

Legislative Update

Government & Public Lawyers Section

The COVID Effect

- Legislative session ended on March 20, 2020
 - Senate ended on March 19, 2020
 - House vote to adjourn: 32-28, 10 members absent
 - National and State Emergencies had been declared
 - Rules were not extended for the second year in a row
- 831 legislative proposals
 - 559 Introduced
 - 341 enacted into law
- Session length 75 days
 - Shortest since 2014 (tied with 2016)

Open Meetings During COVID

- Governor's order suspending in person requirement has expired
- Must have someone in room
- May impose capacity limits provided streaming/audio is available
- Please make sure audio/streaming works
 - Several Open Meeting complaints RE: non-working audio/streaming
 - Make sure platform is set up for attendees/participants without interrupt capability (ZOOM Bombing)
 - There is a way to stream ZOOM via youtube/facebook:
<https://support.zoom.us/hc/en-us/articles/360028478292-Streaming-a-Meeting-or-Webinar-on-YouTube-Live>
- Be sure to include in notice/agenda how to observe/listen
 - Capacity/Mask requirements

Public Records Law Changes

- Public Record--Any writing containing information relating to the conduct or administration of the public's business. **Personal notes created by a public official for own use unless notes shared with others/entity.**
- Idaho Code § 74-105(19): Records of the Criminal Justice Integrated Data System received by the State Controller.
- Idaho Code § 74-105(18): Records of the Public Defense Commission related to representation.
- Idaho Code § 74-102(4): Public agency may require specificity in the request including a date range and description to enable location with reasonable effort.
- Idaho Code § 74-109(1-5): Personal (nonpublic business) communications between legislators, personal identifying information of citizens (not including lobbyists).
- Idaho Code § 74-106(4)(g)&(h): Social security numbers are exempt, redacted personal identifying information may be disclosed in a specific format. (Birth year, last 4 of financial, driver's license/id, last 4 of employer id # or business taxpayer id #).

Election Law

- H 413 ELECTION OF CITY COUNCILMEN (Idaho Code sec. 50-707A)
 - Requires cities over 100,000 people to elect city council members by districts within the city. Smaller cities may also do so.
- H 548 INITIATIVES AND REFERENDUMS (Idaho Code sec. 34-1801A, 1813 & 67-6612)
 - Provides requirements for initiatives such as embracing a single subject, clarifying effective dates of initiative and referendum measures, and requiring the disclosure of payments made to signature gatherers.
- S 1233 CAMPAIGN FINANCE (Idaho Code sec. 67-6607)
 - Clarifies that a candidate, in addition to his treasurer, may file campaign finance reports.
- S 1306 ELECTIONS (Idaho Code 50-405(2))
 - Eliminates the requirement to hold a city election if there is only one candidate running for the office.
- S 1309 ELECTIONS (Idaho Code sec. 34-1002A)
 - Authorizes county election officers to provide emergency situation absentee ballots.

Other Legislation

- H. 408 Changed Sales Tax Distribution (Idaho Code §§ 63-3637-38)
 - Cities receive a base amount based on last years distribution. If sales tax collections increase, first 1% divided among all cities, above 1% is distributed based on per capita.
- H. 451 Forestry Land exempt from annexation (Idaho Code § 50-222(b)(5)(v)(D))
 - 5 acres or more even if bounded must have written permission from owner.
- S. 1292 No Motorcycle Profiling (Idaho Code § 49-1431)
- H. 350 After Hours paid parking at Capitol (Idaho Code § 67-5708(6))
- S. 1267 & S. 1386 If Washington makes DST permanent, then Northern Idaho will as well. If Utah makes DST permanent then Southern Idaho will as well. (Idaho Code § 67-9601)

Vetoed Legislation

- H 325aaS,aaS – TRANSPORTATION
 - Amends existing law to revise the sales tax distribution to the Transportation Expansion and Congestion Mitigation Fund and to establish the Bridge Maintenance and Replacement Program Fund.
- H 340aa,aaS – CHILD CARE LICENSING
 - Amends existing law to define “temporary alcohol-drug abuse treatment facility.”
- H 384aaS
 - IDAHO WRONGFUL CONVICTION ACT – Adds to existing law to provide for a claim of compensation for a person who is wrongfully convicted.
- H 487aaS
 - PESTICIDES AND CHEMIGATION – Amends existing law to revise provisions regarding prohibited acts and rulemaking.
- H 561aaS – PROPERTY
 - Amends existing law to revise provisions regarding the calculation of market value for assessment purposes of property upon the appeal of the assessed value.
- S 1295 – DENTISTS
 - Adds to existing law to establish provisions regarding teledentistry and restrictions for such practice.

Special Session

- Address issues raised by the pandemic
 - Liability
 - Schools
 - Authority
 - Budget Issues