

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 353

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE CHILDREN'S TRUST FUND; AMENDING SECTION 39-6001, IDAHO CODE,
2 TO REMOVE REFERENCE TO APPOINTMENT OF THE INITIAL BOARD MEMBERS AND TO
3 REVISE PROVISIONS RELATING TO SERVICE AND REMOVAL OF BOARD MEMBERS;
4 AMENDING SECTION 39-6002, IDAHO CODE, TO AUTHORIZE EXPANSION OF THE
5 BOARD'S ABILITY TO CARRY OUT THE PURPOSE OF THE CHILDREN'S TRUST FUND,
6 TO AUTHORIZE THE EMPLOYMENT OF AN EXECUTIVE DIRECTOR, TO AUTHORIZE THE
7 BOARD TO CONTRACT FOR SERVICES DEEMED NECESSARY, TO REVISE TERMINOLOGY
8 RELATED TO RULEMAKING AND TO AUTHORIZE THE BOARD TO SOLICIT AND ACCEPT
9 GRANTS, DONATIONS, GIFTS AND OTHER MONEYS; AMENDING SECTION 39-6003,
10 IDAHO CODE, TO REVISE A PROVISION RELATING TO MONEYS APPROPRIATED BY THE
11 LEGISLATURE USED FOR SALARIES AND TO MAKE A TECHNICAL CORRECTION; AND
12 AMENDING SECTION 39-6007, IDAHO CODE, TO PROVIDE THAT OTHER MONEYS FROM
13 OUTSIDE SOURCES SHALL BE INCLUDED IN THE CHILDREN'S TRUST FUND AND TO
14 MAKE A TECHNICAL CORRECTION.
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Section 39-6001, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 39-6001. CHILDREN'S TRUST FUND BOARD -- CREATION. (1) There is hereby
20 created within the department of health and welfare a children's trust fund
21 and a children's trust fund board to administer the children's trust fund.

22 (2) The children's trust fund board shall consist of a chairperson and
23 nine (9) other members as follows:

24 (a) The chairperson and six (6) other members of the board shall be ap-
25 pointed by the governor and shall be selected for their interest and ex-
26 pertise in the prevention of child abuse. There shall be one (1) board
27 member appointed from each of the seven (7) judicial districts of the
28 state as enumerated in chapter 8, title 1, Idaho Code. Members shall be
29 appointed to serve for three (3) year terms ~~except that the chairperson~~
30 ~~and three (3) other members shall initially serve for four (4) years.~~
31 Vacancies shall be filled for any unexpired term by appointment in the
32 same manner as the original appointments were made.

33 (b) The superintendent of public instruction, the attorney general,
34 and the director of the department of health and welfare or their de-
35 signees shall be members and shall serve as voting members of the chil-
36 dren's trust fund board.

37 (3) A quorum of the children's trust fund board shall consist of a ma-
38 jority of its members which quorum must be present in order to conduct any
39 business.

40 (4) The chairperson of the children's trust fund board shall have no
41 vote except in the event of a tie vote of a quorum of the members of the board.

1 (5) Board members shall be compensated as provided in section
2 59-509(b), Idaho Code.

3 (6) Members of the children's trust fund board shall serve until a suc-
4 cessor has been appointed but may be removed by the ~~governor~~ appointing offi-
5 cial for misconduct or failure to carry out the duties provided in this chap-
6 ter.

7 SECTION 2. That Section 39-6002, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 39-6002. CHILDREN'S TRUST FUND BOARD -- POWERS AND DUTIES. To carry
10 out the purposes of this chapter, the children's trust fund board may:

11 (1) Independently, in collaborative relationships or partnerships,
12 cContract with public or private nonprofit organizations, agencies, schools
13 or with qualified individuals, ~~for the establishment of~~ community-based ed-
14 ucational and service programs and initiatives designed to reduce or prevent
15 the occurrence of child abuse and neglect.

16 (a) Each contract entered into by the board shall contain a provision
17 for the evaluation of services provided under the contract. Contracts
18 for services to prevent child abuse and child neglect may be awarded
19 to new programs, existing programs, initiatives, and to demonstration
20 projects.

21 (b) Continuation of contracts shall be based upon goal attainment.

22 (2) Facilitate the exchange of information between groups concerned
23 with families and children.

24 (3) Consult with state departments, agencies, commissions and boards
25 to help determine the probable effectiveness, fiscal soundness, and need for
26 proposed educational and service programs for the prevention of child abuse
27 and neglect.

28 (4) ~~The children's trust fund board may a~~Adopt rules pursuant to chap-
29 ter 52, title 67, Idaho Code, to carry out the provisions of this chapter.

30 (5) Employ and shall fix an executive director who shall be responsible
31 for the performance of the administrative functions of the board and such
32 other duties as the board may direct. The board may also employ or contract
33 with other individuals to provide professional, clerical or other services
34 deemed necessary by the board to effectuate the provisions of this chapter
35 and the rules of the board, and purchase or rent necessary office space,
36 equipment and supplies. Tthe compensation of a ~~part-time administrator who~~
37 shall be designated as the executive director of and other personnel shall be
38 determined by the board, and ~~who~~ the executive director shall be exempt from
39 the provisions of chapter 53, title 67, Idaho Code.

40 (6) Solicit and accept grants, donations, gifts and other moneys as
41 necessary to carry out the purposes of this chapter.

42 SECTION 3. That Section 39-6003, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 39-6003. CRITERIA FOR PROGRAMS. (1) Programs contracted for with mon-
45 eys received pursuant to section 63-3067A, Idaho Code, are intended to pro-
46 vide prevention services. "Prevention services" means any community-based
47 educational or service program designed to prevent or alleviate child abuse

1 or neglect. "Prevention services" shall not include direct treatment pro-
2 grams.

3 (2) Moneys appropriated by the legislature may also ~~may~~ be used for
4 ~~a part-time administrator~~ salaries pursuant to subsection (5) of section
5 39-6002, Idaho Code.

6 (3) The children's trust fund board shall develop policies to deter-
7 mine whether programs will receive renewed funding. Nothing in this chapter
8 shall be construed to require continued funding by the state of Idaho or the
9 children's trust fund board.

10 (4) The children's trust fund board shall prepare a report on its activ-
11 ities and the effectiveness of those activities in fostering the prevention
12 of child abuse and neglect annually, and deliver that report to the governor
13 and legislature ~~each~~ on January 15th of each year.

14 SECTION 4. That Section 39-6007, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 39-6007. CHILDREN'S TRUST FUND -- CREATION. (1) There is hereby cre-
17 ated in the state treasury the children's trust fund.

18 (2) The fund shall consist of:

19 (a) Moneys appropriated to the fund;

20 (b) Moneys as provided in section 63-3067A, Idaho Code;

21 (c) Donations, gifts, ~~and~~ grants and other moneys from any source; and

22 (d) Any other moneys which may hereafter be provided by law.

23 (3) Moneys in the fund may be expended for purposes provided in this
24 chapter, provided that the children's trust fund advisory board is autho-
25 rized to expend up to fifty percent (50%) of the moneys generated annually
26 pursuant to section 63-3067A, Idaho Code. Interest earned on the invest-
27 ment of idle money in the children's trust fund shall be returned to the chil-
28 dren's trust fund.

29 (4) Disbursements of moneys from the fund shall be on the authorization
30 of the children's trust fund board or a duly authorized representative of the
31 board.

32 (5) After the balance in the children's trust fund has reached two
33 million five hundred thousand dollars (\$2,500,000), no further collections
34 shall be received by the state tax commission, and all references to the fund
35 shall be deleted from income tax forms.