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8 2022 LEGISLATIVE REPORT  
9 May 2, 2022

10 This year, the 2<sup>nd</sup> Regular Session of the 66<sup>th</sup> Idaho Legislature started on Monday January 11, 2021 and a delayed  
11 sine die [for Latin purists, see neigh dee a]; the Senate and House adjourned late on Friday night March 25 and  
12 stopped acting on bills, until Thursday March 31. That was only to see if there was a veto to override. There was,  
13 but didn't override, so they went home. They had previously set the March 25 date as being the target, mainly  
14 because of primary elections this year. There was a lot of available money - \$1.9 billion surplus plus up to \$2.5  
15 billion in federal and other funds for pandemic recovery.

16 This session lasted 75 days until last Friday when they stopped doing any bills, but officially will not stop counting  
17 until sine die on the 31<sup>st</sup>, so 81 days. Generally sessions are from 74 to 89 days, shorter in election years. Last  
18 year was weird at 311 days. This was my 34<sup>th</sup> session or so; I have lost count. It may be my last.

19 The figures for the session:

20 1. 2024 draft legislation, with 979 becoming RS, 829 of those were proposed bills. So 48% of proposals  
21 became RS's of bills, resolutions, proclamations.

22 2. The House had 392 bills, a little less than last year. The Senate had 204, again a little less than last year.  
23 So 72% of RS's became bills.

24 3. 327 bills have passed both chambers and became law by signature, and two without Governor's  
25 signature. Eight bills vetoed by Governor Little, none overridden. So 338 total bills became law, 57%.

26 Only about two thirds of RS's ever get printed in most years and generally only about 40% of RS's become law.  
27 Generally about 60% of printed bills become law. Last year there were 958 RS's and 660 (73%) got printed and  
28 364 (54%) of those became law. So pretty similar to this year.

29 The number of bills presented in the probate code, tax, and related areas was quite limited. Tax & Estate  
30 Professionals of Idaho, Inc., which is a broad-based multi-disciplinary non-profit group, reviews and proposes  
31 legislation in the tax and probate code arena. I currently serve as Chairman.

32 New laws of interest, all of which take effect July 1, 2022, unless otherwise noted (bills which failed or died are  
33 noted when appropriate), are below. I reserve the right to ignore bills that are boring and include some that are  
34 interesting at whim. Remarks are purely my own and do not represent anyone's official position, probably not even  
35 my own.

36 **1. PROBATE CODE, TRUSTS, ELDER LAW, AND RELATED AREAS**

37 (a) **Electronic Wills Act** We are completing review and revision and will have a bill next year. Lots of  
38 stakeholders to identify and have review.

39 (b) **Judicial Council and Court salaries** HB 782. Made a number of changes to membership on the  
40 Council:

41 1. Changed term from six years to four years.

2. Changes selection method to judicial members by Supreme Court and non-judicial attorney members appointed by Governor from list of three from Idaho State Bar, but public members unchanged.
3. Changes membership from 7 to 11, adding a magistrate judge, changing non-judicial attorney members to 4.
4. Allows Governor to reject the nominees submitted by the Judicial Council.
5. Makes public information about applicants.
6. Allows applicants to see survey comments from Bar and public (previously not allowed) but does not make those public.
7. Changes salaries of judges, including Supreme Court to \$163,655 per year.
8. Removes ability of judicial branch to submit annual budget a month later than other state agencies.

Passed with a lot of debate about whether should give the Governor (administration) so much control over judicial branch. **VETOED**. This was seen as a rebuke to the Courts since the proposed raise was a lot less than the 7% increase all other State workers got and with the veto, no raise. How this will affect judicial recruitment, which is already having difficulties, is uncertain but probably negative.

(c) **Community Property** HB 622 would have required a court in a divorce action to consider marital fault when deciding whether an unequal division or marital assets is appropriate. An attempted retreat from no fault divorce in effect. Printed but never heard.

## 2. TAX

I am not generally going to have any detailed comments on all the various appropriation bills for transportation, school funding, repeal of sales tax on groceries, etc. even though those may cause tax consequences, since that will be analyzed to death in the media. Some of those are covered below.

### (a) **PROPERTY TAX**

There were many proposed bills and RS's on this, but almost nothing of substance passed despite this being the top priority theoretically. There should be about ten bills passed and signed into law below, but no.

