



Final Legislative Report

April 20, 2010

The 2010 Legislature adjourned Sine Die on
March 29, 2010

NOTE: All bills in blue were passed into law

Rules

Dockets 16-05-0902 & 16-0318-0901 – Katie Beckett Premiums – These rules require families of children using services under the Home Care for Certain Disabled Children or Katie Beckett waiver to pay a premium for these services. The rules apply to families with gross incomes above 185% of poverty. Premiums are reduced if families have insurance. A child will not be denied service if the family is unable to pay. The premium may be waived if families can demonstrate a hardship (can't afford to eat or pay rent or mortgage).

Status: Adopted by Senate; originally rejected by House Health and Welfare Committee but when reconsidered on 3/10 were approved; votes changed primarily because it was stated that the parental contributions are voluntary. Opponents to the rule questioned whether it would save the state funds.

Council Position: **Oppose** because of the institutional bias; this premium applies to families who care for their child at home but not to families who place their child in an institution.

Docket 16-0404-0901 – Co-Pay for Infant Toddler Services – These rules require a co-pay by families over 200% of federal poverty level whose children are using early intervention services. The co-pays are based on a sliding fee scale for services not covered by private insurance. Some early intervention services such as service coordination are exempt.

Status: Adopted

Council Position: **Oppose** due to the potential of being a disincentive for families to seek early intervention services.

Docket 16-0310-0905 – PCS Homes for Children – These rules were the result of a federal audit that determined that paying for children in PCS homes was equivalent to paying for therapeutic foster care which is not allowable under federal Medicaid rules. In response, these rules changed the way PCS providers are to be paid from a daily rate to a reimbursement based on allowable services, billed in 15-minute increments. Savings to the general fund is estimated by the Department of Health and Welfare to be approximately \$85,000. [See S1310 for statute changes related to this rule.](#)

Status: Adopted

Council Position: Monitor

House Bills

H0447 – Firearms – This bill creates a “Relief of Disabilities” program that creates an avenue by which people with a history of mental illness or other disability can purchase a firearm if they believe their disability no longer exists. This program allows the Supreme Court to release mental commitment records to the National Instant Check System (NICS) to determine the person’s eligibility to purchase firearms. Establishing this program also makes Idaho eligible for a share of federal grant funding available to states for improvement of the criminal history repository and the courts systems.

Sponsor: Ann Cronin, Idaho State Police

Status: Held in House Judiciary Committee and replaced by H0631.

Council Position: Monitor

H0455 – Use Council – Establishes in statute the Idaho Council for Purchases for Services from People with Severe Disabilities, more commonly called the “Use Council”. This Council has existed since 1986 by Executive Order, but that expired in March, 2009. Under this bill, the members are defined and would be appointed for 3 year terms by the State Board of Education instead of the Governor as was done under the EO. This Council is staffed by the Division of Vocational Rehabilitation. Its purpose is to promote the sale of goods and services produced by the non-profit employment service providers and to monitor and track those sales.

Sponsor: Rep. Jeff Thompson (R-33)

Status: Held in House Ways and Means Committee; replaced with H0511

Council Position: Monitor

H0458 – Public Employee Retirement System - Adds to existing law to provide provisions when a retired member of the Public Employee Retirement System receiving a disability retirement allowance may return to work.

Sponsor: Rep. Grant Burgoyne (D-16)

Status: Passed House 70-0 on 2/24 and the Senate 35-0 on 3/16; signed by Governor on 3/25; LAW

Council Position: Monitor

H0496 – Voter Identification – Requires voters to present a photo identification at time of voting. If voter does not have a photo ID, the

person may sign an affidavit and provide their name and address in order to vote.

Sponsor: Rep. Mike Moyle (R-14)

Status: Passed House 64-6-0 on 3/1; passed Senate 27-6-2 on 3/24; signed by Governor on 3/29; LAW

Council Position: Monitor; this is of concern to us since many people with developmental disabilities do not have a photo ID or find it difficult to acquire one.

