI offenders and persons convicted of aggravated DUI or driving with an alcohol concentration of at least .20 as interdicted persons, and makes the purchase or consumption of alcohol by interdicted persons a misdemeanor.

[H0181](#) – DRUGS – Amends I.C. § 37-3303 to limit individual purchases of pseudoephedrine to 3.6 grams, require retailers to maintain logbook of pseudoephedrine sales, and require purchasers of pseudoephedrine to present photo ID.

[H0182](#) – CRIMES – Amends I.C. § 18-1501, the injury to child statute, to make it a felony to engage in certain sexual acts involving children under circumstances likely to produce great bodily harm or death, and to make this type of injury to child an offense for which sexual offender registration would be required.

[H0183](#) – CRIMES – Allows persons who have not been found guilty of criminal charges to obtain expungement of all court and law enforcement of their arrest and of the criminal case.

Note: Will not proceed this year.

[H0184](#) – CRIMES – Repeals the existing chapter 29 of title 19 and enacts a new chapter addressing bail in criminal cases; this bill was drafted by the Supreme Court's Bail Bonds Guidelines Committee. (Court bill.)

04/01 Governor signed  
Session Law Chapter 90  
Effective: 07/01/09

[H0186](#) – MOTOR VEHICLES – Adopts a new chapter regarding towing of vehicles; makes violations of the provisions of the chapter a misdemeanor.

[H0194aaS](#) – TORTS – Enacts the Idaho Sports Shooting Activities Immunity Act, making sport shooting range operators, sport shooting sponsors, and sport shooting instructors immune from liability except for gross negligence, willful and wanton disregard for safety, or intentional injury.

[H0201](#) – ELECTIONS – Consolidates dates for elections; date for primary elections would be moved from fourth Tuesday in May to third Tuesday in May.

[H0222](#) – JUVENILES – Amends Juvenile Corrections Act to provide that the \$0.60 per hour fee for community service shall not be remitted to the State Insurance Fund if the county is self-insured and provides worker's compensation insurance for persons performing community service.

03/09 House intro - 1st rdg - to printing  
03/10 Rpt prt - to Com/HuRes  
03/12 Rpt out - rec d/p - to 2nd rdg  
03/13 2nd rdg - to 3rd rdg  
03/16 3rd rdg - **PASSED - 68-0-2**  
03/17 Senate intro - 1st rdg - to Com/HuRes  
03/25 Rpt out - rec d/p - to 2nd rdg  
03/26 2nd rdg - to 3rd rdg  
04/01 3rd rdg - **PASSED - 35-0-0**  
04/02 To enrol  
04/03 Rpt enrol - Sp signed  
04/07 Pres signed  
04/08 To Governor

[H0223](#) – CRIMES – Provides that information in law enforcement and court records identifying the victim of a sex crime shall be confidential.

03/09 House intro - 1st rdg - to printing  
03/10 Rpt prt - to Jud

[H0227](#) – BUSINESS – Provides that payday loans made in violation of the licensing requirements are void, uncollectible and unenforceable.

[H0237a](#) – GOVERNMENT – Amends lobbying laws to prohibit knowingly deceiving or attempting to deceive any legislator or executive official regarding any fact pertaining to pending or proposed legislation, executive order or administrative rule; prohibits maliciously causing or threatening any pecuniary detriment to a legislator or executive official as retaliation or to influence their decision, and makes a second violation of this provision a felony.

03/13 House intro - 1st rdg - to printing  
03/16 Rpt prt - to St Aff  
03/26 Rpt out - to Gen Ord  
03/31 Rpt out amen - to engros  
04/01 Rpt engros - 1st rdg - to 2nd rdg as amen  
04/02 2nd rdg - to 3rd rdg as amen  
04/08 Ret'd to St Aff

[H0241](#) – MOTOR VEHICLES – Amends I.C. § 49-663 to provide that neighborhood electric vehicles may not be operated on highways with a speed limit greater than 35 mph (rather than the current 20 mph) and may not cross any highway with a speed limit greater than 45 mph (rather than the current 20 mph; includes emergency clause.