1. **Circuit Breaker** HB 550. Authorizes cities in Idaho to rebate property taxes on whatever terms and conditions a city council decides. If through Circuit Breaker, the Idaho Tax Commission has to provide a list of those in the jurisdiction who are eligible. Limits relief that the amount of property tax actually paid. Requires public hearing for any rebate proposal. Property taxes are paid to local cities, not the State. Passed without opposition. **LAW** effective March 21, 2022.

2. **Homeowners Exemption** House Bill 564. Allows Tax Commission to give relevant information to County Assessors to verify that you only get one homeowners' exemption and a right of appeal if denied. Bipartisan. **LAW**.

3. **Storage Facilities** SB 1301. Would have changed the real property market value for assessment purpose for self-service storage facilities (defined in §55-2301) to "the assessor may use one (1) or more market valuation methods, provided that the market value shall not exceed reproduction or replacement cost of the improvements, less depreciation, plus land value for the real property." **VETOED** after the legislature went sine die so not voted on for override.

4. **Property Tax Relief Fund** HBs 709 and 690. 790 was printed but never heard. 690 would have established the "County and City Property Tax Relief Fund", paid from the general fund, essentially as a "surplus eliminator". In other words, if there is a surplus in the general fund, up to \$80 million would be given to cities and counties for property tax relief. Passed House 48-13 but Senate ignored.

### (b) **INCOME TAX:**

1 1. **Compliance bill** HB 472 Updates the reference in §63-3004 from 2021 to 2022. The marriage provisions  
2 in prior years are removed. **LAW** retroactive to January 1, 2022.

3 2. **Tax rates and Rebate** HB 436, very first bill in the House. Consolidates tax brackets from 5 to four and  
4 lowers rates on those to 1%, 3%, 4.5% and 6%, retroactive to January 1, 2022; lowers corporate rate to  
5 6% retroactive to January 1, 2022; and, one time tax rebate of \$350 million, which returns about 12% of  
6 2020 Idaho personal income tax or \$75 for each taxpayer and dependent, whichever is greater. That last  
7 one is based on 2020 income but requires a 2022 tax return. Pulls \$94 million per year from the Tax Relief  
8 Fund. **LAW** retroactive to January 1, 2022.

9 3. **Taxation of Corporate Activities by Out-of-State Taxing Entities.** HB 677. New §63-4015, part of  
10 Taxpayer's Bill of Rights. Long statement of intent boiling down to repelling those nasty out-of-state taxing  
11 entities (Oregon specifically mentioned) trying to tax Idaho transactions happening within the State of Idaho  
12 but with a resident of another state present in Idaho for the transaction. Intent statement says:

13 "the Oregon Department of Revenue has taken the position that the tax can be imposed on an  
14 Idaho business selling an item within the boundaries of the State of Idaho if the purchaser is an  
15 Oregon resident physically present in Idaho during the sale. Several other states have passed or  
16 contemplated passing similar taxes on business not located within their borders."

17 Recites US Supreme Court requirements for such things in South Dakota v. Wayfair (2018). Wait, you say,  
18 don't you review a bill in e(1) below that does precisely that by Idaho? Not exactly, since that is a situation  
19 where the out-of-state resident buys out-of-state and later moves to Idaho. Passed unanimously. **LAW**  
20 Effective on signature by Governor on March 29, 2022..

21 4. **Multistate or Unitary Corporations** NB 563. Makes two changes in how to compute Idaho's portion  
22 of income, copying what other states are now doing. For sales of non-tangible property (intangible property  
23 and services) changes "cost of performance" to "market based", which is the location receiving or  
24 benefitting from the services. Changes rest of multi-state income from existing "three factor method"  
25 (property, payroll, double-weighted sales) to "single-sales factor". Greatly simplifies the process and will  
26 integrate properly with other states. **LAW** retroactive to January 1, 2022.

27 5. **SALT** HB 713. Makes technical corrections to 2021 legislation on how state and local tax deductions  
28 (SALT) for income taxes paid by an Affected Business Entity (ABE) on behalf of its pass-through owners  
29 is computed. Bottom line is to ensure that the payments are fully deductible at federal level and also  
30 expanded who can use (mainly trusts and estates). And ensures that the permanent building fund excise  
31 tax is only paid once. **LAW** retroactive to January 1, 2022.

