



Week 10 Idaho Legislative Update for March 15-19, 2021

The tenth week of the First Regular Session of the Sixty-Sixth Idaho Legislature was fueled by a fervent push to move toward "Sine Die" and ended abruptly Friday as word of several House Members contracting COVID 19 spread. This resulted in the House and Senate abruptly recessing today for 18 days. The Idaho Legislature is now in recess until April 6, 2021.

Prior to recessing this week, we saw lengthy floor sessions for both the House and Senate continue. The Senate Calendar has 78 items remaining, with more to be added. The House Calendars have 68 items to be dealt with in addition to those bills still moving through committees. With over 150 bills still working through the process on the floor and in committee, the session seems far from over.

This week we saw the introduction of another new transportation idea and a tax relief bill fast-tracked through the House, which was later found to have a significant drafting error that will likely mean amendments are necessary in the Senate. The big battles of the session were certainly ramping up before the abrupt stop today.

Yesterday, Idaho Governor Brad Little held a [Press Conference](#) where he outlined the state's allocation of American Rescue Plan Act (ARPA) federal funding. How the state will spend billions of dollars, which, based on current U.S. Treasury guidance, cannot be used for tax relief, continues to be the top priority for the Governor and Idaho Legislature.

The Joint Finance and Appropriations Committee (JFAC) spent the week concluding its budget settings. They are now working through supplemental appropriations and federal funding allocation models. When the Legislature returns, these allocations are expected to move fast.

With the Legislature now in a historic recess, the work will stall for a time and then continue into April with no certainty of an end date. However, in a post recess press conference today, Speaker of the House, Scott Bedke (R – Oakley), alluded to the possibility of the session wrapping up within a week of returning from the recess. In the interim, the Governor has many bills to sign, veto, or let go into law without his signature.

COVID 19 testing remains optional in the Capitol and is back to being available Monday – Thursday mornings. While many in the Capitol have now been vaccinated, others continue to wait. We have continued to wear masks and abide by best safety practices as we participated in the process in-person this week.

As always, bills from this session can be tracked through the [Idaho State Legislative Website](#). You can also chart progress with the Governor's [Bill Tracker](#). We will also keep you updated on legislation in real-time with the understanding that some ideas and decisions could be discussed during the recess that we won't necessarily know about until the Legislature returns on April 6, 2021. We will remain engaged to the extent we can without compromising safety and contact you as needed during this unique situation.



Policy Update:

[House Bill 248](#) – School Districts, Health insurance

Passed Committee – Passed the House (51 – 14 – 5) – Held in Senate Education Committee

House Bill 248 related to school districts, health insurance, aims to allow for school boards of a charter school or public district the autonomy to voluntarily enter into the State of Idaho employee benefit plan. This bill would certify that classified employees will be eligible for benefits. The bill also outlines the requirements and standards for districts to enter into these agreements. This bill moved very quickly through the house and will now be heard in Senate Education Committee.

[House Bill 81](#) – Insurance Board Size

Passed the House (70 – 0 – 0) – Passed Senate Commerce and Human Resources Committee – Awaiting Senate Floor Debate and Vote

House Bill 81 passed House Business Committee, related to Insurance Board Size. HB81 expands from 15 to 25 the number of board directors who can serve in a mutual insurance corporation. It aligns with the current law for domestic insurance corporations (25). This is brought at the requests of the Idaho Farm Bureau. For an Idaho mutual company, it provides better representation across the 44 counties.

[House Bill 80](#) – Insurance, Reinsurance

Passed House (70 – 0 – 0) – Passed Senate (35 – 0 – 0) – Signed by the Governor

House Bill 80 related to Insurance reinsurance was introduced by the Director of the Department of Insurance. The bill aims to amend the National Association of Insurance Commissioners (NAIC) Credit for Reinsurance Model Law and Credit for Reinsurance Model Regulations to provided flexibility and options for insurance companies looking to purchase reinsurance on insurance policies for Idaho policyholders. This bill passed the House with a 70 – 0 – 0 vote and passed the committee with overwhelming support.

[House Bill 147](#) – Insurance Data Security Act

Passed House Business committee – Returned from the Amending Order – Failed on the House Floor (31 – 37 – 2)

House Bill 147 was introduced to the House Business Committee. The bill came from the Department of Insurance and United Heritage Insurance Company. This bill would adopt the National Association of Insurance Carriers model data security act. This would become the Idaho model for data security for insurance companies and agents. It creates exemptions for small businesses and independent insurance agents and removes criminal penalties while protecting personal information. Federal law only applies to states that have not adopted their law. This bill would preempt federal regulation while setting Idaho standards and penalties less burdensome than federal regulations.

[Senate Bill 1126](#) - Virtual Care Access

Passed Senate (30 – 5 – 0) – Held by the Chairmen in House Health and Welfare Committee

Senate Bill 1126 was introduced in the Senate Health and Welfare Committee, which would implement the Telehealth Task Force's recommendation and create the Virtual Care Access Board. This bill has been framed as a technical correction bill to clean up the code section and process. Discussions of amendments regarding



the advisory committee, which would either be deleted from the bill or require representation in the committee to be more balanced failed, resulting in this bill not moving forward this session.

[House Bill 79](#) – Annuity Consumer Protection Act

Passed the House (34 – 33 – 3) – Passed the Senate Floor (29 – 6 – 0) – Signed by the Governor

House Bill 79 was introduced in House Business Committee by Dean Cameron, Director of the Department of Insurance. This bill would adopt the received NAIC model regulations into statute rather than having them in rule. This bill would clarify chapter 19 Title 41 of Idaho Code to provide provisions for insurance producers and insurers to "act in the best interest of the consumer when making a recommendation of an annuity, to establish producer training expectations, and to require insurers to establish and maintain a system to supervise recommendations." This bill passed the House with a 34-33-3 vote with a tie-breaking vote cast by the Speaker of the House. HB 79 passed the Senate and has been signed by the Governor.