03/13 House intro - 1st rdg - to printing  
03/16 Rpt prt - to Transp  
03/19 Rpt out - rec d/p - to 2nd rdg  
03/20 2nd rdg - to 3rd rdg  
03/23 3rd rdg - **PASSED - 67-1-2**  
03/24 Senate intro - 1st rdg - to Transp

03/30 Rpt out - rec d/p - to 2nd rdg  
03/31 2nd rdg - to 3rd rdg  
04/08 3rd rdg - **PASSED - 34-0-1**  
04/09 To enrol

[H0264](#) – WATER – Approves the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan (CAMP) as a component of the Comprehensive State Water Plan and directs the Idaho Water Resource Board to prepare and submit to the Legislature a funding mechanism to implement phase one of the CAMP.

[H0285](#) – ELECTIONS – Requires that voters provide photo identification in order to register to vote and to vote. (This legislation will not go forward this session.)

04/03 House intro - 1st rdg - to printing  
04/06 Rpt prt - to St Aff

[H0296](#) – APPROPRIATIONS – FY 2010 judicial branch appropriation bill, appropriating \$41,451,400.

04/06 House intro - 1st rdg - to printing  
04/07 Rpt prt - to 2nd rdg  
04/08 2nd rdg - to 3rd rdg  
04/09 Senate intro - 1st rdg - to Fin

[H0299](#) – APPROPRIATIONS – FY 2010 appropriation bill for the Office of Drug Policy, appropriating \$5,171,100 for community based treatment and \$970,200 in grant funds.

04/08 House intro - 1st rdg - to printing  
04/09 Rpt prt - to 2nd rdg

[HJR001](#) – INDEBTEDNESS – Proposed an amendment to article VIII, section 3 of the Idaho Constitution regarding limitations on indebtedness of counties and cities; would allow counties and cities to incur debt for the purpose of constructing or acquiring a revenue generating public facility if the facility has non-tax sources of revenue for the repayment of the debt, and adopt certain other exceptions to the limitations on indebtedness.

[HCR6](#) – LEGISLATURE – Resolution rejecting 5% pay increase for legislators recommended by the Citizens' Committee on Legislative Compensation.

[HCR013](#) – WATER – Creates an interim committee to study natural resource issues, including water resources and water rights.

[HCR018](#) – WATER – Specifies issues to be studied by the Natural Resources Interim Committee.

## Senate Bills

[S1003](#) – CRIMES – Corrects I.C. § 18-6110, relating to sexual contact with a prisoner, by adding the word “contact” to the definition of “sexual contact.” (Court defects bill.)

[S1004aaH](#) – CRIMES – Provides that in cases of vehicular manslaughter resulting in the death of a parent or parents of a minor child, the award of child support shall be based on all relevant factors rather than on the child support guidelines. (Court defects bill.)

01/19 Senate intro - 1st rdg - to printing  
01/20 Rpt prt - to Jud  
02/03 Rpt out - rec d/p - to 2nd rdg  
02/04 2nd rdg - to 3rd rdg  
02/05 3rd rdg - **PASSED - 32-0-3**  
02/06 House intro - 1st rdg - to Jud  
03/10 Rpt out - to Gen Ord  
03/11 Rpt out amen - to 1st rdg as amen  
03/12 House intro - 1st rdg - to 2nd rdg  
03/13 2nd rdg - to 3rd rdg as amen  
03/30 3rd rdg as amen - **PASSED - 68-0-2**  
03/31 Senate concurred in House amens - to engros  
04/01 Rpt engros - 1st rdg - to 2nd rdg as amen  
04/02 2nd rdg - to 3rd rdg as amen  
04/03 3rd rdg as amen - **PASSED - 34-0-1**  
04/07 Rpt enrol - Pres signed  
04/08 Sp signed  
04/09 To Governor

[S1005aa](#) – CRIMES – Amends I.C. § 18-1505B, relating to sexual abuse or exploitation of a vulnerable adult, by correcting the definition of “sexually exploitative material.” (Court defects bill.)

04/03 Governor signed  
Session Law Chapter 100  
Effective: 07/01/09

[S1006aa](#) – CRIMES – Amends I.C. § 19-5307 by including a provision that the clerk of the court may collect the fine imposed for crimes of violence. (Court defects bill.)

04/03 Governor signed  
Session Law Chapter 101  
Effective: 07/01/09

[S1007](#) – CRIMES – Clarifies that collection agencies may be used to collect restitution owed to crime victims. (Court defects bill.)