## 32 6. **Charitable Contributions**

33 a. HB 812 would have given an income tax credit for contributions to Faces of Hope Family  
34 Advocacy Center and Education Services. Printed, never heard.

35 b. SB 1272 changes existing law that forbids a distillery to donate its own liquor to charity but  
36 allowed it for beer and wine to allow liquor to be donated. No controversy that I heard of but passed  
37 in Senate but never heard in House. But wait. House passed exact same bill. **LAW**

38 c. **Private Foundations and Charitable Trusts** HB 616. These are set up by single donor, usually  
39 family or person or company. Treated differently in code and regulated differently than other  
40 nonprofits. There is a perceived national attack to force release of confidential information. This bill  
41 clarifies that only the reports required under Idaho nonprofit act and consumer protection laws is  
42 required to be reported. **LAW**

1 7. **Grocery Tax Credit** HB 509 amends to increase to \$120 for standard and \$140 for seniors. Quite a bit  
2 of opposition in House but unanimous in Senate. **LAW** effective March 25, 2022.. Some other bills would  
3 have increased it to \$175 or repealed food tax etc.

4  
5 8. **Military Retirement Pay** HB 484 would have removed State income tax on military retirement pay  
6 regardless of the age of the retired member or the widow or widower of the member. Printed, never heard.  
7 Would have cost \$20 million per year.

8 9. **Bonus Depreciation** HB 714. Last year HB 276 was supposed to clarify that bonus depreciation taken  
9 on federal income tax return but not allowed on state return (has been that way a long time) does not  
10 create income under Idaho law, effective January 1, 2021. That was expected to apply to all cases, both  
11 before and after that date since was a clarification. But STC auditors did not apply it to pre 1-1-21 cases.  
12 So this bill made it clear that applies to all cases no matter when arose. **LAW** retroactive to January 1, 2016  
13 to cover timely filed original tax returns.

14 10. **Statute of Limitations** HB 715. For claiming credit or refund for certain overpaid taxes, three year time  
15 limit. But for underpaid taxes and penalties and interest, ten years. Surprising? This bill allows claims for  
16 credit of overpaid taxes against taxes due for the ten year time period. **LAW** retroactive to January 1, 2022.

17 (c) **SALES AND USE TAX** Lots of bills, only a few passed.

18 1. **Use and Sales Tax Exemption, Grantor Trust.** HB 480. §63-3621, Idaho Code. I was involved at the  
19 front end of this negotiating language with the State Tax Commission. Personally owned vehicles, which  
20 includes airplanes, brought into Idaho by new residents are exempt from sales or use tax if the purchase  
21 was more than three months prior to the move, on the theory that it was not bought for use in Idaho. Has  
22 to be by "individual", which we have always assumed included a grantor trust, which is invisible to almost  
23 all tax issues, and pretty clearly met the idea of "personally owned". But some STC auditors suddenly  
24 disagreed and started assessing tax and penalties for such property which was owned in a grantor trust.  
25 So we came up with language to make it clear. **LAW** retroactive to January 1, 2020 to cover the existing  
26 cases.

27 2. **Certain Job Equipment In Transit** HB 565. Clarified an area of dispute on personal property taxes for  
28 "in transit" personal property. Just expanded and clarified. **LAW** retroactive the January 1, 2022.

29 3. **Short Term Rentals** HBs 471 and 630. Both the legislature and local authorities, especially Boise, have  
30 been trying to create separate rules for short term rentals, whether BnB or otherwise. These two bills would  
31 have clarified some of the provisions for sales tax for those rentals. Neither passed.

32 3. **COVID AND RELATED ISSUES** Tons of proposed bills but only some actually got to law status. Most of it was  
33 the continuing battle between the legislature and the Governor over pandemic issues and who is in control. Couple  
34 were on religious exemptions but none of those passed.

35 1. **Sunset on Certain Provisions of Coronavirus Limited Immunity Act.** Extended the sunset provisions  
36 of that act to July 1, 2023 Otherwise would have expired July 1. **LAW**.

