

Bills of Interest
2016 Legislative Session
February 8 through February 12, 2016

Bills Introduced in the House

[H0461](#) – COURTS – Provides that the 80% of the surcharge that previously went to the Drug Court, Mental Health Court and Family Court Services Fund would go to the general fund; the projected amount of money transferred for FY2017 would be \$2,898,504; this bill depends on the approval of additional general fund moneys appropriated to fund court obligations in the amount of \$3,752,828. (Court bill.)

[H0462](#) – FISH & GAME – Extends to all persons the exemption from the requirement of a license for the hunting of predatory and unprotected birds and animals by means other than firearms, and the trapping during open season of muskrats from irrigation ditches or property on which the person lives.

[H0463](#) – EMPLOYMENT – Forbids political subdivisions from setting a minimum wage higher than that established by the Idaho Code.

[H0465](#) – LEGISLATION – States the intent of the Legislature that legislation and administrative rules should contain gender neutral language.

[H0466](#) – GOVERNMENT – Establishes the office of State Inspector General; would investigate fraud, waste, abuse, and corruption.

[H0470](#) – CRIMES – Enacts the Idaho Dangerous and At-Risk Dogs Act; defines “dangerous dog”; provides that a person, or a parent or guardian of a minor, who has been bitten or physically attacked by a dog may petition the court to have the dog declared a dangerous dog; provides that if a court finds the dog to be a dangerous dog the court may order the dog to be humanely put to death; the court may also order the owner of the dangerous dog to comply with certain requirements and restrictions; violation of the requirements or restrictions would be a misdemeanor punishable by a fine, a second offense within five years would be a misdemeanor punishable by a jail sentence of up to six months and a fine, and a third offense within 15 years would be a misdemeanor punishable by a jail sentence of up to 12 months and a fine.

[H0471](#) – MOTOR VEHICLES – Sets fine for snowmobile infractions at \$100.

[H0478](#) – PUBLIC RECORDS – Provides that records of any certification or notification required by federal law to be made in connection with the acquisition or transfer of a firearm be exempt from disclosure.

[H0483](#) – HEALTH CARE – Requires pharmacists to communicate to the prescriber when the pharmacist makes a substitution of a biosimilar medication.

[H0484](#) – HEALTH CARE – Enacts the Primary Care Access Program (PCAP), aimed at providing primary care access and care coordination to persons with incomes under 100% of the federal poverty level who are not eligible for Medicaid, the ACA advanced payment of tax credit, or an employer-sponsored or other government-subsidized health care plan.

[H0487](#) – CIVIL PROCEDURE – Provides that if a court finds that a key employee or key independent contractor is in breach of a non-compete agreement, there is a rebuttable presumption of irreparable harm, which may be rebutted only by a showing that the key employee or key independent contractor has no ability to adversely affect the employer's legitimate business interests.

[H0489](#) – FISH & GAME – Prohibits Fish and Game Commission members and Fish and Game employees from participating in drawings for controlled hunt permits or in controlled hunts.

[H0490](#) – FISH & GAME -- Prohibits Fish and Game Commission members from participating in drawings for controlled hunt permits or in controlled hunts.

[H0491](#) – PROPERTY – Repeals title 45, chapter 17, addressing non-consensual common law liens; enact a new I.C. § 45-811 defining non-consensual common law liens, stating that such liens are prohibited and shall not be recognized or enforced, and providing a procedure to petition the court for an order striking and releasing such liens.

[H0493](#) – CRIMINAL PROCEDURE – Provides that of the 22½% of the fines for motor vehicle offenses that is now deposited in the Public School Income Fund, half (11¼%) shall be deposited in the Drug Court, Mental Health Court and Family Court Services Fund.

[H0494](#) – CRIMES – Reduces first-time underage possession of alcohol from a misdemeanor to an infraction, punishable by a fine of \$300 and the same fees as apply to misdemeanors.

