**2012 Idaho legislature**

Week in Review

January 27, 2012

Although there are many controversial issues circulating the Capital Building, few are directly related to public health this week. The week has been dominated by redistricting, the occupy movement, the economic outlook for Idaho, the cost of underfunded mental health services, and education reform and funding.

Redistricting is done every 10 years and the current census reflects population shifts in Idaho which require the legislative district boundaries to be re-drawn to reflect “one man, one vote”. This week the Idaho Supreme Court refused to hear a petition regarding the firing of Redistricting Commissioners, Delores Crow and Randy Hansen. The petition was filed by House Speaker Denny (R-Midvale) and the Idaho Republican Chairman Norm Semanko. The re-districting commission returned to work on Thursday redrawing districts with the goal of complying with the Court directive to avoid splitting counties in the creation of legislative districts. For more information on the 6 Redistricting Commissioners, click [HERE](http://www.legislature.idaho.gov/redistricting/about.htm).

A bill was introduced to postpone the primary election until August because a final re-districting plan has not been adopted. Some people, including the Governor, are concerned this will lead to poor voter turnout in the primary.

Another bill was introduced to prohibit camping on state lands outside of designated camping areas. The bill is directed at the “Occupy Boise” movement which is encamped at the old Ada County Courthouse across the street from the Capital building.

The joint [Economic Outlook and Revenue Assessment Committee](http://www.legislature.idaho.gov/budget/EORAC/index.htm%20) voted 15-3 to set fiscal year 2012 projected growth at 4.5% rather than the Governor Otter’s 5.8%. This means that it is recommending state spending be about $33 million less than what the Governor has in his budget. By law, Idaho must balance its budget, so projecting accurately how much revenue will come in to cover the cost of government programs and services is really important in order to avoid “holdbacks” during the year. In response to the committee’s decision, Governor Otter said that this difference may still allow for funding of his priorities.

Idaho Supreme Court Chief Justice Roger Burdickdelivered his annual State of the Judiciary address to the Senate and the House. Chief Justice Burdick noted a 30% increase in district court complex civil cases which often take years to decide, along with a 10% increase in divorce and child custody cases. He went on to say, “With the decline in availability of mental health treatment, we have seen an astounding 151% increase in mental health commitment proceedings. These trends - likely the direct result of the economic decline - are a reflection of the heightened stress levels that Idahoans, businesses and families are experiencing in this economy.”

**Joint Finance and Appropriations Committee**

The Department of Education took the floor in the Joint Finance and Appropriations Committee (JFAC) this week. Like many other state agencies, stagnant employee wages during a time of increased student enrollment has increased pressures, particularly in higher education institutions. The committee heard testimony that the colleges and universities are losing valuable faculty to higher paying salaries outside Idaho, and that student’s costs and debt are increasing. Public schools, for the first time since 2008, can expect to see an increase in funding rather than struggling to find ways to trim the budget. Whether or not increased funs will translate to higher teacher salaries is yet to be determined.

**Senate Health and Welfare Committee**

The Idaho Board of Nursing introduced 3 of its 4 bills for print on Tuesday. The Senate H&W Committee unanimously voted to print bills that provide alternatives to discipline, specify the use of fingerprints in background checks for Medication Assistants, and allow the use of license fees for nursing workforce initiatives. A bill, which adopts the Consensus Model for Advanced Practice Nursing, is being redrafted and will be introduced next week. Additionally, the Alzheimer’s Planning Group bill was revised to correct federal data regarding nursing homes and on Thursday, was approved for a second printing. Sen. Broadsword (R-Sagle) also requested a full hearing for the bill.

 **Health Insurance Exchange**

Governor Otter spoke on Wednesday January 25th to the Idaho Press Club. During the conference, Otter told the audience that he did not believe the State has enough time to create a state based health insurance exchange. He believes the state needs a full year to develop the web portal and the deadline to gain federal certification for Idaho’s exchange is January 2013. According to Otter, there is too much uncertainty regarding the exchange issue considering the U.S. Supreme Court anticipated decision this summer regarding the constitutionality of the individual mandate and the entire Affordable Care Act itself. However, if the ACA does not undergo changes as a result of the Supreme Court or the fall elections, Idaho will have a federally imposed exchange if it fails to develop a state based exchange in time.

**Legislation of Interest**

Listed below is a list of some of the legislation we will be following throughout the 2012 session. To see a full text version of each bill, click on the bill’s title. The Idaho Legislature home page also offers a free bill tracking service that provides email alerts regarding any status changes. To sign up, click [HERE](http://legislature.idaho.gov/MyBillTracker/Login_input.do;jsessionid=63C9C8FE6EDC71BDCB79A2EB23AD4D2D)

**Topics include:**

Child Safety

Motor Vehicle Safety

Healthcare Access & Quality

Nursing

Prescriptions & Medication

Disease Control & Prevention

### Child Safety

### [S1220 STUDENT HARASSMENT](http://legislature.idaho.gov/legislation/2012/S1220.pdf) - is co-sponsored by Sen. Keough, Sen. Geodde, Rep. Shirley, Rep. Cronin and Rep. Perry. The bill amends and adds to existing law relating to harassment, intimidation or bullying of a student to provide what is included within the term "harassment, intimidation or bullying," to revise who may be found guilty of the offense, to replace discretionary language with mandatory language, to provide an infraction penalty; and to provide requirements for harassment, intimidation and bullying information and professional development.