04/03 Governor signed  
Session Law Chapter 102  
Effective: 07/01/09

[S1008](#) – FISH & GAME – Provides that veterans with disabilities would not need a hunting license to participate in a hunt in association with a qualified organization, and that veterans with disabilities who are certified eligible by a qualified organization could be issued free big game permits or tags.

[S1014](#) – PROFESSIONAL LICENSING – Repeals the Naturopathic Physicians Licensing Act.

[S1017aa](#) – CHILDREN – Permits private instruction at home by a parent or guardian to satisfy the compulsory school attendance requirement.

[S1020aa](#) – FISH & GAME – Prohibits a person who has unlawfully taken wildlife from purchasing that wildlife at a sale by the Department of Fish and Game.

[S1022](#) – FISH & GAME – Increases the processing fee imposed on persons convicted of illegal killing, possession, or waste of game animals.

[S1024](#) – FIREARMS – Allows agencies, counties, cities, and other political subdivisions of the state to regulate the possession of firearms at public meetings and within or on the property of public libraries.

[S1026](#) – ELECTIONS – Establishes system of voluntary public financing of campaigns of candidates for statewide office and the Legislature; would not affect candidates for judicial office.

[S1027](#) – ENERGY FACILITIES – Creates a panel and procedure for reviewing siting of energy facilities; persons aggrieved by decisions could seek judicial review.

[S1030](#) – MOTOR VEHICLES – Makes use of a cell phone while driving a misdemeanor; provides exceptions for emergencies, reporting crimes, use by police officers and emergency personnel, and hands-free phones.

[S1031](#) – MOTOR VEHICLES – Makes use of email, text messaging or Internet while driving a misdemeanor; provides exceptions for emergencies, reporting crimes, and use by police officers and emergency personnel.

[S1032](#) – PROPERTY – Makes Mobile Home Park Landlord-Tenant Act applicable to a mobile home owner on a single lot.

[S1034](#) – CRIMES – Establishes mandatory minimum fixed term of 30 years for lewd conduct committed by a person 18 or older on a victim under the age of 12, and a mandatory fixed life term for a second such offense.

01/23 Senate intro - 1st rdg - to printing

01/26 Rpt prt - to Jud

[S1036](#) – CRIMES – Amends I.C. § 18-1356 to make the prohibition of acceptance of gifts applicable to presidents of public postsecondary institutions.

[S1037](#) – EDUCATION – Establishes the College of Law Scholarship Fund to provide scholarships to third-year law students at the University of Idaho.

[S1042](#) – CRIMES – Amends I.C. § 18-2507 to provide that the Department of Corrections will pay to counties the costs incurred in the prosecution of escapes from correctional facilities or crimes committed by prisoners in correctional facilities.

[S1046](#) – CRIMES – Amends I.C. § 72-1025 to increase by approximately 50% the minimum fines that are paid into the Crime Victims Compensation Account; the minimum fine for felonies would be increased from \$50 to \$75, for misdemeanors from \$25 to \$37, and the additional minimum fine for sex offenses from \$200 to \$300.

04/08 Governor signed  
Session Law Chapter 139  
Effective: 07/01/09

[S1047](#) – GUARDIANS & CONSERVATORS – Allows the appointment of temporary guardians or conservators in emergency situations.

[S1048](#) -- GUARDIANS & CONSERVATORS – Provides that no convicted felon, or person whose residence will be the residence of the minor or be frequented by the minor and is also frequented by a convicted felon, may be appointed as a guardian of a minor, unless the court finds by clear and convincing evidence that the appointment is in the best interest of the minor; amends I.C. § 15-5-407 to provide that hearings on petitions for the appointment of a conservator or other protective order may be closed upon a motion and a showing of good cause.

[S1050](#) – CIVIL PROCEDURE – Provides that moneys in medical savings accounts are exempt from execution to enforce a judgment.

[S1051aa](#) – CRIMES – Makes “anti-caller ID spoofing” a misdemeanor and an unfair trade practice; “anti-caller ID spoofing” is defined as the insertion of data that misrepresents the identity of the caller into a caller identification system with the intent to mislead, defraud or deceive the recipient of a telephone call.

[S1053a](#) – MOTOR VEHICLES – Provides that applications for vehicle registration and titles must include the owner’s Idaho driver’s license number, Idaho identification card number, or Social Security number.