[Senate Bill 1143aa](#) – Medicare Policies, Standards

Passed Senate (35 – 0 – 0) – Awaiting House Business Committee

Senate Bill 1143, related to Medicare Policies Standards, was introduced in Senate State Affairs by Mike Reynoldson, representing Blue Cross of Idaho. This bill would amend Idaho Code 41-4404, allowing individual healthcare policyholders to change their Medicare supplement plan each year without going through an underwriting process. This would make that individual eligible to purchase new policies on a guaranteed issue basis. This bill would also list Medicare supplement standards.

[House Bill 74](#) - Health Ordinances, City Limits

Passed the House (70 – 0 – 0) – Passed the Senate (34 – 0 – 1) – Signed by the Governor

[House Bill 35](#) - Idaho Tuberculosis Hospital

Passed the House (69 – 0 – 1) - Passed the Senate (31 – 0 – 4) - Signed by the Governor

[House Bill 36](#) - Vital Statistics Records

Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 37](#) - Nursing Disciplinary Action

Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 38](#) - Telehealth Prescribing

Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 39](#) - Controlled Substances Authority

Passed the House (70 – 0 – 0) - Passed the Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 40](#) - Pharmacy Act

Passed the House (70 – 0 – 0) – Passed the Senate (35 – 0 – 0) - Signed by the Governor



[House Bill 42](#) - Idaho Patient Act – Medical Debt Collection Extension

Passed the House (70 – 0 – 0) - Passed the Senate (32 – 0 – 3) – Signed by the Governor

[Senate Bill 1038](#) - Relating to Public Assistance

Passed Senate (34 – 0 – 1) - Passed House (67- 0 – 3) – Signed by the Governor

[House Concurrent Resolution 6](#) - Prescription Formulas, Insurance

Passed the House with a Voice Vote – Passed Committee hearing – Passed the Senate with a Voice Vote

[House Bill 208](#) - Pharmacy, FDA labeling

Passed House (66 – 0 – 4) – Passed the Senate (35 – 0 – 0) - Signed by the Governor

[Senate Bill 1127](#) – Telehealth

Held by Chairmen in Senate Health and Welfare Committee

[Senate Bill 1139](#) – Health and Welfare Director Duties

Passed the Senate (33 – 0 – 2) Awaiting House Floor Debate and Vote

[House Bill 179](#) – Interstate Health

Held by the Chairmen in House Health and Welfare

[House Bill 5](#) – Hands-Free Devices

Passed House (39 – 28 – 3) – Passed Senate (19 – 15 – 1) – Signed by the Governor

[Senate Bill 1009](#) – PERSI, Fire Marshal

Passed Senate (32 – 1 – 2) - Passed House (67 – 1 – 2) – Awaiting signature by the Governor

[House Concurrent Resolution 11](#) – 988 Hotline, Mental Health, Suicide

Adopted in the House (Voice Vote) – Awaiting Senate Floor Debate and Vote

[Senate Bill 1153](#) – Appropriations, Department of Insurance

Passed the Senate (34 – 0 – 1) – Passed House (66 – 3 – 1) – Awaiting Signature by the Governor

[Senate Bill 1017](#) – District Board of Health

Passed the Senate (30 – 3 – 2) – Passed the House (43 – 27 – 0) – Signed by the Governor

[SJR101](#) - Anti-legalization Constitutional Amendment

Passed Senate (24 – 11 – 0) –Awaiting House Floor Debate and Vote

[House Bill 33](#) – District Board of Health

Held by the Chairmen in House Health and Welfare Committee



[House Bill 108](#) - Medical Cannabis Act

Held by the Chairmen in House Health and Welfare Committee

[House Bill 146](#) - Health Care, Sharing Ministries

Held in committee

[House Bill 209](#) – Medicaid Budget Stabilization Fund

Passed House Health and Welfare – Failed House Floor Vote (25 – 42 – 3)

Rules

[HERE](#) is the link for the Index of Proposed Rules for all rules seeking legislative approval. Committees in both the House and Senate are assigned rules to approve. As a reminder, if the laws pass either House or the Senate, they are set to go into effect.

These are rules approved by the legislature to date:

IDAPA 16 – Department of Health and Welfare

- [16-0000-2000f](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapters
- [16-0307-2001](#) – Home Health Agencies
- [16-0309-2002](#) – Medicaid Basic Plan Benefits
 - [16-0309-2004](#)
- [16-0310-2002](#) – Medicaid Enhanced Plan Benefits
- [16-0321-2001](#) – Developmental Disabilities Agencies (DDA)
- [16-0417-2001](#) – Residential Habilitation Agencies

IDAPA 24 – Division of Occupational and Professional Licenses

Board of Chiropractic Physicians

- [24-0301-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Examiners of Nursing Home Administrators

- [24-0901-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Dentistry

- [24-1601-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter



- [24-3101-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Medicine

- [24-3300-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapters
- [24-3303-2001](#) – General Provisions of the Board of Medicine

Board of Nursing

- [24-3401-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Pharmacy

- [24-3601-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

IDAPA 59 – Public Employee Retirement System of Idaho (PERSI)

- [59-0101-2001](#) – Rules for the Public Employee Retirement System of Idaho (PERSI)