[S1260 – INJURY TO CHILDREN – REPORTING ABUSE](http://legislature.idaho.gov/legislation/2012/S1254.pdf) – Amends existing law to reduce the age of a child from 18 to 16 in the context of this statute. The bill also increases the penalty of not reporting abuse, abandonment or neglect to a felony. The Judiciary will then have more options (misdemeanor or felony) to charge individuals who fail to report abuse.

### Motor Vehicle Safety

[S1252 MOTOR VEHICLE – TEXTING WHILE DRIVING](http://legislature.idaho.gov/legislation/2012/S1252.pdf)- The legislation defines texting and imposes a $50.00 fine for texting while operating a motor vehicle. The subsequent fine will be $100.00. Exceptions for emergencies and law enforcement are also outlined.

[S 1251 MOTOR VEHICLE – CELL PHONE USE](http://legislature.idaho.gov/legislation/2012/S1251.pdf) – Sponsored by Sen. Les Bock (D – Boise) and Sen. Werk (D-Boise). Amends and adds to existing law a ban on cell phone use while operating a motor vehicle. Exceptions include for emergency use or for those carrying out official duties and are outline in the bill. “Hands Free Phone” usage does not apply. The fine for a violation would be $75.00.

# Healthcare Access and Quality

[H0393 - RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE](http://legislature.idaho.gov/legislation/2012/H0393.pdf) - Amends and repeals existing law relating to rural health care access and physician incentive to provide for the Rural Health Care Access and Physician Incentive Fund. The State Board of Education may assess a fee for medical students supported by the state. This fee, along with monies appropriated by the state, gifts, grants and other sources, will be used exclusively as grants for improved access to primary care medical services, including physician loan repayment. The fund will provide incentives for physicians to serve in federally designated primary health care professional shortage areas.

[H0368 MILITARY DIVISION](http://legislature.idaho.gov/legislation/2012/H0368.pdf)  by the Idaho Military Division Bureau of Homeland Security updates and extends the responsibility of the Statewide Communications Interoperability Executive Council which develops and maintains the statewide plan for public safety wireless interoperable communications.

# Nursing

[S1261 NURSING – BOARD POWERS AND DUTIES](http://legislature.idaho.gov/legislation/2012/S1261.pdf) - This legislation will authorize the Board of Nursing to expand upon the work of the Governor’s Nursing Taskforce and other initiatives to identify and appropriately address issues related to current and future nursing shortages and the improvement of the delivery of quality health care in the state. This will be accomplished by giving the Board of Nursing the power and duty to enter into contracts or agreements with others, evaluate and develop education, distribution and availability of the nursing workforce. The bill also amends existing law relating to nurses to provide that the Board of Nursing shall have the power and duty to evaluate and develop, or to enter into contracts or agreements with others to evaluate and develop the education, distribution and availability of the nursing workforce for the purpose of improving the delivery of quality health care. These initiatives would be funded with existing nurse license fee revenue. This legislation is in response to an NLI request to the Board of Nursing.

[S 1262 NURSING – MEDICATION ASSISTANT](http://legislature.idaho.gov/legislation/2012/S1262.pdf) - Amends existing law relating to nursing to require that all applicants for original certification or certification reinstatement as a certified medication assistant submit to a fingerprint-based criminal history check and to provide requirements relating to such criminal history check.

# Prescriptions and Medication

# [H0370 MEDICAL MARIJUANA](http://legislature.idaho.gov/legislation/2012/H0370.pdf) sponsored by Rep. Trail. This bill the “Idaho Compassionate Medical Marijuana Act” establishes the circumstances under which a qualified patient may legally be prescribed by a physician a specified amount of marijuana which would be dispensed at an authorized treatment center. It directs the Department of Health and Welfare to define rules to enact the legislation.

[S 1241 PRESCRIPTION TRACKING PROGRAM](http://legislature.idaho.gov/legislation/2012/S1241.pdf) – Sponsored by Sen. Les Bock. Amends existing law and requires that practitioners of new patients or patients that have not received a prescription for a controlled substance in 12 months obtain a report from the Prescription Monitoring Board.

# Disease Control and Prevention

[S1264 VENEREAL DISEASES -](http://legislature.idaho.gov/legislation/2012/S1264.pdf)The purpose of this bill is to modernize the law regarding STD testing in correctional facilities by adding appropriate STDs and eliminating others, and by reducing the need to test for STDs in certain cases.

[SCR 110 ALZHEIMER'S PLANNING GROUP](http://legislature.idaho.gov/legislation/2012/SCR110.pdf) – is co-sponsored by Sen. Broadsword, Sen. Schmidt, Rep. Bilbao, Rep. Wood and Rep. Rusche. The bill acknowledges the seriousness of Alzheimer's disease and other dementias in Idaho by endorsing the Idaho Alzheimer's Planning Group and supporting its comprehensive approach to the development of a statewide plan to address the needs of people with Alzheimer's disease and other dementias, their family members and caregivers.