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## Idaho State Legislature 2009 Legislative Session

### Gov. Otter, Legislature focus on Stimulus Bill

The 2009 Legislative Session changed in the blink of an eye last Tuesday, February 17th, when President Obama signed the \$787 billion stimulus bill into law. HR 1, the “Navigating the American Recovery and Reinvestment Act of 2009” has stalled the Idaho Legislature’s budget-setting process, since Idaho’s budget cannot be set without determining how (or if) the stimulus money will be allocated. Now the Governor and our legislators are tasked with researching the bill and determining the best course of action for Idaho.

*What is in HR 1 (the Stimulus Bill), and How could it affect Idaho?*

JFAC is holding four hearings this week about HR1 and how it could affect Idaho. The scheduled hearings are 8:30 - 10:00 am on the following days:

- Monday - “HR 1 - Navigating the American Recovery and Reinvestment Act of 2009” - This morning JFAC heard from the Legislature’s top budget aide, Cathy Holland-Smith, who, along with her staff of seven analysts, has been researching the bill.
- Tuesday - impacts on education and economic development.
- Thursday - impacts on health and human services, employment services, natural resources, energy, water and other issues.
- Friday - transportation, criminal justice, homeland security and overview of potential impacts to the state budget.

These presentations are open to the public and will also be streamed live over the internet. Just [click here](#) and choose “JFAC Channel - One Stream” to watch and listen to these presentations live.

Governor Otter has appointed a “stimulus executive committee” consisting of three former governors and five former state budget directors. This committee will review proposals from state agencies and the private sector and provide analysis on how we can make the best use of federal stimulus funding set aside for Idaho.

### Update on IVC’s 2009 Child Welfare policy proposals

#### Grandparent Visitation Rights

IVC’s 2009 policy priority for Child Welfare includes reforming the Grandparent Visitation Statutes to better clarify position of grandparents’ rights to visit related children. IVC volunteers and legal experts have been hard at work on a draft, and last week [Senate Bill 1105 - Visitation Rights for Grandparents](#) was introduced. A hearing has been set in the Senate Judiciary & Rules Committee for Wednesday, February 25th at 1:30 pm (room 211, Capitol Annex).

#### De Facto Custodian Provisions

IVC’s 2009 policy priority for Child Welfare also includes reforming the Idaho de facto custodian provisions to (1) better define the circumstances under which an individual has standing as a de facto custodian, (2) better define how de facto custodians can pursue custody of a child, and (3) what legal rights are accorded the de facto custodian when custody is granted by the court.

*Moving forward:* IVC has been working closely with legislators and legal experts on draft legislation for this issue. At this point in the process we are planning to work with the Idaho State Bar and engage their committee processes in refining the legal issues addressed by this draft.

# Still Pushing to print IVC's 2009 Early Learning Proposal

IVC's 2009 policy priority for Early Learning is to work towards the establishment of a committee to provide a means to bring together legislative leaders, executive branch representatives, and key stakeholders concerned with the early learning of young children (ages 0-5 years) in Idaho and begin the work towards establishing an early learning blueprint for Idaho. [Click here to read a one-page document explaining why we need this committee.](#)

*What's going on right now?* On Thursday Feb. 5th, the chairs of the House and Senate Education Committees allowed John Watts, IVC Lobbyist, and David High, IVC Vice President, to make a presentation to each committee as a follow-up to Paul Headlee's presentation of the LSO report "[An Inventory of Government-Funded Early Childhood Development and Education Programs in Idaho](#)".

*What are we trying to do?* We are encouraging members of the House and Senate Education Committees to have the proposal printed so it can be circulated and discussed by lawmakers as an official legislative document.

*Moving Forward:* We want to keep up the contacts with the House and Senate Education Committees. If your legislator is on the [House](#) or [Senate](#) Education Committee ([click here](#) to see who represents you), please call them and express your support for having the Idaho Voices for Children proposal printed so the issue can be discussed in a committee hearing.