H0511 – Use Council – This bill has the same language and purpose as H0455 but was substituted as a committee bill instead of a personal bill.

Sponsor: House State Affairs

Status: Replaces H0455; held in House State Affairs in lieu of a new Executive Order for this Council; the Governor will retain the appointing authority and the new Council is expected to include a representative of a disability advocacy organization

Council Position: Monitor

H0534 – Limitations on Drug Product Selection – Requires a pharmacist, if changing the formulation of an anti-seizure medication for a person, to notify that person and the person's doctor.

Sponsor: Rep. Sue Chew (D-17)

Status: Passed House 64-3-3 on 3/11; amended in Senate to include minor changes including that there will be no delay in dispensing medication as a result of this notification; passed Senate 26-6-1 on 3/24; returned to House where the amended version was approved unanimously on 3/29; signed by Governor on 4/8; LAW

Council Position: **Support**

H0539 – Residential Care Administrators - changes the composition of the Board of Examiners of Residential Care Facilities, changes their payment from compensation to honorarium, and requires certain education and experience for licensure of new administrators.

Sponsor: Cherie Simpson, Bureau of Occupational Licenses

Status: Held in House Health and Welfare

Council Position: Monitor

H0545 – Habitual Truancy - allows school boards to designate school administrators to deal with truant students, including those over the age of 16. Amended to clarify that the truancy occurred while the student was within the age of compulsory attendance.

Sponsor: Rep. Richard Jarvis (R-21)

Status: Passed the House 67-2-1 on 3/2; passed Senate as amended 34-0-1 on 3/23; amended version approved by House 67-0-3 on 3/29; signed by Governor on 4/8; LAW
Council Position: Monitor

H0555 – Judicial Review - addresses the issue of starting the appeal and reconsideration time clock for administrative orders running from the time the order is issued rather than the time that the order is served on the parties. This amendment would start the time running from the time of service, and require proof of service and method of service.

Sponsor: Norm Semanko, Idaho Water Users Association/Rep. Lynn Luker (R-15)

Status: Passed House 69-0-1 on 3/2; passed Senate 34-0-1 on 3/24; signed by Governor on 4/8; LAW

Council Position: Monitor

H0588 – Exception to Mandatory Office Hours – amends requirements that state offices be open from 8:00 am to 5:00 pm Monday –Friday, to allow office closures for mandatory furlough days.

Sponsor: Rep. Scott Bedke (R-27)

Status: Passed House 69-1-0 on 3/2; passed Senate 34-0-1 on 3/18; signed by Governor on 3/31; LAW

Council Position: Monitor

H0621 – County Indigency Fund – Tightens restrictions on the county indigency funds (CAT funds), including a restatement that the county and state Catastrophic Fund are the last resource for payment, that providers must make all reasonable efforts to investigate and collect from the resources listed in the law before submitting to the county commissioners for payment and that, in the event that an individual becomes eligible for one of the resources retrospectively, then the provider must either repay the county or state CAT fund or if a provider refuses to repay and seek reimbursement then allows the county to offset the amount from another outstanding bill.

Sponsor: Rep. Tom Loertscher (R-31)/Idaho Association of Counties

Status: Held in House Health and Welfare Committee; replaced by H0681

Council Position: Monitor

H0630 – Temporary Expansion of Income Tax Credits – Expands income tax credits for charitable contributions to various councils and commissions (most of whom were proposed for general fund phase out of general funds) for a five-year period beginning January, 2011. The intent is

to encourage contributions to these entities as a way to wean from state dollars.

Sponsor: Governor's Office, Rep. Mike Moyle (R-14) and Sen. Brent Hill (R-34)

Status: Passed House 69-0-1 on 3/11; passed the Senate 29-5-1 on 3/25; signed by Governor on 4/8; LAW

Council Position: Monitor

H631a - Firearms - This bill gives authority to the State Police and the Bureau of Criminal Identification to transmit records from the Idaho Supreme Court to the National Instant Check System (NICS) for the purpose of determining eligibility for individuals with histories of mental illness to purchase weapons. No database is created by this proposal and no records are retained by BCI; the bureau passes the information through the Supreme Court directly to the NICS. These changes may enable the state to apply for a share of federal grant funding available to states for improvement of the criminal history repository and the courts system. This bill replaces H0447.

