LEGISLATIVE UPDATE ALEXANDRA CAVAL 2024 LEGISLATIVE SESSION BILLS THROUGH 1/31/2024

Bill number hyperlinks to bill status. Bill title hyperlinks to the text of the bill.

HOUSE BILLS

<u>No.</u> (link to			
bill status)	<u>Short Title</u> (link to bill text)	Short Description (Salast Pills)	Low
H0381	Preborn children	Short Description (Select Bills) Replace word "fetus" with "preborn child;" "stillborn fetus" with "stillborn child;" and "fetal death" with "death of a preborn child" in approximately 21 different code sections	
<u>H0382</u>	<u>Sex crimes, children,</u> <u>computer</u>	Amends various criminal statutes. Creates definition for "identifiable child" in 18- 1507; creates term "indistinguishable" in attempt to cover AI-generated images; "amends "sexually exploitive material" to include computer-generated images that are indistinguishable from actual child; increases imprisonment time based on possession of visual depictions at or near time of violation	
<u>H0383</u>	<u>Medical liens</u>	Amends 45-701 to allow lien for reasonable "value" of hospital care rather than "charges." Amends 45-702 to perfect a lien within 90 days of (a) discharge or (b) last day services were provided to patient, whichever is later for patients with no medical insurance. For those with medical insurance, lien must be filed within first 30 days that an extraordinary collection action can be filed. Amends 45-704A for nursing care liens for reasonable "value" of care/treatment rather than "charges." Mainly bill extends time for filing lien.	
<u>H0384</u>	<u>Harmful materials,</u> <u>libraries (</u> Crane's Bill)	Amends 18-1514 (obscenity statute) to add definition of "school;" alter definition of "harmful to minors." Adds new section: 18-1517B that creates liability for libraries where minor obtains materials in violation of the statute. Creates private cause of action with \$250 statutory damages + actual damages (no cap). Can also be enforced by county prosecutor or state AG. Bill also creates affirmative defenses for libraries.	
<u>H0385</u>	<u>Internal revenue code,</u> <u>definition</u>	Amends 63-3004 to define "Internal Revenue Code" as the IRS Code in effect on 1/1/2024 except IRS code section 85 which is applied as effective 1/1/2020.	
<u>H0386</u>	Public charter schools	Seeks to overhaul Idaho's Public Charter School statutes	
<u>H0387</u>	Domestic violence, penalties	Amends 18-918(c) jail penalty from "up to 6 months" to "up to 1 year" for misdemeanor domestic violence conviction.	
<u>H0388</u>	Juvenile corrections	Amends term "Juvenile offender" definition to disallow criminal prosecution of minors under the age of 10 except for murder in the first or second degree.	
<u>H0389</u>	Fire code violations, misdemeanor	Moves penalty for violating fire code from agency rule (IDAPA 18.08.01.17) and places it in Idaho Code (41-253). Penalty still a misdemeanor.	
<u>H0390</u>	City, county employee investigation	Adds new statute that expands AG's powers to prosecuting elected city official	
<u>H0391</u>	Explicit synthetic media	Creates new crime of "disclosing explicit synthetic media." First offense is misdemeanor, second offence within 5 years of similar offense is punishable by 10 year and/or \$25,000 fine.	
<u>H0392</u>	<u>Health districts, powers,</u> <u>duties</u>	Amends 39-414 to limit the powers of health districts.	

