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Idaho State Legislature 2009 Legislative Session

Lucky number 15? The session goes on and on...

Spring has arrived in the Treasure Valley, and our part-time legislators are anxious to return home and resume life in their home districts. The session has been lengthy, and uncomfortable in many ways: legislators have been shoulder-to-shoulder in the Capitol Annex for the second year running; economic news and stimulus funding created roller-coaster hearings for JFAC; and bitter debates occurred on both sides of the aisle about the budget cuts for Medicaid, public education, and state employees. Transportation funding has also been a sore spot for the Governor and the legislators. Here's hoping that this week brings closure to the session. Today is the start of week 15, and at 99 days, this is officially the second-longest session in Idaho's history.

CORRECTION: In the 7th legislative update (distributed on April 6th), we mistakenly identified that date as the 83rd Legislative Day. It should have been identified as the 85th legislative day. Our apologies for the error.

Breaking News: Unfortunate Veto of House Bill 245

Over the weekend Governor Otter sent out a press release inviting the media to his office on Monday to watch him "act on legislation." Just after 10:00 a.m., the Governor vetoed [House Bill 245 - Parents as Teachers Family Support Act](#). According to the "[Eye on Boise](#)" blog by [Betsy Russell of the Spokesman Review](#), Governor Otter also vetoed HB 161a on security breaches, and stated "I think I would've vetoed these bills no matter - in fact, I don't even know who carried the bills." Governor Otter says there's no relationship between the two bills he vetoed this morning and his dispute with the Legislature over transportation.

Calling all advocates: Day Care Needs Help!

In our last legislative update we reported that [Senate Bill 1112aa - Basic Day Care License](#) was in the House General Order for amendment, and would be placed on the House reading calendar. Unfortunately, that is far from what actually occurred. Two weeks later, SB1112aa is still in the House General Order, and we have not seen any move from legislators to press forward with a floor debate and vote.

Day Care Needs Your Help:

The Idaho House of Representatives needs to hear your voice! Please contact your representatives and let them know how important the passage of this bill is for Idaho's parents and children.

Remember, if this bill passes, it will be the *first time in 20 years* day care licensing has made it through the Idaho Legislature.

Idaho Voices for Children supports this legislation. Be sure and [contact your representatives](#) and let them know you support [SB 1112](#). Your letters, emails and phone calls make a difference! We need to press for a vote and passage of this bill!

For more information or talking points on this legislation, contact Karen Mason, Executive Director of Idaho AEYC, at kmason@idahoaeyc.org.

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

aa = as amended in the house of origin

aaH = as amended in the House

aaS = as amended in the Senate

H = House bill

S = Senate bill

Voting records = Ayes - Nays - Absent & Excused

* = 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

<p>H0245 Multiple sponsors*</p>	<p>Parents As Teachers Family Support Act - The purpose of this legislation is to provide statutory authority for the Idaho Children's Trust Fund to administer or contract out the administration of the Parents as Teachers Program. The legislation also gives the Idaho Children's Trust Fund the authority to pursue grants and other sources of funding to support this program. The Parents as Teachers Program recognizes that parents are their children's first and most influential teachers and helps equip parents with the skills and tools to prepare their children for school.</p>	<p>House PASSED 59-10-1 Senate PASSED 28-6-1 Vetoed by Governor</p>
<p>S1023 Sponsor: Sen. Bock</p>	<p>Prekindergarten - 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.</p>	<p>Senate Education Committee</p>