37 2. **In Person Visitation in Assisted Living Facilities** HB 601. I gave technical advice on this one. Would  
38 have forbidden restrictions of in-person visitation by family, attorneys, etc. but allowed restrictions like  
39 masks, spacing. Forbid using vaccination status to deny visitation. Passed House but not heard in Senate.  
40 Maybe will be voted on when return but probably not. A somewhat similar bill, HB 688, Patient Visitation  
41 Rights Act was printed but never heard. Same for SB 1336. But, SB 1353, creates new §§9-97019703,  
42 Essential Caregivers, providing that patients of hospitals, nursing facilities, group homes, and similar health  
43 care facilities have right to visitation by essential caregivers, but allowing reasonable restrictions by the  
44 facility. Does not apparently apply to medical powers of attorney directly but seems to me would allowed  
45 under the definition of essential caregiver - "means a person designated by a patient or resident to visit the

1 patient or resident at a facility.” Passed unanimously but unclear how facilities will deal with this. **LAW**

2 **3. Firearm Regulation During State of Disaster** SB 1262. Statement of Purpose says:

3 This legislation enhances the protections for firearms, ammunition, and components during a  
4 declared disaster emergency. It establishes that those involved in firearm related commerce and  
5 business are essential businesses and services. It provides that the procedures for concealed  
6 weapon licenses under Title 18, Chapter 33 cannot be circumvented, and that firearms used in  
7 otherwise lawful conduct may not be seized pursuant to a disaster emergency declaration.

8 Passed with some Democrat opposition. **LAW**

9 **4. Coronavirus Pause Act** SB 1381. Would limit the ability of private and public entities to impose a  
10 requirement that individuals receive a coronavirus vaccination. Passed with a lot of debate and opposition  
11 and less than override percentage. **VETOED** and sustained by Senate so never went to House for override  
12 vote.

13 **5. Crisis Standards of Care Act** HB 756 creates new §§56-1702-1708 that sternly lectures Dept of H&W  
14 about creating crisis standards of care based on this statute and others and declaring them themselves,  
15 bypassing Governor. Part of that whole battle. Rights of visitation, creation of Patient Ombudsman, etc.  
16 covered. A lot of detail so read the whole act if it might affect you or clients. Were some compromises with  
17 Governor’s office so he would sign, to my understanding, but I may be too cynical about all that. **LAW**  
18 effective March 25, 2022.

19 **6. County Indigent Services** HB 735 Pretty major change in funding of local medical care. Repeals the  
20 county Charity and Indigent Fund Levy, which funded the county indigent services. For fiscal years 2023  
21 and 2024, counties are reimbursed for the amounts they had levied in the prior provisions. Starting in fiscal  
22 year 2025, the Tax Relief Fund money from marketplace facilitators and out-of-state retailers (§63-3602F)  
23 is routed through the sales tax distribution formula (§63-3638). And, starting in fiscal year 2025, \$5 million  
24 per quarter transfers from local distribution to a new Public Defense Fund, created by the bill. That, if the  
25 figures prove to be correct, means the state will be funding indigent public defense instead of counties.  
26 Next year the legislature is supposed to create a new model for public defense. The bill was heavily  
27 amended and I think some of the above may have been modified some to provide more formulas and less  
28 specific dollars, but 27 pages of bill and my head started hurting so quit tracking the extensive  
29 amendments. **LAW** Multiple effective dates. Some from date of signing on March 22, some July 1, some  
30 July 1, 2023, some July 2, 2024 (why July 2 not July 1?), and one on or after October 1, 2024.

31 **4. MISCELLANEOUS**

32 (a) **Abortion** Multiple bills and Resolutions.

33 1. **Supreme Court** House Resolution 19. States findings re abortion and then urges the Supreme  
34 Court to reverse Roe v. Wade and instead recognize the authority of the State of Idaho to apply  
35 state laws. **ADOPTED** but not just on a party line vote, some Republican no votes.

36 2. **Clarification Bill** House Bill 521. Does a lot of cleanup in §180608, Certain Abortions Permitted  
37 – Conditions and Guidelines. Made clear that abortions have to be in certain facilities, essentially  
38 hospitals. **LAW** effective 30 days after Governor’s signature on March 23, 2022.

39 3. **Day of Tears** House Resolution 5. Recognizes January 22 as the Day of Tears in Idaho for  
40 abortions performed. **ADOPTED**, against with all Democrats and some Republicans in opposition.  
41 Senate did same resolution, but **ADOPTED** on voice vote, giving plausible deniability.