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<u>H0393</u>	Counseling compact, fingerprinting	Creates new statute that establishes a Counseling Compact to allow LCPCs privilege- to-practice if they have an active unencumbered license issued by LCPC's homestate, obtain a fingerprint-based background criminal check, and hold an unrestricted license for 2 years.	
<u>H0394</u>	<u>State admin facilities,</u> <u>sale</u>	Repeals 67-5709A which creates a separate process for the sale of the state administrative facilities in the custody or control of the State. Property will be treated like other surplus real property under 58-331.	
<u>H0395</u>	<u>Electioneering</u> messages, gov docs	Amends 74-407 to define "electioneering message" in county property tax correspondence.	
<u>H0396</u>	<u>Mask mandates,</u> prohibition	Creates new 67-2360 to prohibit the state, its political subdivisions, or any state officer from mandating the use of face masks, face shields, or other face coverings as a means to prevent the spread of a contagious or infectious disease.	
<u>H0397</u>	Immunization registry, opt in	Amends 39-4803 to turn the voluntary registry of immunization status of children kept by Health & Welfare to be an opt-in registristry rather than an opt-out.	
<u>H0398</u>	<u>Medicaid, legislative</u> approval	Amends 56-270 to require legislative approval of waivers & state plan amendments.	
<u>H0399</u>	<u>Maternal mortality,</u> <u>board, report</u>	Amends 56-2806 to authorize the Board of Medicine to collect data and information concerning maternal mortality in Idaho.	
<u>H0400</u>	Preborn children	Amends 21 statutes to replace the term "fetus" or "fetus and embryo" with the term "preborn child" or "child."	
<u>H0401</u>	<u>Homestead exemption,</u> <u>penalties</u>	Amends 63-602G to provide a penalty for a taxpayer that claims more than one homestead exemption for property tax.	
<u>H0402</u>	Injection wells	Amend title 42 chapter 39 to remove language & references to Clas II oil and gas injection wells because Idaho does not regulate or issue permits for class II injection wells.	
<u>H0403</u>	Soil conservation dist, supervisors	Amends 22-2722 to outline how a district can move from 7 members to 5 members if desired. Requires directs to be elected to serve their term & specifies how to fill vacancies. Clarifies what a required quorum is.	
<u>H0404</u>	Records, wildlife	Prevent individuals from obtaining the precise location of wildlife through public records requests for the purpose of unfair chase, hunter harassment, or other inappropriate purpose.	
<u>H0405</u>	Lewd conduct, minors, penalties	Amends 18-1508 and 19-2515 to allow capital punishment for a person convicted of lewd conduct with a minor if the minor is under the age of 12.	
<u>H0406</u>	Fentanyl trafficking, drug homicide	Amends statute to add fentanyl t the list of drugs that carry mandatory minimum sentences; specifies amount of fentany that are required to meet the elements for trafficking.	
<u>H0407</u>	FAIR elections act, synthetic media	Creates new statute to adress AI or synthetic media in electioneering communication. Allows a candidate to seek an injunction, general damages, and special damages.	