Sponsor: Rep. Raul Labrador (R-14)

Status: Passed House with amendments 61-7-2 on 3/25; passed Senate 34-0-1 on 3/29; signed by Governor on 4/8; LAW

Council Position: Monitor

H0632 – Election Consolidation - This legislation makes technical corrections to the Election Consolidation Bill (H 372) passed and signed into law in 2009. These changes are for elections at the county or sub-county level.

Sponsor: Secretary of State's Office

Status: Held in House State Affairs; replaced by H0652

Council Position: Monitor

H0634 – Licensure for Psychosocial Rehabilitation Specialists - This legislation provides a state credential rather than a national credential to those who provide psychosocial rehabilitation services to children with serious emotional disorders (SED) and adults with serious and persistent emotional mental illness (SPMI). The process will be overseen by a 6-person Board of Psychosocial Rehabilitation Specialist Examiners under the Board of Occupational Licenses.

Sponsor: Rep. Janice McGeachin (R-32)

Status: Held in House Health and Welfare Committee

Council Position: Monitor

H0643 – On-Line Education - Amends and adds to existing law relating to education to provide for an online teaching certificate

Sponsor: Rep. Branden Durst (D-18) and Sen. Edgar Malepeai (D-30)

Status: Held in House Education Committee

Council Position: Monitor

H0652 – Election Consolidation - Amends and repeals existing law to make technical corrections to the Election Consolidation Bill of 2009 (H372). Replaces H0632.

Sponsor: Secretary of State's Office

Status: Passed House 53-15-2 on 3/12; passed Senate 34-0-1 on 3/25; signed by Governor on 3/31; LAW

Council Position: Monitor

H0662 – Educational Services for Deaf and Blind – Clarifies that the Bureau of Educational Services for the Deaf and Blind is not a department or part of a department of state government but is a governmental entity authorized by the state, however it shall be considered as a state department for purposes of risk management and group insurance

Sponsor: Aylee Shaeffer, Board of Education

Status: Passed the House 69-0-1 on 3/16; passed Senate 34-0-1 on 3/25; signed by Governor on 3/31; LAW

Council Position: Monitor

H0676a – This bill provides guidelines for concussion awareness education training for coaches, youth athletes, and their parents/or guardians on the nature and risk of concussion and head injury. A youth athlete who is suspected of sustaining a concussion or head injury needs to be evaluated and released by a licensed health care provider who is trained in the evaluation and management of concussions. The provisions of this act shall apply to youth athletes seventeen (17) years of age and younger, participating in sport activities or sport programs provided by or through the public schools of this state.

Sponsor: Rep. Elaine Smith (D-30)

Status: Amended in House to remove requirement for evaluation and removal from play a student athlete who is suspected of sustaining a head injury; passed House 68-0-2 on 3/25; passed Senate 31-2-2 on 3/29; signed by Governor 4/11; LAW

Council Position: Monitor

H0681 – County Indigency Fund - Amends existing law relating to the medically indigent and clarifies responsibilities and relationships between Medicaid and these funds. Replaces H0621.

Sponsor: Rep. John Rusche (D-7) and Rep. Tom Loertscher (R-31)

Status: Passed House 67-0-3 on 3/23; amended in Senate and passed 34-0-1 on 3/29; House approved the amended version 68-0-2 on the same day; signed by Governor 4/8; LAW

Council Position: Monitor

H0687 – Creates an emergency surcharge to be paid by persons who commit crimes and infractions to provide funding for services provided through the Drug Courts, Mental Health Courts, and Family Courts and for the Idaho Statewide Trial Court Automated Records Systems (ISTARS) Fund.