**To reach members of the House Education Committee: call 208-332-1148 and leave a message with committee secretary Claudia Howell.**

**To reach members of the Senate Education Committee: call 208-332-1321 and leave a message with committee secretary Sara Pealy.**

Thank you again to everyone who has already called or written to Rep. Nonini and Sen. Goedde encouraging them to have this draft printed. We will keep you informed of any movement on this issue.

## Emerging Issues

IVC is researching possible initiatives to strengthen sentencing in child abuse cases. We will report back to you after the session on our findings and the IVC Policy Workgroup on Emerging Issues will make recommendations to the IVC Board on a possible course of action for the 2010 Legislative Session.

## IVC's 2009 Policy Priorities

[Click here](#) to see the full "IVC 2009 Policy Priorities" document, which includes a list of our overarching beliefs and 3 - 5 year goals.

### Legislative Tracking 2009

H = House bill  
S = Senate bill

\* = Multiple sponsors. For names of sponsors, click on the legislative link in the table. Main sponsor is listed at the end of the "Statement of Purpose/Fiscal Note" document. Additional sponsors are listed on the "Legislative Co-Sponsors" document.

#### Early Learning

<a href="#">S1023</a> Sponsor: Sen. Bock	<b>Prekindergarten</b> - The purpose of this bill is to reduce the age at which children may be enrolled in public schools and, thereby, effectively authorize, but not require, public school districts to establish prekindergarten programs.	Senate Education Committee
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#### K-12 Education

<a href="#">H0025</a> Sponsor: Rep. Thayne	<b>Kindergarten mastery, requirements</b> - This bill encourages parents of kindergarten age children to meet with their kindergarten teacher prior to the beginning of the school year to discuss what the child needs to learn in kindergarten. The parents can then choose to send their child to public kindergarten or to choose another option including home kindergarten. If the child does not go to public kindergarten and is able to pass the postkindergarten assessment (to be developed by the State Board), the parents and the school district will both receive a portion of the state funds allocated for public kindergarten students (each would receive one fourth of the total funds). The purpose is to stimulate a parent teacher partnership, encourage parental involvement, and provide for early identification of students with remediation needs.	House Ways & Means Committee
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<b>K-12 Education (continued)</b>		
<a href="#">H0058</a> Sponsor: Rep. Jarvis	<b>School attendance, parent/guardian role</b> - This legislation amends Idaho Code to change the legal dropout age from age sixteen to age eighteen. An exception has been added where a child has successfully graduated from a public, private or parochial high school, or has successfully passed a general educational development (GED) test or similar assessment, or has been otherwise comparably instructed.	Held in the House Education Committee on a 9-8 vote.
<a href="#">H0084</a> Sponsor: Rep. Jarvis	<b>School attendance, first grade enrollment</b> - Amends existing law relating to school age to revise provisions relating to school age for purposes of enrollment in first grade.	House Education Committee
<a href="#">H0117</a> Multiple sponsors*	<b>Education, provisions revised</b> - The purpose of this legislation is to reduce the cost of the FY10 Public Schools appropriation and to grant school districts the tools and flexibility they will need to manage a likely reduction in state funding for employee salaries. P	House Education Committee
<a href="#">H0118</a> Multiple sponsors*	<b>Public Schools, transportation costs</b> - This legislation eliminates reimbursement for miles that are unrelated to transporting students to and from school, including the elimination of state funding for field trips.	House Education Committee
<a href="#">H0158</a> Sponsor: Rep. Boe, Rep. Wills	<b>Interstate compact on education opportunity</b> - The purpose of this legislation is to allow the entry of Idaho into an interstate compact to help military children. The Interstate Compact Commission, already joined by eleven other states, will remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.	House Education Committee
<a href="#">HCR007</a> Sponsor: Rep. Thayn	<b>Public ed, innovative practices</b> - A resolution to identify broad policies that may improve the K through 12 Public Education system in times of budget shortfalls including: grade acceleration, early graduation, parental empowerment and flexibility.	House 3rd Reading
<a href="#">S1017</a> Sponsor: Kirtlan Naylor	<b>School attendance, requirements</b> - This proposed amendment to Idaho Code clarifies under what circumstances a child may be found to suffer educational neglect by tying this term to the compulsory education requirements of Idaho Code.	Senate 14th Order
<a href="#">S1077</a> Sponsor: Sen. Davis	<b>Interstate compact on education opportunity</b> - The purpose of this legislation is to adopt the interstate compact on educational opportunity for military children.	Senate Education Committee
<b>Safety</b>		
<a href="#">S1089</a> Multiple sponsors*	<b>Motor vehicle passenger safety, children</b> - The purpose of this legislation is to remove two exemptions in Idaho's Child Safety Seat Statute. The first exemption does not require restraints for children if all restraints are utilized. This language assures protection for adults but leaves children unprotected. The second exemption allows a child to be removed from his or her safety restraint for virtually any reason so long as it is to accommodate the child's "psychological needs." This term is undefined and extremely broad. This loophole makes enforcement nearly impossible for law enforcement, prosecution and judges.	Senate Transportation Committee
<a href="#">S1112</a> Sponsors: Sen. Corder, Rep. Saylor	<b>Basic Day Care License</b> - This legislation amends Title 39 Chapter 11 of Idaho Code to revise and extend the State's licensing requirements for child care providers. The current code provides minimum health and safety standards for day care centers with thirteen or more children, but does not provide licensure for providers with fewer than thirteen. This legislation would extend licensing to all providers who receive compensation and care for four or more children, with specific exceptions maintained. Basic requirements include: criminal history background checks, health, safety and fire inspections and restrictions on firearms, alcohol and tobacco use. Minimum standards for infant CPR and first aid training are specified. This act establishes staffchild ration recommendations consistent with nationally accepted standards and provides for fees to be established based upon the number of children. The Health and Welfare Department will serve as the portal or administrator for the program. The Department will contract for the inspection services, receive and compile complaints and provide for a onestop application process.  <b>Idaho Voices for Children supports this legislation.</b>	Senate Health & Welfare Committee