<u>H0408</u>	<u>Ski patrol, volunteer,</u> liability	Creates new statute to provide limited immunity to volunteer ski & bike patrols for aid they provide to visitors.	
<u>H0409</u>	<u>State admin facilities,</u> sale	Repeals 67-5709A which creates a separate process for the sale of the state administrative facilities in the custody or control of the state.	
<u>H0410</u>	Income tax for tribal members	Exempts from personal income taxation the income earned on an Indian reservation by registered members of a tribe who life outsie of Idaho.	
<u>H0411</u>	Education data	Updates 33-133 regarding the use, limitations, and penalties related to student data. Amendment broadens scope of student data to encompass education data more generally. Effect is to protect staff data like student data.	
<u>H0412</u>	Vehicles, ports of entry	Changes the requirements to allow for use of current technology which enables ITD to remotely monitor and permit certain trucks to bypass ports.	
<u>H0413</u>	<u>License plates,</u> expiration	Amends statute to eliminate requirement to replace license plates every 10 years.	
<u>H0414</u>	<u>Commercial driver's</u> <u>license, fees</u>	Allows CDL licenses to be renewed for 8-year instead of 4-years. Reduces online renewal fee by \$5. Sets up a Drug & Alcohol Clearinghouse check for CDL licenses to comply with federal requirements.	
<u>H0415</u>	<u>Concealed weapons,</u> <u>school property</u>	Allows public school employees to carry concealed weapons and act as an armed protection force within the confines of the school. Participants need enhanced weapons training. Legislation also requires schools to remove "gun free zone" signs froms schools.	
<u>H0416</u>	<u>State govt, org</u> membership, funds	Probhits the use of tax dollars by public officers, public employees, and subdivisions of government for membership fees or dues to any organization unless required to maintain professional licensure for state employment.	
<u>H0417</u>	State agencies, cash payment	Legislation requires state to accept cash as an acceptable payment in Idaho and citizens cannot be charged additional fees if method used.	
<u>H0418</u>	Assistant physicians	Significantly changes the bridge year concept to create assistant physicians and creates a 3-year license that circumvents the residency requirement.	
<u>H0419</u>	<u>Medicaid expansion,</u> <u>conditions</u>	Rejects Medicaid expansion unless state can add 11 additional conditions for program eligibility including an enrollment cap of 50,000 and a lifetime benefit of 36 months. Another attempt to revoke Medicaid expansion by including triggers that require federal waivers that have never been approved.	
<u>H0420</u>	<u>School bd trustees</u> recall, quorum	Amends 33-504 to allow school boards to conduct business if one or more vacancy. Identifies period of time when a trustee, subject to recall, is inelligible to vote on board matters between the special election & the certification of the election.	
<u>H0421</u>	<u>Sex, gender, definitions,</u> <u>rules</u>	Amends 73-114 to create legal definition for male, female, and related terms. Defines sex as binary - either male or female.	
<u>H0422</u>	Public charter schools	Seeks to overhaul Idaho's Public Charter School statutes.	

<u>H0423</u>	<u>Maternal mortality</u> committee	Re-establishes the Maternity Mortality Review Committee that sunsetted last year without renewal. Adds two legislators to the committee and reduces the committee's budget. New sunset provision would be 2030.	
<u>H0424</u>	Community resident associations	Amends 55-2013A to change notification to mobile home community associations when the property owner intends to sell their property.	
<u>H0425</u>	Disaster preparedness	Amends 46-1021 & 46-1022 to allow local jurisdictions to maintain participation in the NFIP (National Flood Plain Insurance Program) and for citizens to acquire floot insurance.	
<u>H0426</u>	FAIR elections act, AI	Creates new statute to adress AI or synthetic media in electioneering communication. Allows a candidate to seek an injunction, general damages, and special damages.	
<u>H0427</u>	<u>Special inquiry judge,</u> attorney gen	Amends statutes to allow the Attorney General to request a special inquiry proceeding to investigate crime & corruption. Allows AG to use tools that county prosecutors currently use in investigating crime & corruption.	
<u>H0428</u>	Employment, fund size multiplier	Adjust desired fund multiplier from 1.3 to 1.2 to reduce the increase in unemployment insurance rates for 2024.	
<u>H0429</u>	<u>PERSI, service</u> <u>purchase</u>	Amends 59-1363 to codify that a member may request the cost of a purchase of service within 90 days before a member's effective date of retiremet. Codifies existing PERSI rule 626.	
<u>H0430</u>	PERSI, disability, school employees	Amends 59-1352 to include the school employee class as having access to the same disability retirement benefit they had when they were members of the general class under PERSI statutes. Corrects statute after creation of the school employee member class moved school employees out of the general class and into their own class.	
<u>H0431</u>	PERSI, contributions	Amends 59-1308(9) to allow PERSI Choice members to have access to a Roth option.	
<u>H0432</u>	<u>PERSI, confidential</u> records	Amends 59-1316 to provide an enforcement mechanism in the event of confidential information. Knowing disclosure of information is a felony punishible by a fine up to \$5,000 and imprisonment up to 5 years. Conviction results in forfeiture of public office for 2 years.	
<u>H0433</u>	<u>Human resources,</u> equivalency	Amends statute to prevent state from using a degree as an arbitrary screening tool & requires state to evaluate applicants based on skills & relevant experience.	
<u>H0434</u>	State land	Adds 58-304B to clarify that provides for consistent terms & conditions for all leases, land use permits, or other land use agreements that involve state land.	
<u>H0435</u>	<u>Controlled substances,</u> <u>schedule I</u>	Updates Schedule I of Idaho Controlled Substance Act to add certain synthetic stimulants & depressants that are not approved for medical use and are not formulated or available for clinical use.	
<u>H0436</u>	<u>Allied health</u> professionals	Combines various medical advisory boards into a single allied health advisory board.	