K-12 Education

<p>H0025 Sponsor: Rep. Thayn</p>	<p>Kindergarten mastery, requirements - 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.</p>	<p>House Ways & Means Committee</p>
<p>H0058 Sponsor: Rep. Jarvis</p>	<p>School attendance, parent/guardian role - This legislation amends Idaho Code to change the legal dropout age from age sixteen to age eighteen.</p>	<p>Held in the House Education Committee on a 9-8 vote.</p>
<p>H0084 Sponsor: Rep. Jarvis</p>	<p>School attendance, first grade enrollment - Amends existing law relating to school age to revise provisions relating to school age for purposes of enrollment in first grade.</p>	<p>House PASSED 57-7-6 Senate Education Committee</p>
<p>H0117 Multiple sponsors*</p>	<p>Education, provisions revised - reduce the cost of the FY10 Public Schools appropriation and grant school districts the tools and flexibility they will need to manage a likely reduction in state funding for employee salaries.</p>	<p>House Education Committee NOTE: this bill was put on hold pending recommendations for stimulus spending</p>
<p>H0118 Multiple sponsors*</p>	<p>Public Schools, transportation costs - eliminates reimbursement for miles that are unrelated to transporting students to and from school, including the elimination of state funding for field trips.</p>	<p>House Education Committee NOTE: this bill was put on hold pending recommendations for stimulus spending</p>
<p>H0158 Sponsor: Rep. Boe, Rep. Wills</p>	<p>Interstate compact on education opportunity - This legislation will allow the entry of Idaho into an interstate compact to help military children. The Interstate Compact Commission will remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.</p>	<p>House Education Committee</p>

K-12 Education (continued)		
H0252 Multiple sponsors*	School Districts - Financial Emergencies - Amends and adds to existing law relating to school district financial emergencies to provide for notice requirements in the event a financial emergency has been declared; to provide an exception to the issuance of certain contracts; to clarify language; to provide for an informal review under certain circumstances; to provide for a due process hearing and procedure under certain circumstances; to provide that a due process hearing is not required under certain circumstances; to provide for financial emergencies; and to provide a time requirement for preparation of a budget if a financial emergency has been declared.	House PASSED 69-0-1 Senate PASSED 26-8-1 Governor signed Law effective 4/15/09
H0256 Multiple sponsors*	Public Schools - 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. Secondly, it requires that high population density school districts be measured based on cost per student rider, for the purposes of the pupil transportation cost cap. Thirdly, it reduces the state reimbursement match from 85% to 50% for all but SDE assessments and fees, and bus purchases and maintenance, and converts the dollars saved into a pupil transportation block grant. And lastly, it defines the area in which public charter schools may receive reimbursement for the cost of transporting students.	House PASSED 50-20-0 Sent to Senate 14th Order for amendment
H0262 Multiple sponsors*	Education - The purpose of this legislation is to reduce the cost of the FY10 Public Schools appropriation to minimize the amount that will have to be cut from teacher and other K12 staff salaries. Provisions related to reducing costs include the institution of a one-year freeze in movement on the state salary reimbursement grid for years of experience. This bill also phases out of the Early Retirement Program for teachers. The legislation also encourages districts to accommodate reductions in state funding for salaries by either reducing the level of pay, or reducing the number of paid contract days, and requires that any reduction in contract days not result in a reduction of student-teacher contact time.	House PASSED 49-20-1 Senate 3rd Reading
HCR007 Sponsor: Rep. Thayn	Public ed, innovative practices - 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.	Returned to House Education Committee at the request of Chairman Nonini (see note on HCR 27)
HCR027 Sponsor: Rep. Thayn	Public education, support - A resolution to identify broad policies that may improve the K through 12 Public Education system even in times of budget shortfalls including: grade acceleration, early graduation, parental empowerment and flexibility.	Note: Replaces HCR 7 House ADOPTED by voice vote Senate Education Committee
S1017aa,aa Sponsor: Kirtlan Naylor	School attendance, requirements - 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 PASSED (aa,aa) 34-0-1 House PASSED 67-0-3 Governor signed Law effective 7/1/09
S1077 Sponsor: Sen. Davis	Interstate compact on education opportunity - The purpose of this legislation is to adopt the interstate compact on educational opportunity for military children.	Senate Education Committee
Safety		
H0225aa Sponsor: Rep. Thayn	Day care, access to information - The purpose of this legislation is to empower day care consumers with tools useful in identifying quality day care.	House PASSED 61-1-8 Senate Health & Welfare Committee
S1089 Multiple sponsors*	Motor vehicle passenger safety, children - 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 PASSED 19-15-1 House Transportation & Defense Committee