[S1055](#) – MOTOR VEHICLES – Requires loads carried on vehicles on highways to be secured and covered to prevent the load from dropping, leaking or becoming detached; makes violation an infraction.

[S1056aa](#) – PRISONS – Gives the director of the Department of Correction authority to investigate crimes and violations of law involving DOC prisoners, and waste, mismanagement, and violations of laws, regulations or policies by DOC employees; gives the director authority to issue subpoenas for documents relevant to such investigations, and authority to petition the district court for an order compelling the production of the subpoenaed documents.

03/23 Governor signed  
Session Law Chapter 45  
Effective: 07/01/09

[S1057](#) – CHILDREN – Repeals I.C. § 33-4703, establishing the Youth Education Account Advisory Committee, which was intended to prepare advertising informing children of the risks of alcohol, drugs and tobacco.

[S1058](#) – WOMEN – Repeals chapter 60, title 67, which establishes the Idaho Women’s Commission.

[S1061](#) – MOTOR VEHICLES – Prohibits operation of vehicles on groomed snowmobile trails during the winter snowmobiling season other than snowmobiles and all-terrain vehicles registered as snowmobiles; makes violation an infraction.

[S1062](#) – ESTATES – Makes provisions of I.C. § 54-1142 applicable to disposition of human remains to the extent that provisions for disposition are not clearly covered in a prearranged funeral plan.

03/23 Governor signed  
Session Law Chapter 51  
Effective: 07/01/09

[S1065](#) – MENTAL HEALTH – Changes the composition of regional mental health boards by dropping the requirement for a representative of the Children’s Mental Health Regional Council and adding two parents of children with serious emotional disturbances, a representative of the elementary or secondary public education system, and a representative of the juvenile justice system; also specifies that the board shall identify gaps in children’s mental health services.

[S1087](#) – MOTOR VEHICLES – Increases fees for various Division of Motor Vehicles services; includes increases in the fees for restricted driving permits and reinstatement of suspended or revoked licenses.

[S1089](#) – MOTOR VEHICLES – Amends I.C. § 49-672, requiring child safety restraints, to remove exemptions for nursing and for all of the seat belts being in use.

[S1090](#) – MOTOR VEHICLES – Amends insurance requirements for off highway vehicles (OHVs).

[S1092](#) – MOTOR VEHICLES – Prohibits glass pack mufflers, which can create excessive noise.

[S1093](#) – BUSINESS – Requires payday loan entities, including those that are Internet-based, to be licensed to make loans in Idaho.

[S1098aa](#) – MOTOR VEHICLES – Amends provisions relating to off highway vehicles, all terrain vehicles and motorbikes.

[S1099](#) – BAIL – Provides that the director of the Department of Insurance has exclusive authority to license and regulate bail agents and to regulate the solicitation, negotiation

and transaction of bail with the public; provides that notwithstanding any other provision of law, but subject to the procedural rules of the courts, licensed bail agents are authorized to execute bail bond contracts in any district of the state.

02/13 Senate intro - 1st rdg - to printing

02/16 Rpt prt - to Jud

Note: Will not proceed this session

[S1105](#) – CHILDREN – Repeals the existing I.C. § 32-719 and enacts a new I.C. § 32-719 relating to the determination of visitation rights for grandparents; sets forth when a grandparent may petition for visitation rights, the requirements for such visitation that must be shown by clear and convincing evidence, and other factors to be considered.

02/16 Senate intro - 1st rdg - to printing

02/17 Rpt prt - to Jud

Note: Will not proceed this session

[S1106](#) – MOTOR VEHICLES – Provides that a court may order a person convicted of a DUI offense to pay restitution for the withdrawal, analysis and preservation of blood samples, and for the presentation of blood analysis testimony.

04/03 Governor signed

Session Law Chapter 108

Effective: 07/01/09

[S1110aaH](#) – PUBLIC BENEFITS – Amends I.C. § 67-7903, which requires agencies to verify the lawful presence in the United States of each person, 18 years or older, who applies for public benefits, by providing that persons who show proof of refugee or asylum status may receive such benefits.

[S1111](#) – PUBLIC EMPLOYEES – Provides for a one-time benefit of \$100,000 to a public safety officer who is permanently disabled as a result of a bodily injury or disease sustained in the line of duty.