Sponsor: Patti Tobias, the Courts; Rep. Rich Wills (R-22) and Rep. Darrell Bolz (R-10)

Status: Passed House 58-12 on 3/22; passed the Senate 33-0-2 on 3/25; signed by Governor on 3/31; LAW

Council Position: Monitor

H0701 – Appropriation for Division of Medicaid – This bill reduces the appropriation for the Division of Medicaid by \$21,642,400 for fiscal year 2010; appropriates an additional \$19,831,300 for the Division of Medicaid for fiscal year 2010; and appropriates \$1,554,829,900 to the Division of Medicaid for fiscal year 2011; limits the number of full-time staff to 283; provides 15 separate sections of legislative intent, including allowing the Division to promulgate rules for 1 year that supersede statutorily required services in order to not exceed their appropriation, and including language that permits the Department to negotiate provider pricing and service reduction to also contain costs and not exceed the appropriation for 2011. See H0708 for legislation that modifies statute in line with this intent language.

Sponsor: JFAC/Rep. Fred Wood (R-27)

Status: Passed House 38-30-2 on 3/24; passed Senate 27-8-0 on 3/26; signed by Governor on 4/8; LAW

Council Position: Monitor

H0702– Appropriation for Division of Public Health –This bill reduces the appropriation to the Division of Public Health Services by \$442,300 for fiscal year 2010; appropriates an additional \$4,009,200 to the Division for fiscal year 2010; and appropriates \$83,463,100 to the Division for fiscal year 2011; limits the number of full-time staff to 205.19; appropriates an additional \$1,800,000 for fiscal year 2010 and an additional \$5,400,000 for

2011 for immunization assessments (see H0432). Not funded was the Governor's recommendation of \$150,000 for services to adults with Cystic Fibrosis.

Sponsor: JFAC/Rep. Fred Wood (R-27)

Status: Passed House 45-23-2 on 3/24; passed Senate 27-6-2 on 3/26; signed by Governor on 4/8; LAW

Council Position: **Opposed the elimination of funding for the adult CF program**

H0708 – Medicaid Cost Containment – This bill is an accompaniment to HB701 in that it provides statutory changes to help implement some of the intent language attached to 701. Specifically, removed the 55% supplemental payment to cover administrative costs for personal assistance services and substituted language that capped reimbursement at the 2010 prevailing hourly rate for comparable staff in nursing homes; eliminated the efficiency incentive payments to nursing homes and ICFs because the Dept. does not see any demonstrated efficiencies resulting from these payments; froze reimbursement for ICFs at their 2008 audited costs; eliminated the language prohibiting reduction in pharmacy costs and inserted language that requires pharmacies to participate in reimbursement schedules based on periodic cost surveys. Providers and advocates offered suggestions for amendments but these were not included due to the lateness of the session.

Sponsor: JFAC/Rep. Fred Wood (R-27)

Status: Passed House 49-16-5 on 3/25; passed Senate 29-5-1 on 3/29; signed by Governor on 4/11; LAW

Council Position: Monitor with concerns

H0712 – Appropriation for Commission for Blind and Visually Impaired – This bill reduces the appropriation to the Commission for the Blind and Visually Impaired by \$117,600 for fiscal year 2010; appropriates \$4,194,700 to the Commission for the Blind and Visually Impaired for fiscal year 2011; limits the number of full-time staff to 39; and provides legislative intent on sharing office space with the Industrial Commission.

Sponsor: JFAC/Rep. Shirley Ringo (D-6)

Status: Passed the House 65-2-3 on 3/25; passed the Senate 34-0-1 on 3/29; signed by Governor on 4/11; LAW

Council Position: Monitor

H0715 – Appropriation for Community Mental Health Services – This bill reduces the appropriation to the Department of Health and Welfare for Mental Health Services by \$1,887,400 for fiscal year 2010; appropriates \$33,975,000 to the Department of Health and Welfare for Mental Health

Services for fiscal year 2011; limits the number of full-time equivalent positions to 328.34; provides that the State Controller shall make transfers from the Drug Court, Mental Health Court and Family Court Services Fund; directs an interagency payment for a juvenile detention clinicians contract.