<b>Family Economic Security</b>		
<a href="#">HCR023</a> Multiple sponsors*	<b>Equal Pay Day</b> - This resolution is to acknowledge that pay disparity in Idaho is genuine and to reaffirm that women deserve equal pay for equal work, and to demonstrate that Idaho families will benefit greatly by closing the pay gap. The resolution also calls for April 28, 2009, to be proclaimed as Equal Pay Day.	House Commerce & Human Resources Committee
<a href="#">S1119</a> Neil Colwell, Avista	<b>Public Utility regulation</b> - Amends existing law to provide for low-income bill payment assistance and other programs to public utility customers under certain conditions.	Senate State Affairs Committee
<b>Child Welfare</b>		
<a href="#">H0060</a> Sponsor: Bill Von Tagen, Attorney General's Office	<b>Sex crimes with minors, subpoena computer records</b> - This proposed legislation will grant to prosecuting attorneys and the attorney general a limited power to issue administrative subpoenas to Internet service providers in the investigative phase of crimes committed against children through the use of the Internet or other electronic communication services.	House Judiciary, Rules & Administration Committee Hearing scheduled for 02/23/09
<a href="#">H0104</a> Sponsor: Patricia Tobais, The Courts	<b>Domestic Violence, family services</b> - Amends and adds to existing law relating to coordinated family services to provide that a Domestic Violence Court Coordinator is an effective response to address the needs of families and children; to provide that a Domestic Violence Court Coordinator shall submit to a fingerprint-based criminal history check; to provide a statement of policy relating to domestic violence courts; to provide for domestic violence courts; and to provide for domestic violence court fees and the distribution of domestic violence court fees.	House Judiciary, Rules & Administration Committee
<a href="#">H0145</a> Sponsor: Jim Baugh	<b>Sterilization, definition revised</b> - Recent cases have come to our attention involving involuntary sterilization of children with disabilities, making the change in wording from "person" to "adult" significant. The purpose of this bill is to restore the language to its original intent, and to provide statutory protections for people under the age of 18 who are subjected to involuntary sterilization, based on constitutional and common law principles.	House Health & Welfare Committee
<a href="#">H0167</a> Sponsor: Rep. Jarvis	<b>Custody, children, additional factors</b> - This legislation amends Idaho Code to provide additional relevant factors concerning a child's performance in school (including attendance and assignment completion) in determining the best interest of the child regarding his or her custody, care and education.	House Judiciary, Rules & Administration Committee
<a href="#">H0168</a> Sponsor: Rep. Clark	<b>Sexual offender registration act, reporting requirements</b> - Currently, persons who are required to register as sexual offenders must list their address or a description of where they are living. However, many of those who have a transient status do not have a physical address, nor do they have a mailing address. This will allow law enforcement to track the location of these individuals until they are able to establish a residence with a physical address.	House Judiciary, Rules & Administration Committee
<a href="#">H0182</a> Sponsor: Rep. Clark	<b>Crimes Against Children</b> - This legislation relates to crimes against children. It amends Idaho Code to provide for additional acts that constitute injury to children that are subject to specific punishments.	House printing
<a href="#">S1034</a> Sponsor: Sen. Schroeder	<b>Sex offenders, minimum sentencing</b> - The purpose of this legislation is to provide mandatory minimum penalties for persons who commit any lewd or lascivious act or acts upon or with the body or any part or member thereof of a minor child less than 12 years of age.	Senate Judiciary & Rules Committee
<a href="#">S1048</a> Sponsor: Robert Aldridge	<b>Disabled persons, certain guardians prohibited</b> - This bill makes necessary corrections to the Idaho probate code regarding guardianships and conservatorships, especially for minors. Sections One, Two, and Three of the bill provide protections to the appointment of the guardian of a minor, including that the petition must include a statement as to whether the proposed guardian, or a person who resides at or frequents the proposed place of residence of the minor, is a felon, and, in Section Three, that the guardian must take reasonable steps to protect the minor from such felons. There have been an increasing number of cases involving minors where felons are involved, which can cause danger to the minor, including sexual or other abuse.	Senate PASSED 33-0-2; House Judiciary, Rules & Administration Committee
<a href="#">S1105</a> Sponsor: Robert Aldridge	<b>Visitation rights, Grandparents</b> - This bill takes a conservative approach to guarantee constitutionality of grandparent visitation in Idaho until there is a clear judicial statement that some lesser standard might be allowable.	Senate Judiciary & Rules Committee Hearing scheduled for 02/25/09
<b>Idaho Voices for Children supports this legislation.</b>		

