



Week 8 Idaho Legislative Update for March 1-5, 2021

The eighth week of the First Regular Session of the Sixty-Sixth Idaho Legislature resulted in lengthy floor session for both the House and Senate as they also had floor sessions in the morning and afternoons. This week also saw another increase in the speed and desire of committees to have hearings on bills that need to move to the other body ahead of the transmittal deadline (Monday).

The House and Senate calendars have continued to grow with a lengthy number of bills to be considered on the floor as week eight wraps up. This has resulted in extended wait times for bills on the third reading calendar and extended floor sessions for the next few weeks. Lengthy floor debates and several close votes have continued to result in failures of agency appropriations, Governor's supplementals, and recommendations as more spending bills are debated on the house floor.

The Joint Finance and Appropriations Committee (JFAC) had another rapid-fire week of setting agency budgets and granting spending authority. This is both normal and unique, as budget setting are being done this year ahead of another sizeable wave of federal funding being currently considered in Washington D.C. and expecting passage in the U.S. Senate in the next few weeks. JFAC is working quickly to have budgets done in the next week and a half. Traditionally there are 7-10 days left in the session to wrap up policy debates once the budgets are set.

The conclusion of the session is likely going to look very different this year. Traditionally the House and Senate adjourn "Sine Die" and go home for the rest of the year. This year, however, we are likely to see a "recess" of six weeks and the return of the legislature in mid-May to appropriate the federal funding and set related policy. As mentioned, this large amount of federal funding, coupled with a current state surplus, results in tensions between the House and Senate as well as between the executive and legislative branches.

More than ever, the Capitol's atmosphere is hurried and stressed. Transportation funding and Tax relief remain unsolved and continue to be debated behind closed doors as agreements are being sought by Leadership in the House and Senate ahead of committee introductions of these big policies. This will result in the conclusion or delay of the session depending on the Governor and legislature's reactions.

New cases of COVID-19 remain limited in the Capitol this week. Testing remains available to all who work in the Capitol, and we continue to wear masks and promote best safety practices while participating in the process in-person. Those legislators who were out sick are back in session and appear to be healthy and happy after a difficult and frightening couple of weeks.

All bills from this session can be tracked through the Idaho State Legislative Website [HERE](#). You can also chart progress with the Governor's [BILL TRACKER](#). We will also keep you updated on legislation in real-time and cover issues in this report. We are always happy to look at any legislation with you and give you our insight and help.



Policy Update

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

Passed committee – Passed the House (51 – 14 – 5) – Awaiting Senate

House Bill 248 related to School Districts, Health insurance aims to allow for school board of an entire 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. Th bill also outline the requirements and standards for this organizations to enter into these agreements. This bill has moved very quick through the house and will now be heard in Senate Education Committee.

Action Item – Recommend opposition to this bill

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

Passed the House (70 – 0 – 0) – Awaiting Hearing in Senate Commerce and Human Resources Committee

House Bill 81 passed House Business Committee, related to Insurance Board Size. H81 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. HB was voted on this week and passed with a 70-0-0 vote.

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

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

House Bill 80 related to Insurance reinsurance was introduced by the Director of the Department of Insurance. The bill aims to amendments to the National Association of Insurance Commissioners (NAIC)Credit for Reinsurance Model Law and Credit for Reinsurance Model Regulation 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 – Sent to the Amending Order

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. The status of this bill has not changed but is still expected to continue forward in the process. The committee has prioritized other bills, and the status of this bill has not changed from last week.



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

Passed Senate (30 – 0 – 0) – Awaiting Hearing 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 corrections bill to clean up the code section process. Senate Bill 1126 has passed a committee with a do pass a recommendation. This bill will likely have an amendment regarding Advisory Committee, which will either be deleted from the bill or require for the representation in the committee to be more balanced. As well it is unclear regarding the state's Jurisdictional.

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

Passed the House (34 – 33 – 3) – Passed Committee Hearing – Awaiting Senate Floor vote

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 regulation into statute rather than into rules. This bill would clarify chapter 19 Title 41 of Idaho Code to provide provision 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 House with a 34-33-3 vote with a tie-breaking vote cast by the Speaker of the House. House Bill 79 has passed committee with a do pass recommendation and has been filed for the Third Reading Calendar.

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

Passed Senate State Affairs Committee – Sent to 14th Order for Possible Amendments

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 individuals' 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 Senate Health and Welfare Committee – Awaiting Senate Floor Vote

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

Passed the House (69 – 0 – 1) - Passed the Senate (31 – 0 – 4) - Awaiting the Governor's Signature

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

Passed the House (69 – 0 – 1) - Passed Senate Health and Welfare Committee - Awaiting Senate Floor Vote



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

Passed the House (69 – 0 – 1) - Passed Senate Health and Welfare Committee - Awaiting Senate Floor Vote

[House Bill 38](#) - Telehealth Prescribing

Passed the House (69 – 0 – 1) - Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote

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

Passed the House (70 – 0 – 0) - Passed Senate Health and Welfare Committee - Awaiting Senate Floor Vote

[House Bill 40](#) - Pharmacy Act

Passed the House (70 – 0 – 0) – Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote

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

Passed the House (70 – 0 – 0) - Passed the Senate (32 – 0 – 0) – Awaiting the Governor's Signature

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

Passed Senate (34 – 0 – 1) - Passed House (67- 0 – 0) – Awaiting the Governor's Signature

[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 Senate Health and Welfare Committee – Awaiting Senate Floor Vote and Debate

[Senate Bill 1127](#) – Telehealth

Awaiting Hearing in Senate Health and Welfare Committee

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

Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote and Debate

[House Bill 179](#) – Interstate Health

Awaiting Hearing in House Health and Welfare

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

Passed House (39 – 28 – 3) – Passed Senate (19 – 15 – 1) – Sign in to Law by Governor

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

Passed Senate (32 – 1 – 2) - Passed House Commerce and Human Resources Committee – Awaiting House Floor Vote and Debate

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



Awaiting Hearing in House Health and Welfare

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

Introduced in JFAC - Passed Senate Finance Committee – Awaiting Senate Floor Vote

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

Passed the Senate (30 – 3 – 2) – Passed the House (43 – 27 – 0) – Sign in to Law by Governor

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

Passed Senate (24 – 11 – 0) – Awaiting Hearing in House State Affairs Committee

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

Awaiting Hearing in House Health and Welfare Committee

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

Awaiting Hearing 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 rules pass either House or the Senate, they are set to go into effect.

These are the current approved rules pertaining to your issue base:

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)