Sponsor: JFAC

Status: Passed the House 48-8-14 on 3/26; passed the Senate 28-7-0 on 3/29; signed by Governor on 4/11; LAW

Council Position: Monitor

H0722 – Appropriation for Services to People with Developmental

Disabilities – This bill reduces the appropriation to the Department of Health and Welfare by \$761,000 for Developmental Disabilities Services for fiscal year 2010; appropriates an additional \$330,000 to the Department of Health and Welfare for the Community Developmental Disabilities Services Program for fiscal year 2010; appropriates \$40,325,100 to the Department of Health and Welfare for Developmental Disabilities Services for fiscal year 2011 (includes \$1,179,800 in federal stimulus funds for the Infant Toddler Program). This appropriation includes \$17,945,700 for Community Developmental Disabilities Services with a limit on full-time staff of 169.42. For Idaho State School and Hospital, the appropriation is \$22,379,400 with a limit on full-time staff of 376.53.

Sponsor: JFAC

Status: Passed the House 61-2-7 on 3/26; passed the Senate 32-2-1 on 3/29; signed by Governor on 4/11; LAW

Council Position: Monitor

HB729aaS – Testing While Driving – Replaced SB1352; downgrades the offense for texting while driving from a misdemeanor to an infraction with the first or any subsequent offense.

Sponsor: Rep. Steven Kren (R -13) + 4 Senate and 3 House co-sponsors

Status: Passed the House 56-13-3 on 3/26; amended in the Senate to keep it an infraction unless the offense involved an accident causing property damage or injury, in which case the offense would become a misdemeanor; passed the Senate as amended 30-4-1 on 3/29; returned to the House and although the House concurred in the amendments, they could not get the 2/3 vote necessary to suspend rules to consider the bill; it died on the House floor.

Council Position: Monitor

House Resolutions and Memorials

HCR51 – Prioritizing Rules – requests that agency heads prioritize their rule writing and/or amendment based on priorities set forth in the resolution. The aim is to have state agencies not amend or write rules that fall outside these priorities.

Sponsor: Rep. Steven Hartgen (R-23)

Status: Adopted in House 62-5-3 on 3/10; held in Senate State Affairs

Council Position: Monitor

HCR55– Random Drug Testing – requests that the Dept. of Health and Welfare study the cost of implementing a random drug testing program of adults on public assistance.

Sponsor: Rep. Richard Wills (R-22) with co-sponsors Rep. Sharon Block (R-24) and Rep. Judy Boyle (R-9)

Status: Adopted in House 55-11-4 on 3/8; adopted Senate 19-16 on 3/23

Council Position: Monitor

HCR62– Alzheimer’s Disease - requests the Health Quality Planning Commission to study Alzheimer’s disease

Sponsor: Rep. John Rusche (R-7)

Status: Held in House Health and Welfare

Council Position: Monitor

HJR004 – Hospitals - This joint resolution amends Article VIII, Section 3C of the Idaho Constitution to clarify the ability of county and district hospitals to incur indebtedness without vote, provided that no ad valorem tax revenue is used for the purpose of paying for the indebtedness.

Sponsor: Rep. Fred Wood (R-27) and Sen. Joe Stegner (R-7)

Status: Passed House 65-5 on 2/23; passed Senate 34-0-1 on 3/17; to Secretary of State

Council Position: Monitor

Senate Bills

S1270 – Freedom of Conscience for Health Care Professionals – this bill allows health care professional to deny to provide patient services such as contraception, abortion, human embryo cloning or assisted suicide, based on the professional’s religious, moral or ethical principles. Hospitals and doctors already have the ability to not provide services under these

conditions; this bill expands that to other health care professionals. This bill prohibits discrimination in the provision of care and services based on race, color, religion, sex, age, disability or national origin.

