

Bills of Interest
2010 Legislative Session
January 11 through January 22, 2010

Bills Introduced in the House

H0391 – HEALTH CARE – Enacts the “Idaho Health Freedom Act,” declaring it to be the public policy of the state of Idaho that every person has the right to choose or decline any mode of securing health care services without penalty; providing that no public official shall act to impose any penalty that violates that public policy; and that the Attorney General shall seek injunctions or other relief to defend that right.

H0392 – ZONING – Amends I.C. § 50-222 to provide that decisions of a city council regarding the zoning of annexed lands shall be subject to judicial review; amends I.C. § 67-6521 to provide that “affected persons” who may seek a hearing by a governing board and judicial review includes anyone adversely affected by decisions regarding adoption of ordinances establishing or changing zoning districts, and by approvals or denials of requests for conditional rezoning. (The SOP states that the bill “remedies the confusion arising” from the decisions in Burns Holding v. Madison County, 147 Idaho 660, 214 P.3d 646 (2009), Taylor v. Canyon County, 147 Idaho 424, 210 P.3d 532 (2009), and Highlands Development Corp. v. City of Boise, 145 Idaho 958, 188 P.3d 900 (2008).

Bills Introduced in the Senate

S1247 – PUBLIC EMPLOYEES – Increases the amount of vacation hours one employee can transfer to another for purposes of sick leave from 40 hours to 80 hours.

S1253 – CHILDREN – Amends statutory provisions regarding appeals to make them consistent with recently adopted Supreme Court rules, which require appeals in adoption and parental termination cases to be taken directly to the Supreme Court, and allow for permissive appeals in CPA cases and other cases involving the custody of a child. (Court defects bill.)

S1254 – JUDGES – Amends I.C. § 3-405 to clarify that judges of the Court of Appeals and attorney magistrate judges are members of the bar. (Court defects bill.)

S1255 – CRIMINAL – Amends provisions of the escape statutes, I.C. §§ 18-2505 and 18-2506, to clarify that escape includes intentionally leaving the area of restriction set forth in an order releasing a defendant on bail or on his/her own recognizance with electronic or GPS tracking or monitoring. The present statute refers to “tracking, monitoring and detention.” (Court defects bill.)

S1256 – CIVIL PROCEDURE – Amends I.C. § 11-101, regarding execution of judgments and stays of execution, to remove references to repealed statutes. (Court defects bill.)

S1257 – COURTS – Repeals I.C. §§ 19-3907 and 19-3908, referring to changes of venue and disqualification of judges in probate courts and justice of the peace courts, and repeals portion of I.C. § 50-2207 referring to police courts. (Court defects bill.)

S1259 – MOTOR VEHICLES – Makes it an infraction to use a wireless telephone, PDA, pager or text messaging device while driving in a school zone while children are present.

S1264 – MOTOR VEHICLES – Makes it an infraction to use a cell phone while driving; does not apply to hands-free devices and provides exceptions for emergency situations and for law enforcement.

S1267 – LAWYERS – Increases bar license fees; the fee for an active lawyer three years after admission would increase from \$340 to \$380 in 2011, and to \$425 in 2012.