Health		
<p><b>H0108</b> Sponsor: Rep. Rusche</p>	<p><b>Insurance contracts, coverage</b> - The purpose of this revision is to allow individuals who are unmarried, are under the age of 25 years, and are financially dependent to remain under their parents' health insurance coverage. This revision will allow health insurance coverage for those who are part-time students or laid off from work and cannot afford health insurance on their own.</p>	<p>House Business Committee</p>
<p><b>S1107</b> Sponsors: Sen. Bair, Rep. Rusche</p>	<p><b>Insurance contracts, coverage</b> - Certain children suffer from severe, lifethreatening food allergies. For children with this very rare condition, elemental (aminoacid based) formulas allow these children to absorb nutrition, heal and grow without requiring prolonged intravenous feeding. These severe food allergies usually are not present at birth and, when treated correctly, usually resolve over time. Some health plans refuse to cover the lifesaving nutritional formula which may cost more than many families can afford (up to \$2400/month). This bill requires that health plans not exclude coverage for these children, and cover the cost of this lifesaving treatment as they do for other conditions (congenital and metabolic conditions). Proof that the formula was medically necessary would still be required.</p>	<p>Senate Commerce &amp; Human Resources Committee</p>

## Stay tuned for our next Legislative Update!



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- Become a child advocate today! Donate to IVC and receive regular legislative updates.
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Donate by visiting our website, [www.idahovoices.org/support/join.htm](http://www.idahovoices.org/support/join.htm)

This legislative report has been sent to all *Idaho Voices for Children* members. If you have questions or wish to remove your name from this mailing list, email Sara Herring at [sara@idahovoices.org](mailto:sara@idahovoices.org) or call 208. 336. 5533 x 233

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