Safety (continued)		
<p>S1112aa Sponsors: Sen. Corder, Rep. Saylor</p>	<p>Basic Day Care License - This legislation amends 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 staff-child ratio 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 one-stop application process.</p> <p>Idaho Voices for Children supports this legislation.</p>	<p>Senate PASSED (aa) 30-5-0</p> <p>House Health & Welfare Committee unanimously supported the bill with various amendments</p> <p>Sent to House General Order for amendment</p>
Family Economic Security		
<p>HCR023 Multiple sponsors*</p>	<p>Equal Pay Day - 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.</p>	<p>ADOPTED</p>
<p>S1119 Neil Colwell, Avista</p>	<p>Public Utility regulation - Amends existing law to provide for low-income bill payment assistance and other programs to public utility customers under certain conditions.</p>	<p>Senate FAILED 17-18-0</p>
Child Welfare		
<p>H0060 Sponsor: Bill Von Tagen, Attorney General's Office</p>	<p>Sex crimes with minors, subpoena computer records - 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.</p>	<p>House PASSED 63-0-7 Senate PASSED 33-0-2 Governor allowed bill to become law without signature Law effective 7/1/09</p>
<p>H0104 Sponsor: Patricia Tobais, The Courts</p>	<p>Domestic Violence, family services - 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.</p>	<p>House PASSED 67-0-3 Senate PASSED 32-0-3 Governor signed Law effective 7/1/09</p>
<p>H0145aa Sponsor: Jim Baugh</p>	<p>Sterilization, definition revised - 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.</p>	<p>House PASSED (aa) 68-0-2 Senate PASSED 35-0-0 Governor signed Law effective 7/1/09</p>
<p>H0167 Sponsor: Rep. Jarvis</p>	<p>Custody, children, additional factors - 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.</p>	<p>Held in the House Judiciary, Rules & Administration Committee by unanimous consent</p>
<p>H0168 Sponsor: Rep. Clark</p>	<p>Sexual offender registration act, reporting requirements - 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.</p>	<p>House PASSED 64-0-6 Senate PASSED 34-0-1 Governor signed Law effective 7/1/09</p>
<p>H0182 Sponsor: Rep. Clark</p>	<p>Crimes Against Children - 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.</p>	<p>House Judiciary, Rules & Administration Committee</p>

Child Welfare (continued)		
<p>S1034 Sponsor: Sen. Schroeder</p>	<p>Sex offenders, minimum sentencing - 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.</p>	<p>Senate Judiciary & Rules Committee</p>
<p>S1048 Sponsor: Robert Aldridge</p>	<p>Disabled persons, certain guardians prohibited - 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.</p>	<p>Senate PASSED 33-0-2; House Judiciary, Rules & Administration Committee</p>
<p>S1105 Sponsor: Robert Aldridge</p>	<p>Visitation rights, Grandparents - 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.</p>	<p>Senate Judiciary & Rules Committee Withdrawn at the request of Sen. Darrington.</p>
Health		
<p>H0108 Sponsor: Rep. Rusche</p>	<p>Insurance contracts, coverage - 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 PASSED 66-2-2 Senate PASSED 35-0-0 Governor signed Law effective 7/1/09</p>
<p>S1107 Sponsors: Sen. Bair, Rep. Rusche</p>	<p>Insurance contracts, coverage - Certain children suffer from severe, life-threatening 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 & 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.
- Support our work and lend your voice in support of Idaho's 374,000 children (Idaho Kids Count 2007)

Donate by visiting our website, 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 or call 208. 336. 5533 x 233

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is a proud member of
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