42 4. **Fetal Heartbeat Preborn Child Protection Act** Senate Bill 1309. Modeled on Texas statute so  
43 private enforcement. Hinges on what Supreme Court does when the various appeals on Texas and

1 other State statutes hit the Supreme Court. Party line vote. **LAW**. Some amendments were done  
2 in trailer bill Senate Bill 1358 to add attorney fees and costs to prevailing defendants who complied  
3 with the law. Removed section on affirmative defenses since was civil cause of action and should  
4 have normal burdens of proof. **LAW**

5 **5. Down Syndrome Diagnosis Information Act** SB 1270. Somewhat related but broader than just  
6 abortion. New §39-9701. Essentially mandates certain information be given when prenatal or  
7 postnatal diagnosis of Trisomy 21 (chromosomal condition with either extra chromosome 21 or an  
8 effective trisomy for chromosome 21) which is Down's Syndrome. Near and dear to my heart since  
9 my older sister was Down's Syndrome. Just provides for relevant information to be given to the  
10 parents so they understand what it is, what prognosis is, etc. Currently, no information is given in  
11 most cases. Unanimous passage. **LAW**.

## 12 (b) Adoption

13 1. **Birth Certificates** SB 1320 Birth certificates in an adoption are reissued to show the adopting  
14 parents as the only parents. Original birth certificates are fairly hard to get to, with a presumption  
15 of closure. There is a voluntary adoption registry but not highly used on the birth parent side  
16 especially to my understanding. This bill makes a lot of technical corrections but also shifts the  
17 presumption to openness in §39-258:

18 (9) For adoptions that occur on or after July 1, 2022, the provisions of this section shall  
19 apply, except that:

20 (a) The natural or adoptive parentage of each parent shall be demonstrated as  
21 determined by the registrar on the face of a new birth certificate described in  
22 subsection (6) of this section; and

23 (b) A copy of the original birth certificate, all medical and demographic information  
24 contained in the sealed file, and the report of adoption must be provided upon the  
25 signed request, on a form prescribed by the registrar, of the adoptee who is named  
26 on the birth certificate or such adoptee's legal representative, provided that:

27 (i) The adoptee must be eighteen (18) years or older;

28 (ii) The documents referenced in this paragraph will be released to the adult  
29 adoptee upon completion of the voluntary adoption registration process. In  
30 the event of a match on the voluntary adoption registry, a minimum thirty  
31 (30) day waiting period will apply, during which time a registered birth parent  
32 may:

33 1. Indicate a preferred method of contact, which method will be  
34 communicated to the adoptee at the time the documents are  
35 released;

36 2. Request no contact, which request will be communicated to the  
37 adoptee at the time the documents are released; or

38 3. Request that the registered birth parent's name be redacted  
39 before records are released, which request shall be effective for five  
40 (5) years. After the five (5) years have elapsed, the adoptee may  
41 again request documents according to this paragraph, and all  
42 provisions of this paragraph shall apply; and

43 (iii) The bureau of vital records and health statistics is not obligated to  
44 provide court records to the adoptee under the provisions of this paragraph.

45 These provisions are repeated in §39-259, Adoption of Persons Born in Foreign Countries. My  
46 reading of all that is that it only applies to the voluntary registry situation. If there is a match, then,  
47 after 30 days, the birth parent can either set up a method of contact, request no contact (why if had  
48 registered on the voluntary registry?), or allow release but with redaction. **LAW**

1 (c) **Real Estate etc.**

2 (1) **Annexation** HB 635. Made some changes to rights of persons in areas proposed to be  
3 annexed. I read the bill and was confused. House was not and passed it 64-4. Senate apparently  
4 shared my confusion and defeated it 12-19.

5 (2) **Homeowner's Associations Act** HB 703. Combines all Idaho Code related to Home Owners  
6 Association into a single new chapter and title. Covers meetings, financial disclosure, protection  
7 of current and future owners within an HOA. Repeals the other sections in titles 45 and 55 and  
8 creates new Chapter 32 under Title 55, so §§55-3201-3211 and also amends §542-1311 on  
9 assessments only for a cross reference. So review this extensive language if you need to. **LAW**.  
10 HB 628, exactly the same, printed never heard. SB 1263 regarding fines was smashed 3-32 after  
11 amendments.

12 (3) **Accessory Dwelling Units** HB 636. Part of the ongoing battles about local ordinances for  
13 things like tiny houses, BnB's, etc. This would have limited restrictions on ADU's. Printed, never  
14 heard.