<u>H0437</u>	Midwifery licensure	Consolidates the Board of Midwifery into the Board of Nursing and alters the composition of the Board of Nursing to add two members licensed to practice midwifery.	
<u>H0438</u>	Immunizations, exemptions	Requires schools to describe that immunizations are not mandatory and may be refused on religious grounds. May conflict with 39-4802 which does require immunizations.	
<u>H0439</u>	Immunization assessment board	Amends Title 60, Chapter 60 (Immunization Assessment Board) to extend the sunset date from July 1, 2024 to July 1, 2029.	
<u>H0440</u>	Smoking products, minors, penalties	Amends 39-5705 to put selling vape products on par with selling other harmful products to minors. Punishable by misdemeanor for first violation with a fine up to \$500 and up to 1 year in prison. Penalties increase with subsequent violations.	
<u>H0441</u>	Fentanyl testing strips	Amends 37-2701 to except fentanyl testing strips from the definition of "drug paraphernalia."	
<u>H0442</u>	Attorney general, duty, statutes	Amend Idaho Code to create duty for AG to support, cooperate and consult with, and seek direction from the president pro tempore of the senate and the speaker of the house of representative regarding the defense of Idaho law.	
<u>H0443</u>	Subcontractors, licensing	Amends Idaho Code to allow an exemption from licensure for subcontractors performing work on a managed project by a licensed public works contractor when the value of the subcontracted work is less than \$100,000. Also eliminates Class D licensure.	
<u>H0444</u>	<u>County property, sale,</u> exchange	Amends 31-808 to close a loophole where government avoids paying surplus proceeds to prior owner by transfering the property to another governmental entity. Statute prohibits County Commissioners from transfering to another governmental entity property acquired via tax deed.	
<u>H0445</u>	<u>Tax deficiencies,</u> interest	Limits the time frame during which interest accrues where a tax deficiency is found.	
<u>H0446</u>	Grain bin equipment, tax exemption	Creates new section that excludes grain bin equipment from sales tax.	
<u>H0447</u>	Parental choice credit, grant	Creates a refundable tax credits for private school of \$5,000 per child or \$7,500 if the child is disabled.	
HOUSE .	JOINT RESOLUTIONS		
<u>No.</u> (link to bill	<u>Short Title</u> (link to bill		
status)	text)	Short Description (Select Bills)	Law
HJR001	Sectarian Appropriations	Proposes a state constitutional amendment to repeal the Blaine Amendment (Article IX Section 5 of Idaho Constitution)	

IX Section 5 of Idaho Constitution) held in committee 1/30/24 subject to call of the chair