[H0495](#) – CRIMES – Provides that any person who is found guilty of an underage possession of alcohol violation under I.C. § 23-604, and who does not have any alcohol or drug related findings of guilt within five years after the commission of the violation shall have the finding of guilt vacated and sealed by the court.

Bills Introduced in the Senate

[S1274](#) – ELECTIONS – Amends I.C. § 34-1002 to provide that an application for an absentee ballot must be received by the clerk no later than the eleventh day before the election, instead of no later than the sixth day before the election.

[S1275](#) – ELECTIONS – Allows counties that use modern polling place based counters to conduct early voting; early voting is currently limited to counties that count ballots at a central location.

[S1276](#) – CRIMINAL PROCEDURE – Adds terrorism, arson in the first or second degree, theft by extortion, human trafficking, felony riot, hijacking, racketeering, and supplying firearms to a criminal gang to the list of crimes for which the right to possess firearms will not be restored following final discharge from imprisonment, probation, and parole.

[S1277](#) – CRIMES – Defines the crime of sexual battery of an adult as willful physical contact with the intimate parts of a person 18 or older when the contact is done without consent and with the intent to degrade the person touched or with the intent of arousing, appealing or gratifying the lust, passion or sexual desires of the actor or any other person; amends I.C. § 18-6101, the rape statute, to make it gender neutral, and to add that rape may also include penetration where the victim is prevented from resistance due to an objectively reasonable belief that resistance would be futile or that resistance would result in force or violence beyond that necessary to accomplish the prohibited contact; repeals I.C. § 18-6108, the male rape statute.

[S1282](#) – MOTOR VEHICLES – Provides that a motor vehicle that was originally manufactured without a means to display a front license plate shall be allowed to display only one plate on the rear of the vehicle.

[S1283](#) – MOTOR VEHICLES – Provides penalties for insurers who do not comply with the online insurance verification requirements of I.C. § 49-1234.

[S1297](#) – ELECTIONS – Authorizes the Secretary of State to develop and implement an online voter registration application.

[S1299](#) – ELECTIONS – Provides that the campaign finance reporting requirements shall apply to all state and local elections and ballot measures.

[S1300](#) – PROPERTY – Enacts a new I.C. § 15-2-804, drawn from the Uniform Probate Code, that addresses the effects of a divorce on matters including powers of appointment and nominations to act as a fiduciary, and severs joint tenancies with right of survivorship into equal tenancies in common.

[S1301](#) – PROPERTY – Provides that a deposit of community property in an account does not alter the community character of the property, and that a right of survivorship between married parties arising from the terms of the account or the statutory provision may not be altered by will.

[S1302](#) – PROBATE – Removes cross references to family allowance, a term that was previously removed from the Probate Code.

[S1303](#) – PROPERTY – Enacts the Revised Uniform Fiduciary Access to Digital Assets Act, allowing access to digital assets by a fiduciary.

[S1305](#) – FISH & GAME – Requires the Fish and Game Commission to contract with a private entity to conduct drawings for controlled hunt permits; requires drawings to be conducted using a computer program that awards permits based on a random order of selection.

[S1309](#) – CRIMINAL PROCEDURE – Provides that courts may order presentence psychological evaluations for persons convicted of animal cruelty.

[S1312](#) – MOTOR VEHICLES – Provides that from July 1, 2016, to June 30, 2017, officers will warn, rather than issue a citation, to an operator of a motor vehicle who is under 18 when only occupants under 18 are not wearing a safety restraint; beginning July 1, 2017, a citation may be issued to any driver if there are occupants who are not wearing safety restraints; these provisions sunset on July 1, 2019.

[S1317](#) – PROPERTY – Provides that a Home Owner's Association may only seek attorney fees and costs from a property owner or place a lien for the attorney fees and costs on the individual's property if the attorney fees and costs have been awarded by the courts.

[S1319](#) – PUBLIC EMPLOYEES – Requires the state to offer employees a health benefit plan utilizing health savings accounts paired with high-deductible health plans.

[S1325](#) – PROPERTY – Provides that the right of a private property owner to request a regulatory takings analysis is discretionary.