15 (4) **Restrictive Covenants** SB 1240. Back in the day racial covenants were used to create  
16 segregated housing and were often put into deeds - for example, prohibiting all non-whites from  
17 owning, renting, or occupying the property except as a domestic servant. Obviously would violate  
18 Fair Housing Act (Title VIII of the Civil Rights Act of 1968, Sec. 800 at 42 USC 3601). This bill  
19 allows homeowners and tenants to update those housing covenants to comply with that law and  
20 waives the recording fee. New sections 55-616 and 55-820 makes it unlawful to insert or enforce  
21 any discriminatory covenant of that type and the language that has to be included in the  
22 modification document and forbids recording any deed with such language. **LAW**

23 (5) **Landlords** Six bills on security deposits, application fees, etc. None passed. Probably will come  
24 up next session.

25 (d) **Libraries** After extensive debate, holdups on financing for libraries until last day of session, ended up  
26 with House Resolution 23, with findings, authorizing House leadership to establish a working group, Senate  
27 announced they will join in the group but without doing a resolution.

28 (e) **Parades, etc.** HB 475, about unorganized associations and parades. Would have repealed §46-802,  
29 which makes it illegal for a "body of men" to "associate together as a military company or organization" or  
30 "parade in public with firearms in any city or town of this state" unless "called into service of the state." Bill  
31 says this violates First and Second Amendments to US Constitution and Article I, Sections 9-11 of Idaho  
32 Constitution. Brought by Idaho Military Division of the Idaho National Guard. Passed House but not voted  
33 on in Senate.

34 (f) **AG and Idaho Constitutional Defense Council, etc.** HB 665. Would amend §67-5301, which  
35 establishes the Constitutional Defense Council as the Governor, President Pro Tempore of Senate (a.k.a.  
36 Lt Governor), Speaker of the House, and AG. Removes AG from that. Yes the legislature and AG fight a  
37 lot. Passed House but not heard in Senate. HB 696 would have allowed Department of Lands to not use  
38 AG and hire own legal counsel. Printed never heard. SB 1372 similar as to Dept of Lands and State Board  
39 of Land Commissioners, but did not remove AG from the Land Board. Passed Senate but not heard in  
40 House.

41 (g) **Hair braiding** HB 762. Consistent with Governor's Licensing Freedom Act, creates cosmetology  
42 licensure exemption for practice of natural hair braiding service. Who knew? Some very determined looking  
43 ladies on the front page of local news demanding this. Fine by me. Passed unanimously. **LAW** effective  
44 March 28, 2022.

1 (h) **Payment in Cash** Two bills would have required sellers to accept cash for payment. Both printed and  
2 never heard. Now I feel old.

3 (i) **Child Protection Act** There is a lot of media attention on this with the recent blow up, Ammon Bundy,  
4 etc. I know that act well and can expound at length on what happened but won't absent questions. In any  
5 event, there will various proposed bills about the Act but nothing actually happened. There were also  
6 proposed bills about "medical kidnaping" relating to vaccinations etc. but nothing happened there either.

7 (j) **Minimum Wage** Couple bills but never heard.

8 (k) **Voting etc.** A lot of bills. Some passed but are fully reported in media.

9 (l) **ID Card For Homeless** SB 1268. Existing law has a \$15 fee for an Idaho identification card. This bill  
10 creates a no-fee 4-year ID card for person that is homeless. Idaho Transportation Dept will require an  
11 attestation of the individual showing homelessness and residence at an Idaho relief agency or shelter by  
12 an outreach worker or service worker. Unanimous in Senate but 22 no votes in House. **LAW**

13 (m) **Legal Challenges to Idaho Statutes** SB1289. This creates a right for the legislature to intervene in  
14 legal challenges to an Idaho statute. There will be a joint rule to provide that each body, House and Senate,  
15 will be responsible for their own costs if they intervene. Part of the ongoing battle between the legislature  
16 and the AG's office. **LAW**

17 (n) **Personhood** HBs 720 and 647. Would created a new section to provide that environmental elements,  
18 artificial intelligence, animals, and inanimate objects are not to be granted personhood status. We are not  
19 in Kansas anymore. Some States have granted personhood to some or all of these. 647 printed but never  
20 heard. 720 **LAW**

21 (o) **Equal Rights Amendment** Senate Joint Resolution 103. Proposal by Democrats to add equal rights  
22 amendment to Idaho Constitution. Since was proposed by Democrats, never heard. The ERA national  
23 amendment was approved by Idaho in 1972 and then rescinded in 1979. Ongoing attempts nationally to  
24 get the ERA approved by enough States.