SENATE BILLS

Appropriations

<u>No.</u> (link to			
bill	Short Title (link to bill		T
status) S1216	text) Driver's licenses,	Short Description (Select Bills) Amends 49-303 regarding which persons shall not be issued driver licenses.	Law
	revoke, cancel		
<u>S1217</u>	<u>Rights-of way, public</u> lands, waters	Amends 40-203 to add to the process of abandonment so that evidence of access can be presented. For public roads that access public lands & waters requires replacement public access be provided, even if that access is at private expense.	
<u>S1218</u>	<u>Campaign disclosure,</u> minimum amnts	Amends statute to require ALL donations to candiates be reported to the secretary of state. Current statute only requires reporting for donations of \$50 or more.	
<u>S1219</u>	<u>State employees,</u> <u>telework</u>	Statute establishes a teleworking policy for state employees in executive agencies.	
<u>S1220</u>	Domestic terrorism	Amends statute to define domestic terrorism and redefine terrorism. Amendment would preent Idahoan from being labeled a domestic terrorist or terrorist in Idaho without constitutionally protected due process.	
<u>S1221</u>	School library materials review (Dixon/Shroeder Bill)	Requires school libaries to create process for selection, review, and reconsideration of school library materials. Local school boards can create committee to review material. Non-compliant school libraries may not be open to student until compliance is achieved.	
<u>81222</u>	Children's device protection act	Proposes to require manufacturers of smartphones & tablets to enable xisting filters for the devices where the current default setting on the devices is "off."	
<u>S1223</u>	State procurement, notice	Amends 67-9208(2) to change the notice requirement for procurements by requiring agency to identify product/service with enough specificity to apprise the vendor of the specifications or required outcome being sought. Current statute requires very specific description of products/services sought.	
<u>81224</u>	State contracts, multiple awards	Amends statute to provide more flexibility and updated criteria for awarding multiple contracts for the same or similar property.	
<u>S1225</u>	Interagency contracts, higher ed	Amends statute to require agencies to obtain quotes/propsals from all universities informally rather than through Division of Purchasing.	
<u>81226</u>	Space force	Updates Idaho Code to add "space force" to the list of US Military branches of our nation's armed forces.	
<u>S1227</u>	Patient medical rights	Creates new statute establishing health "rights"	
<u>S1228</u>	Colleges, concealed weapons	Repeals 18-3309 and replaces it with new section that prohibits public colleges & universities from regulating or prohibiting concealed weapons on campus	
<u>S1229</u>	Abortion, exceptions	Eliminates the rape & incest exception for abortion	
<u>S1230</u>	Wine imports, retailers	Amends 23-1309 to authorize an importer of wine to ship directly to a retailer.	

<u>S1231</u>	Fish and game, licenses, eligibile	Amends 36-1402 to make any person with outstanding fines for violations of title 36 is ineligible for any hunting, fishing, or trapping license, tag, or permit.	
<u>S1232</u>	Child protection, parental rights	Creates new statute that provides notice to parents/guardians of their legal rights with respect to child protection investigations.	
<u>\$1233</u>	<u>Vehicles, aftermarket</u> <u>crash parts</u>	Amends 41-1328B to change the definition of "aftermarket crash part"; amends 41-1328D to require disclosure that use of non-oem crash parts may affect the safety & performance of vehicle and suggestion to consult with qualified industry expert prior to making a decision on the use of non-oem crash parts.	
<u>S1234</u>	Contraception, six months	Amends statute to allow plan enrollees to receive up to a 6-month supply of prescribed contraceptives if desired.	
<u>S1235</u>	Library board elections, terms	Amends statute to reduce the term of library trustees from 6 years down to 4 years.	
<u>81236</u>	Bingo-raffle board	Makes multiple changes to the Bingo & Raffles Act; eliminates the Bingo Raffle Advisory Board	
<u>81237</u>	Sexual orientation, gender identity	Seeks to add the words "sexual orientation" and "gender identity" to the Idaho Human Rights Act.	
<u>S1238</u>	Worker's comp, notice of hearing	Amends 72-713 to allow for service of a Notice of Hearing by regular mail or by email instead of by certified mail.	
<u>81239</u>	<u>School dist trustees,</u> <u>quorum</u>	Amends 33-510 to change the quorum required fr school boards from a majority of members to a majority of filled seats on a schol board.	
<u>S1240</u>	Military and militias	Eliminates the prohibition in 46-802 on parading in public with firearms.	
<u>S1241</u>	Young entrepreneurs	Prohibits local governments from requiring licenses, permits or fees of infrequent, youth-owned & managed businesses. Exempts your run businesses from sale tax collection.	
<u>S1242</u>	<u>Diversity statement,</u> <u>higher ed</u>	Seeks to make clear that state policy on hiring and admission must be made on merit and not conditioned on a requirement that applicants submit or ascribe to a diversity statement.	
<u>S1243</u>	<u>Grazing rights, state</u> <u>land</u>	New statute would allow state grazing leaseholders to apply to the Idaho Department of Lands to convert a grazing lease into a grazing permit for a very narrow set of qualified lands.	
<u>S1244</u>	Electioneering at polls prohibited	Clarifies restrictions on electioneering near polling places and provides penalties for violating - first two offenses are infractions, third offense is a misdemeanor.	
<u>S1245</u>	<u>Pesticides, warning</u> <u>labels</u>	Clarifies that existing regulations of pesticide labels are sufficient to satisfy requirements for a warning regarding health or safety of such product.	
<u>81246</u>	State board of ed, retirement	Bill allows employees hired by Office of State Board of Education on or after 7/1/24 who have credited service in PERSI to make a one time irrevocable election to remain a member of PERSI. Currently this is only available to new employees who are fully vested prior to their hire date.	

