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## Idaho State Legislature 2009 Legislative Session

### Stimulus Bill continues to affect Legislative Session

For the last two weeks members of JFAC have been busy brushing up on the stimulus bill and how the funds could affect Idaho. The budget-setting process was essentially at a standstill during the week of February 23rd as lawmakers sat through presentations on the potential stimulus effect on jobs, roads, education, and more.

Meanwhile, last week the governor's task force received over 1,000 non-state-agency proposals for projects that could be funded by stimulus dollars. Governor Otter and his task force have a monumental task ahead of them in the next week or so: they must pore through proposals and determine (a) if the proposals fall under the terms of the stimulus, and (b) which proposals will actually be recommended for funding. The committee will give their recommendations to Governor Otter on March 13th, and the governor's office is expected to submit updated budget recommendations to JFAC on March 16th (thanks to the Idaho Statesman for publishing the stimulus task force timeline).

Once this happens, the legislature should kick into high gear. Late March promises to be interesting.

### Day Care Licensing bill moves forward

The Senate Health & Welfare Committee held a hearing on [Senate Bill 1112 - Basic Day Care License](#) on Wednesday, March 4th. This is the fifth year in a row that a day care licensing bill has been introduced. Sponsored by Sen. Tim Corder (R-Mountain Home) and Rep. George Saylor (D-Coeur d'Alene), the legislation seeks to establish minimum statewide licensing standards for providers caring for 4 or more unrelated children.

Members of the Senate Health & Welfare Committee voted 8-1 to send SB 1112 to the Senate 14th Order for a few minor amendments. The bill is in the process of being amended, and will likely be placed on the Senate reading calendar in the next few days.

The bill could be up for debate in the full Senate later this week.

**Idaho Voices for Children supports this legislation. Be sure and [contact your senator](#) and let them know you support [SB 1112](#).**

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

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.

**Statement from IVC Leadership regarding [Senate Bill 1105 - Visitation Rights for Grandparents](#):**  
"SB 1105 was designed both to meet constitutional requirements and to benefit grandparents seeking visitation rights with their grandchildren. The Treasure Valley Grandparents as Parents Group requested that IVC withdraw the bill and work on alternate language that they think may make it easier for grandparents to obtain visitation rights. In light of this, both IVC and Chairman Denton Darrington thought it would be best to withdraw the bill this year.

IVC anticipates having further discussions with the grandparent group this year both with respect to a visitation statute and a de facto custodian statute. These are important issues and we will work toward building a consensus on the language going forward."

# 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. The purpose of this select committee would be to build political consensus on this issue. [Click here to read a one-page document explaining why we need this committee.](#)

*What's going on right now?* IVC Leadership plans to meet with key decision makers later this week to discuss the committee further.

*What can you do to support this effort?* Encourage 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. 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

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><b>S1023</b> Sponsor: Sen. Bock</p>	<p><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.</p>	<p>Senate Education Committee</p>
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#### K-12 Education

<p><b>H0025</b> Sponsor: Rep. Thayn</p>	<p><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.</p>	<p>House Ways &amp; Means Committee (this committee rarely meets-- bills sent to this committee are generally considered "dead")</p>
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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.	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 NOTE: this bill was put on hold pending recommendations for stimulus spending
<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 NOTE: this bill was put on hold pending recommendations for stimulus spending
<a href="#">H0158</a> Sponsor: Rep. Boe, Rep. Wills	<b>Interstate compact on education opportunity</b> - 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.	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.	Returned to House Education Committee at the request of Chairman Nonini (see note on HCR 27)
<a href="#">HCR027</a> Sponsor: Rep. Thayn	<b>Public education, support</b> - 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.	House Education Committee (replaces HCR 7)
<a href="#">S1017aa</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 PASSED (aa) 34-0-1 House Education Committee
<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 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.  <i>Idaho Voices for Children supports this legislation.</i>	Senate Health & Welfare Committee hearing held 3/4/09; Sent to 14th Order for amendment on an 8-1 vote  SB 1112 will likely be placed on the Senate Reading Calendar later this week. See page 1 of this legislative update for more information.

<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 FAILED 17-18-0
<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 PASSED 63-0-7 Senate 2nd Reading
<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 PASSED 67-0-3 Senate Judiciary & Rules Committee Hearing scheduled for 3/9/09, 1:30 PM
<a href="#">H0145aa</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 2nd Reading (aa)
<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 PASSED 64-0-6 Senate Judiciary & Rules 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 Judiciary, Rules & Administration Committee
<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.  See notes on page 1 of the legislative update.	Senate Judiciary & Rules Committee  Withdrawn at the request of Sen. Darrington. See notes on page 1.

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 PASSED 66-2-2 Senate Commerce &amp; Human Resources 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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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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