[S1112aa](#) – CHILDREN – Revises and extends the licensing requirements for daycare facilities.

[S1114](#) – HEALTH CARE – Amends the Medical Consent and Natural Death Act, I.C. § 39-4501 et seq., to add provisions relating to the developmentally disabled, provide a procedure for physicians to submit decisions on whether to withhold care to an ethics committee, provide a definition of “emancipated minor,” and define and clarify the role of a surrogate decision maker; amends provisions relating to when a guardian may consent to withholding or withdrawing treatment.

[S1122](#) – PUBLIC EMPLOYEES – Amends PERSI statutes to provide that when a retired member marries and chooses one of the alternative options, the option becomes effective 90 days, rather than one year, after the election.

[S1136](#) – MOTOR VEHICLES – Provides for medical exemptions from the safety restraint requirements of I.C. § 49-673.

[S1140](#) – CIVIL PROCEDURE – Amends I.C. § 11-605 to increase the limitations on certain categories of property exempt from attachment; adds exemptions for food and water provisions for an individual and dependents for 12 months, and for compensation earned for personal services that is yet unpaid.

[S1142](#) – PUBLIC MEETINGS – Amends open meetings law to specify how amendments to agendas are to be made, to clarify that executive meetings may not be held to discuss staffing needs in general, to alter penalties for violation of open meetings law, and to provides that an agency may cure a violation of the open meetings law by acknowledging the violation and declaring that all actions taken at or resulting from the meeting are void.

[S1148](#) – ALCOHOL – Extensively revises the laws pertaining to alcoholic beverages.

03/11 Senate intro - 1st rdg - to printing  
03/12 Rpt prt - to St Aff  
03/24 Rpt out - rec d/p - to 2nd rdg  
03/25 2nd rdg - to 3rd rdg  
03/26 3rd rdg - **PASSED - 23-12-0**  
03/27 House intro - 1st rdg - Held at Desk  
04/03 Ref'd to Jud

[S1150](#) – MOTOR VEHICLES – Amends the provisions of chapter 18 of title 49 relating to abandoned vehicles; makes violation of I.C. § 49-1801, prohibiting abandoning a vehicle on a highway or on public or private property without consent, an infraction.

[S1151](#) – BUSINESS – Provides that payday loans made in violation of the licensing requirements are void, uncollectible and unenforceable.

[S1153](#) – CRIMES – Permits judges to issue restricted driving permits to repeat DUI offenders who are participants in good standing in drug courts and DUI courts, provided they have served at least 45 days of a license suspension with no driving privileges, have ignition interlocks on their vehicles, and show proof of liability insurance. (Court bill.)

03/17 Senate intro - 1st rdg - to printing  
03/18 Rpt prt - to Jud  
03/24 Rpt out - rec d/p - to 2nd rdg  
03/25 2nd rdg - to 3rd rdg  
03/27 3rd rdg - **PASSED - 33-0-2**  
03/30 House intro - 1st rdg - to Jud  
04/02 Rpt out - rec d/p - to 2nd rdg  
04/03 2nd rdg - to 3rd rdg  
04/07 3rd rdg - **PASSED - 65-0-5**  
04/08 To enrol  
04/09 Rpt enrol - Pres signed

[S1155](#) – IMMIGRATION – Makes it a misdemeanor to impersonate another to obtain employment; provides for suspension of business licenses of employers who knowingly employ illegal aliens; prohibits issuance of driver's licenses to illegal aliens, and provides that a driver's license issued by another state to an illegal alien will not be honored by the State of Idaho; provides that any municipality that adopts a "sanctuary policy" shall be ineligible for grant money administered by any state agency.

03/17 Senate intro - 1st rdg - to printing

03/18 Rpt prt - to St Aff

[S1163](#) – MOTOR VEHICLES – Increase the liability insurance requirements from \$25,000 to \$50,000 for bodily injury to or death of one person, from \$50,000 to \$100,000 for bodily injury to or death of two or more persons in one accident, and from \$15,000 to \$30,000 for property damage.

[SCR111](#) – ALLYN – Resolution honoring M. Allyn Dingel for his years of service to the Idaho Legislature, to the Idaho courts, and for his charitable and philanthropic endeavors.