Sponsor: Sen. Chuck Winder (R-14)

Status: Held in Senate State Affairs; replaced by S1376

Council Position: Monitor

S1310 – Personal Assistance Services - This bill distinguishes Personal Care Services (PCS) for children provided by PCS Family Alternate Care providers from personal assistance services for adults. It also unbundles reimbursement rates in response to a CMS audit regarding PCS homes for children. This “unbundling” separates out housekeeping and skilled nursing care from personal care services for adults. For PCS homes, it references that reimbursement rates will be established through a methodology described in DHW rules.

Sponsor: Paul Leary, DHW

Status: Passed Senate 34-0-1 on 2/16; passed the House 60-0-10 on 3/26; signed by Governor on 4/12; LAW

Council Position: Monitor

S1322– Uniform Probate Code - This bill amends the caregiver statute to restrict gifts made to a non-family health care provider by the person being cared for. It is intended to correct abuse situations where undue influence may have occurred while not penalizing immediate family members.

Sponsor: Bob Aldridge, Trust & Estate Professionals of Idaho

Status: Passed Senate 35-5 on 2/23; held in House Health and Welfare

Council Position: Monitor

S1330a – Removing Archaic and Disrespectful Language from Idaho Law – this legislation updates Idaho law by removing the term “mental retardation” and replacing it with “intellectual disabilities” or, in the case of education law, “cognitive impairments”. It also replaces “handicapped” with “disability” and removes outdated words such as “lunatic” and “idiot”

Sponsor: Sen. Les Bock (D-16)

Status: Passed the Senate 33-0-2 on 3/3 with amendment to remove Section 19-1525A dealing with the death penalty; passed the House 68-1-1 on 3/22; signed by Governor on 4/6; LAW

Council Position: **Support**

S1334 – Insurance Coverage for Prosthetic Devices – would require private insurance coverage comparable to Medicare benefits for prosthetic devices.

Sponsor: Sen. Brent Hill (R-34)

Status: Held in Senate Commerce and Human Resources

Council Position: Monitor

S1352 – Texting While Driving – Amends existing law to provide that texting while driving a motor vehicle shall constitute inattentive driving (a misdemeanor). Individuals driving law enforcement, fire or emergency medical vehicles would be exempt. It also does not apply to hands-free devices. Some individuals who are deaf or hard of hearing feel that neglecting to regulate traditional cell phone calls while outlawing texting may single them out, because texting is the only form of communication they can use.

Sponsor: Sen. John McGee (R-10)

Status: Passed the Senate 29-5 on 3/10; efforts made in the House Transportation Committee to change from a misdemeanor to an infraction for the first offense; instead replaced by HB729

Council Position: Monitor

S1353 - Freedom of Conscience for Health Care Professionals – adds to and replaces S1270 by including definitions for the terms "abortifacient", "embryo", "fetus", and adding a section to the definitions that defines "Religious, moral or ethical principles," "sincerely held," "reasonably accommodate" and "undue hardship" as consistent with Title VII of the federal civil rights act of 1964, as amended. Language is also added that if a health care professional invokes a conscience right in a life-threatening situation where no other health care professional is available to provide treatment, the health care professional must provide treatment and care until an alternate health care professional capable of treating the emergency is found.

Sponsor: Senator Chuck Winder (R-14) + 9 Senate and House co-sponsors

Status: Passed Senate 21-13-1 on 2/26; passed the House 58-18-1 on 3/17; on 3/22, sent to Governor who let it become law without his signature

Council Position: Monitor

S1364 – Public Charter Schools for Underserved Populations -

Amends existing law relating to public charter schools to allow for more than 6 new public charter schools to begin educational instruction in any one school year and to provide for certain qualifications for these new schools. If passed, this bill has the potential to encourage the establishment of segregated schools for students with disabilities.

