



Week 14 Idaho Legislative Update for April 12 – 16, 2021

The fourteenth week of the Sixty-Sixth Idaho Legislature's First Regular Session was filled with drama, scandals, and political theatre. Many new bills were introduced, and committees that were previously shut down were re-opened and met. With no clear end in sight for this session, the work continues. The Senate cleared many of their bills and shortened their calendar but then recessed Wednesday until Monday while waiting for the House to catch up. The House continued to introduce new legislation and held several lengthy floor hearings on political hot potato issues but did not get caught up.

While the Senate cleared most of their calendar, they did not take up two of the larger bills of the session. Instead, the Senate is waiting to finalize decisions on transportation funding and tax relief until the budgets are set. The House voted down the largest budgets in the state, including K-12 education, higher education, and Health and Welfare's appropriations, amongst others. While these decisions were politically motivated, the budgets now have to be re-addressed before the Senate will act on transportation and tax policies and before the session can end.

Earlier today, Governor Brad Little held a [press conference](#) where he was joined by all of Idaho's living former Governors who stood in support of him vetoing [Senate Bill 1136a](#) and [House Bill 135a](#) relating to emergency declarations and executive powers. This comes after the legislature spent the last 14 weeks fighting the Governor and his handling of the COVID 19 pandemic in Idaho. This press conference showed the distinct and separate powers in Idaho and the tension between the individuals who are in the executive and legislative branches of the Idaho government. Despite the veto's, Governor Little again implored the legislature to work collaboratively to address the needs of the state and put the political rhetoric of the "fringe" aside.

The Governor's previous veto on [House Bill 214](#) was voted to be overridden by the House, and later failed to be overridden in the Senate. The outcomes of the overrides for 1136a and 135a are now topping the priority list for the House and Senate, and the contentious nature of this session is now on steroids. For more information on the Governor's veto of the two bills, visit the [Governor's Website](#).

This week, allocations and policy considerations of the American Recovery Plan Act (ARPA) funds were created. In addition to the ARPA funding bills, three concurrent resolutions were voted on by the House to create three separate interim study committees tasked with overseeing the use of ARPA related funds and to make recommendations that will be presented for full consideration by the legislature next session.

A final end date for the session still has not been identified. We believe it will be weeks, not days before the session ends. The House currently has over 40 bills to address in addition to the budget bills that have to be brought back. The Senate continues to wait and may introduce and work on more legislation while they wait. All bills from this session can be tracked through the [Idaho State Legislative Website](#). You can also chart progress with the Governor's [Bill Tracker](#) or call us anytime as we continue to serve you in this very unique session.



Policy Update:

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

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

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.

[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.

[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."

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

Passed Senate (35 – 0 – 0) – Passed house (67 – 0 – 3) – Awaiting Signature by the Governor

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 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.

[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 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) – Sign 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) – Sign 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

[HJR 4](#) - Anti-legalization Constitutional Amendment

Passed House State Affairs Committee – Fail in the House (42 – 28 – 0) requires a 2/3 vote “47”

[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)