<u>S1247</u>	Crisis response holds	Bill creates mechanism for taking someone into emergency protective custody for 24 hours	
<u>S1248</u>	Sexual offender management	Replaces the Sexual Offender Management Board with an advisory panel under the guidance of the Idaho Department of Corrections.	
<u>S1249</u>	<u>Teacher spending</u> accounts	Creates teacher spending accounts to offset classroom costs each year; accounts would be subject to the State Department of Education and subject to JFAC funding.	
<u>S1250</u>	<u>Liquor licenses.</u> waterfront resorts	Amends 23-948 to adjust the stream flow requirement if the river is directly impacted by seasonal irrigation diversion. Need avg 11,000 CF/S for 6 months or avg 1,500 CF/S for 4 months if river is directly impacted by seasonal irrigation.	
<u>S1251</u>	Political committees, definition	Amends statute to remove exception of any entity registered with the FEC from the definition of "Political Committee"	
<u>S1252</u>	Defend the guard act	Prohibits the mobilization of the Idaho National Guard for combat actions unless there is a corresponding congressional declaration of war.	
<u>81253</u>	Children's device protection	Requires smartphone manufacturers to set the filter defaults on new devices in the "on" position rather than "off." Allows AG to pursue violations.	
<u>81254</u>	Firefighter's day	Designates March 26 as firefighter's day.	
<u>81255</u>	Peace officer's day	Designates March 13 as peace officer's day.	
<u>81256</u>	<u>Elected officials,</u> convictions	Makes any elected (or appointed) official of a governmental entity ineligible for election to a public office in Idaho if convicted of a crime result in probation or incarceration in a correctional facility/local correctional facility/private correction facility. However, elected public official may complete term of office.	
<u>S1257</u>	Encroachments	Amends 58-1312 (Lake Protection Act) to alter definition of term "modified"	

SENATE CONCURRENT RESOLUTIONS

<u>No.</u> (link to bill	Short Title (link to bill		
status)	text)	Short Description (Select Bills)	Law
<u>SCR109</u>	National conference of state legislatures	States findings of the Legislature and commends the National Conference of State Legislatures for it leadership & commitment to the legislative institution.	
<u>SCR110</u>	<u>COVID-19, study</u> committee	States findings of the Legislature and authorizes Legislative Council to establish a committee to complete a study of Idaho's response to the COVID-19 pandemic.	

SENATE CONCURRENT RESOLUTIONS

<u>No.</u>			
(link to			
bill	Short Title (link to bill		
status)	text)	Short Description (Select Bills)	Law

SJR104	Extraordinary sessions,
	limit

Amends Idaho Constitution to include the extraordinary sessions of the Idaho Legislature convened upon a written request of 60% of the House & Senate membership has the same 20-day limit as special sessions called by the Governor.