Sponsor: Senator John Goedde (R-4)

Status: Returned to Senate Education Committee after going to floor for amendment

Council Position: Monitor

S1368 -On-Line Education - Amends and adds to existing law relating to education to provide for an online teaching endorsement

Sponsor: Senator Edgar Malepeai (D-30) with cosponsors Rep. Branden Durst (D-18) and Rep. Mack Shirley (R-34)

Status: Held in Senate Education Committee

Council Position: Monitor

S1373 – Immunity for Hospitals - This bill tightens the language in the law which provides immunity from liability for health care professionals who participate in the peer review process for hospitals. This is being done in response to a recent Supreme Court ruling.

Sponsor: Steve Millard/Toni Lawson, Idaho Hospital Association

Status: Passed the Senate 21-13-1 on 3/2; held in House Health and Welfare

Council Position: Monitor

S1380 – Public Housing Eviction – this legislation gives public housing providers the tools to evict a tenant for cause when the tenant, guest or family member violates the public housing provider’s requirement to maintain the public housing premises in a decent, safe and sanitary condition. Under this legislation, any tenant may be evicted who is a health and safety risk to other tenants residing in the immediate vicinity, commits a crime or knowingly provides the public housing owner with false information as described in the legislation. This legislation will not prevent local entities from pursuing and enforcing ordinances or resolutions consistent with public housing regulations.

Sponsor: Senator John McGee (R-10)

Status: Held in Senate Commerce and Human Resources

Council Position: Monitor

S1382a – De Facto Custodians - This legislation establishes a new custodial remedy for grandparents or other relative caregivers seeking legal custody of grandchildren or relatives. It provides a process for a court to use when deciding whether or not to grant de facto custodian status to a grandparent or other relative. It specifies standards to be applied when evaluating the best interests of a child when considering whether or not to award custody rights to a de facto custodian.

Sponsor: Senator Denton Darrington (R-27) and Rep. Leon Smith (R-24)

Status: Passed the Senate 34-0-1 on 3/16; passed the House 63-0-7 on 3/26; signed by Governor on 4/6; LAW
Council Position: Monitor

S1425 – Governor Appointments for Vacancies – This bill clarifies existing law to indicate that the Governor’s appointing authority for members of the Board of Health and Welfare is only for voting members of that board.

Sponsor: Sen. Bart Davis (R-33)
Status: Passed Senate 35-0 on 3/22; passed the House 64-2-4 on 3/29; signed by Governor on 4/12; LAW
Council Position: Monitor

S1428– Appropriation for Division of Vocational Rehabilitation – This bill reduces the appropriation to the Division of Vocational Rehabilitation by \$904,400 for fiscal year 2010; appropriates \$23,172,500 to the Division of Vocational Rehabilitation for fiscal year 2011; and limits the number of full-time equivalent positions to 151. Within the 2011 appropriation there are general funds in the amount of \$3,490,100 for work services/community supported employment, \$27,700 for renal disease services, and \$3,050,800 for vocational rehabilitation services. The bill also includes the addition of the Council for the Deaf and Hard of Hearing and intent language that the Industrial Commission explore the possibility of sharing office space with VR and report back to JFAC in 2011.

Sponsor: JFAC/Sen. Diane Bilyeu (D-29)
Status: Passed the Senate 34-0-1 on 3/25; passed the House 69-0-1 on 3/29; signed by Governor on 4/11; LAW
Council Position: Monitor

S1432 – Appropriation for Commission on Aging – This bill reduces the appropriation for the Commission on Aging by \$386,500 for fiscal year 2010; appropriates \$13,397,500 for the Commission on Aging for fiscal year 2011; and limits the number of full-time equivalent positions to 15.35.