25 (p) **Coroners, Dead Bodies, Death Penalty, etc.**

26 1. **Disposing of Dead Bodies** SB 1304. Amends §31-2808 to add an exemption for final  
27 disposition of dead bodies to include counties with a population of less than 20,000, based on most  
28 recent federal census, so 2020. **LAW** effective March 22, 2022.

29 2. **Coroner Report Time Periods** SB 1266. Next of kin notifications are taking longer these days  
30 for a number of reasons. So the bill changes the coroner requirement to report cases to the  
31 Treasurer's Office from 48 to 72 hours in §§14-104 and 107. And, if no legal next of kin, or family  
32 has abandoned, those are statutorily Coroner/Public Administrator/Indigent cases. Current law on  
33 that requires that the decedent not be cremated prior to 14 days and death and when the  
34 application has been submitted and approved, so the bill shortens that time to 10 days after death  
35 and the application made and/or a waiver to abandonment obtained. §§31-2117 and 3412. So only  
36 changes to time frames. Passed unanimously and **LAW**.

37 3. **Death Penalty** HB 658 amends §19-2716A and §74-105. Prevents discovery or disclosure of  
38 identity of persons and entities who carry out the death penalty (specifically the on-site physician  
39 and any member of the escort team or medical team and any person or entity who makes the  
40 chemicals or substances or provides medical supplies or equipment) and protects from license  
41 board discipline because of involvement. Considerable debate and opposition. **LAW** effective  
42 March 23, 2022.

1 (q) **Elections** There were a lot of proposed bills (60 or so), almost none of which passed. Some were  
2 mundane, like clarifying when to release results based on time zones.

3 1. **Court Review** HB 532 did change existing law in §34-2001 et. seq. which required that only an  
4 elector of the district could contest the election in court. There was not any legal means to get an  
5 independent review of errors to is the error was sufficient to change the result of the election. This  
6 bill allows the Secretary of State or County Clerk the authority to seek judicial review by the district  
7 court and gives the court the authority to void the result and order a new election if the error is  
8 found to be sufficient to likely change the results of the election. Costs born by the Secretary of  
9 State or County Clerk, but if new election order, at the expense of the agency where the error  
10 occurred. **LAW**

11 2. **Absentee Ballots** SB 1352 set the actions to be taken when an absentee ballot is returned by  
12 the postal service as undeliverable, essentially an investigation by the county clerk. Secretary of  
13 State can promulgate rules. **LAW**.

14 3. **Residence Location** HB 548 provides that a person's residence for voting purposes is the  
15 homestead claimed for property tax exemption and allows an investigation where the STC will  
16 create a database of all those exemptions so Secretary of State can verify residence for both voter  
17 registration and candidacy. **LAW** effective March 21, 2022.

18 (r) **Yucky Criminal Stuff** Just to show where we are at these days, SB 1325 updates Chapter 66, Title 18  
19 on all the weird stuff. Amends incest to modernize terminology and make consistent with other statutes.  
20 Removes adultery and fornication, which have not been enforced for many years. Repeals existing  
21 Infamous Crime Against Nature and replaces with Sexual Abuse of Animal and Sexual Abuse of Human  
22 Remains. Amends Forcible Penetration to add third party action. Ewww. SB 1324 updated child sex  
23 abuse on photographic or electronic recording. Both are **LAW** and makes me cynical about our society.  
24 An amazing number of bills every year deal with sex offenders in multiple situations.

25 (s) **Drivers license, Citizenship** hb 527. Allows designation on license of US Citizen, similar to Star card,  
26 but easier to add. Have to show proof of citizenship. **LAW** effective January 1, 2023 to give time to  
27 implement.

