

House panel surrenders state sovereignty for big government children's program

By Wayne Hoffman

I have to wonder if some state lawmakers are serious about defending the state's ~~sovereignty and the notion of limited government.~~ Witness a bill that was before the House Health and Welfare Committee a few days ago: The measure in question would expand the role of state government in the upbringing of children. Under Idaho law, the government already has a program to swoop in and offer early childhood services for “at risk” infants and toddlers with disabilities. Under the changes being pondered by the Legislature, support would be offered up to children from birth to age 5 who have “special needs.”

Of course, the Department of Health and Welfare insists that such an expansion of its role isn't an expansion at all, that the words “special needs” are merely a kinder, gentler way of describing an array of human frailties in which the government may offer support.

And those children who are at risk? Why, that includes every possible combination of ailment under the sun, including babies born into poverty, infants who have low birth weight or who were born premature. (The government should have just come out and said what it really wants—oversight for all human children born with around 20 fingers and toes).

Under the bill, the state government's program is to conform to an as yet unknown program standard under which the state will provide services to young children. Here is where things get really wacky: The legislation says the program standards will be based on whatever is deemed “nationally acceptable.” So, the program's staffing levels, caseloads and so on would be set by whatever others outside Idaho believe to be OK for us. Yea, state sovereignty.

But under Idaho's constitution, writing laws and figuring out how programs should run is a task for the state Legislature. The Legislature's acceptance of legislation that merely adopts “nationally acceptable” standards is the equivalent of lawmakers throwing up their hands and saying “we'll do whatever we're told.” National standards are actually worse than the federal government's insistence that the state adopt a federal health care law. With the latter, at least we know what we're getting. With the former, it's a Forrest Gump box of chocolates. Furthermore, it violates the state's constitution by delegating away its lawmaking authority, which is what I told the committee.

Still, the bill made it to the House floor with a 5-4 split in its favor, with Rep. Fred Wood, a Republican from Burley, leading the charge in favor of the measure. He was joined by Republican Reps. Carlos Bilbao, Emmett, and Jim Guthrie, McCammon, and Democrats John Rusche, Lewiston, and Sue Chew, Boise.

House Health and Welfare Chairwoman Janice McGeachin, R-Idaho Falls, who opposed the bill, managed to delay a full floor vote on the legislation Thursday by getting an attorney general's opinion confirming that the measure is unconstitutional.

The attorney general opinion says the bill “would most likely be challenged as vague” and that “nationally acceptable” standards would be “established by unnamed national sources.”

One legislator told me that this early childhood services program is small enough not to warrant such special attention or opposition; the program operates on just about \$20,000 a year. But if the Legislature can't or won't assume responsibility for so small a program, would it ever be willing to take on a behemoth like Medicaid? Would it ever really stand up and defend its citizens in the face of an overreaching federal bureaucracy with uncertain and ever-changing requirements? Would it ever defend the concepts of limited government?

For at least five members of the House Health and Welfare Committee, the answer appears to be “probably not.”