Sponsor: JFAC/ Sen. Jim Hammond (R-5)
Status: Passed the Senate 34-0-1 on 3/25; passed the House 67-2-1 on 3/29; signed by Governor on 4/12; LAW
Council Position: Monitor

S1433 – Appropriation for Independent Councils and Commissions – This appropriation is for the Council on Developmental Disabilities and the Council on Domestic Violence. The Council for the Deaf and Hard of Hearing was moved to Vocational Rehabilitation. This bill reduces the appropriation for the Independent Councils by \$18,400 for fiscal year 2010;

provides additional appropriations of \$350,000 for the Domestic Violence Council for fiscal year 2010; appropriates \$4,324,000 for the Independent Councils for fiscal year 2011; and limits the number of full-time staff to 10. For the DD Council, this bill includes \$97,200 in General Funds, \$15,000 in receipt authority and \$646,300 in Federal Funds (which includes \$139,000 for the final year of the Person Centered Planning Implementation Grant).

Sponsor: JFAC/ Sen. Steven Bair (R-28)

Status: Passed the Senate 34-0-1 on 3/25; passed the House 68-1-1 on 3/29; signed by Governor on 4/12; LAW

Council Position: Monitor

S1434 – Appropriation for Psychiatric Hospitalization – This bill reduces the appropriation to the Department of Health and Welfare by \$1,224,900 for psychiatric hospitalization in fiscal year 2010; appropriates \$28,368,800 to the Department of Health and Welfare for psychiatric hospitalization for fiscal year 2011; limits the number of full-time equivalent positions to 371.61. Included in this appropriation are State Hospital South in Blackfoot and State Hospital North in Orofino and \$2,790,000 in general funds for community hospitalization.

Sponsor: JFAC/ Sen. Steven Bair (R-28)

Status: Passed the Senate 34-0-1 on 3/25; passed the House 65-4-1 on 3/29; signed by Governor on 4/12; LAW

Council Position: Monitor

S1443 – Appropriation for State Independent Living Council (SILC) – This bill reduces the appropriation to the State Independent Living Council by \$9,900 for fiscal year 2010; appropriates \$986,800 to the State Independent Living Council for fiscal year 2011; limits the number of full-time employees to 6.

Sponsor: JFAC

Status: Passed the Senate 33-0-2 on 3/26; passed the House 67-2-1 on 3/29; signed by Governor on 4/12; LAW

Council Position: Monitor

S1445 – Fund Transfers for Fiscal Years 2010 and 2011 - This bill appropriates and transfers funding from a combination of state reserve funds and various dedicated funds to the General Fund to augment balances in fiscal years 2010 and 2011. In Section 8, through legislative intent, the Governor is given additional fiscal tools to deal with any shortage of General Fund revenues in FY 2010, by allowing the Board of Examiners to transfer reserve fund balances early into the General Fund. Any funds transferred early to balance FY 2010 from the Budget Stabilization Fund or the Economic Recovery Reserve Fund will create a shortfall in FY 2011,

and will need to be offset with appropriation reductions. This bill also gives the Governor the ability to access moneys from the Permanent Building Fund to assist with balancing FY 2010.

Sponsor: Legislative Budget Office

Status: Passed the Senate 34-0-1 on 3/29; passed the House 64-4-2 on 3/29; signed by Governor on 4/12; LAW

Council Position: Monitor

Senate Resolutions and Memorials

SCR117 – Certified Family Homes – This resolution rejects subpart IDAPA 16.0319.700.01(a) of the rule that restricts the use of a manufactured home as a certified family home. The restriction that a manufactured home older than 18 years not be allowed as a certified family home was intended to apply to mobile homes not manufactured homes. A manufactured home is a structure constructed after June 15, 1976 in accordance with HUD construction and safety standards. Such homes are equivalent in all aspects to site built homes.

Sponsor: Jack Lyman, Idaho Housing Alliance

Status: Held in Senate Health and Welfare

Council Position: Monitor

SJM103 – Individuals with Disabilities Education Act – Memorial to Congress and the President to fund 40% of the Individuals with Disabilities Education Act.

Sponsor: Sen. John Goedde (R-4)

Status: Adopted in Senate on a voice vote on 2/17; adopted by voice vote in House on 3/2

Council Position: Monitor