28 (t) **Vehicle Emissions Testing in Treasure Valley** SB 1254 removes requirement for vehicle emissions  
29 testing in Treasure Valley in §39-116B starting July 1, 2023, and removes Treasure Valley Air Quality  
30 Council. All that began in 1984 because of violations in Ada County of carbon monoxide ambient air quality  
31 standards. The Carbon Monoxide state implementation plan to reduce pollution expires at the end of 2022,  
32 so this bill removes the enforcement provisions. May be future plans if standards are violated. **LAW**

33 (u) **Lottery** HB 607 Idaho is in the Multi-State Lottery Association, which covers US and Canada. The  
34 Association intends to expand to Australia and UK in 2022. There was a lot of opposition, most of which  
35 baffled me, but they finally work out enough agreement to pass with considerable debate and no votes.  
36 **LAW**

37 (v) **Treasurer Gold and Silver** HB 522. The annual bill to say the State Treasurer could hold physical gold  
38 and silver for idle funds. Passed the House 55-14 and never heard in the Senate, as usual.

39 (w) **Off Road Vehicles on Highways** HB 700 allows off road vehicles to operate on state highways with  
40 a posted speed limit of 65 miles per hour or less, up from the prior 60 mph. **LAW**.

41 (x) **Personal Delivery Devices** HB 528. Ongoing changes on these, amending §40-2305 and 49-117 to  
42 make it more clear where they can operate (adding on the sides or berms of highways), citing fed statutes  
43 that forbid transportation of hazardous waste, upped the weight limit from 250 to 500 pounds without cargo,  
44 and clarifies that the 10 mph limit is when on public sidewalks. **LAW**

1 (y) **Occupational Licenses and Morals** SB 1368 removes outdated provisions about “moral turpitude”,  
2 “moral character” and other vague or generic terminology about criminal convictions, since all now covered  
3 by specific language. **LAW**

4 **5. LICENSE PLATES** Every year I think we are done with all these, but no. Were a number of unsuccessful  
5 proposals.

6 (a) Seven years ago SB 1243 provided that, effective January 1, 2013, and going forward, specialty plates  
7 will be limited to State and other public agencies or foundations supporting the interests of State and/or  
8 local government, but outside groups promptly figured out how to get around that. Four years ago HB 169  
9 amended §49-402D to clarify that legislation regarding specialty license plates is not subject to rejection  
10 or approval by the Idaho Transportation Department, and that the legislature can pass such legislation  
11 before, during, or after the application process, but that the plates will not be printed until all the  
12 prerequisites to the Department of Transportation specified in section 2 of §49-402D have been met.

13 (b) **Gold Star License Plate** HB 697. Expands ability to get this plate to family members, which is the  
14 national standard. **LAW**

15 (c) **Stickers** HB 529. Would have eliminated registration sticker program. Never heard.

16 (d) **Single Plate** SB 1307 For years have been attempts to require only a rear plate. Police oppose so  
17 again did not pass.

18 (e) **American Legion and VFW** HB 569 Would have created ability to add AL or VFW designations on  
19 veteran license plates. Never heard.

20 (f) **Radio Amateur** HB 570 Would have redesigned the existing plate. Never heard.

## 21 **ISSUES FOR NEXT YEAR**

22 The main things TEPI will be doing:

23 1. Where is C&G going? I was an Observer on the Uniform Laws Commission committee revising Chapter  
24 5 of the Probate Code (C&G). Final version was adopted by the Commission July 2017, with final  
25 Comments coming months later. The proposed language is quite different in many areas from our existing  
26 law, since it was based on the 1997 revision that went nowhere. I have made some suggestions to the ULC  
27 which have been integrated. Who will present any bill that results from this remains to be decided. Will  
28 require vast amount of time commitment over 3-4 years. We are meeting monthly for 2-4 hours.

29 2. TEPI has been studying the whole 2010 UPC, except for Chapter 5, in comparison to our existing  
30 statutes to see if want to adopt more of the UPC as it now reads nationally. Has already been a great  
31 amount of time spent and probably years left to get to a final draft. There are a lot of provisions that we will  
32 not want to adopt and some that we will. Who will present any bill that results from this also remains to be  
33 decided. Not meeting for now until C&G is finished.

34 3. TEPI has been working on a new edition of the C&G Forms book - only one edition ever published,  
35 compared to 3-4 editions for the probate forms book. We may wait until the C&G provisions are in place  
36 as amended before continuing with this. Existing system seems to be working well enough.

37 4. TEPI is reviewing the Uniform Electronic Wills Act for next session and is preparing draft language.