



## **Week 16 Idaho Legislative Update for April 26 – 30, 2021**

The sixteenth week of the Sixty-Sixth Idaho Legislature's First Regular Session included continued recessing by both the House and Senate; much of the work was overshadowed by a lengthy and uncomfortable House Ethics Committee hearing that took much of the energy and focus of the House members this week. The hearings resulted in a fiery and unanimous bi-partisan recommendation for the censure, suspension, and expulsion for "conduct unbecoming of a representative" against freshman Rep. Aaron von Ehlinger (R- District 6), who resigned just prior to a House floor vote for expulsion Thursday Afternoon. As we clear the 110<sup>th</sup> day of the session, we are ever closer to the record for the longest session, and it has certainly been a contentious four months so far.

Aside from the ethics saga, progress was made on the passing of budgets and a bill to ensure the legislature can appropriate ARPA funds. While transportation funding, education funding, and income tax relief remain unfinished, rumors of a new property tax bill and another attempt to balance powers between the legislature and the Governor during times of emergency loom and could further lengthen session if they are introduced next week in addition to other rumored legislation to justify the length and the continuation of the session.

New legislation this week was contained to JFAC appropriations for school funding, including state and ARPA dollars being allocated. Prior to recessing yet again, the Senate continued to clear and shorten their calendar, leaving the major topics for next week. Similarly, the House passed several budget bills for education and health and welfare but again recessed Thursday afternoon until Monday without addressing the remaining items on their calendar.

Following Governor Brad Little's veto of [Senate Bill 1136a](#) and [House Bill 135a](#) relating to emergency declarations and executive powers, the House and Senate went back to work crafting a new version of SB 1136a with the mantra that it must be passed before they will end the session. Meanwhile, the Senate is yet to take up the veto override on HB 135a, which passed the House last week.

Major topics remaining for next week include finishing the budgets, income tax cuts, transportation funding, property tax cuts, the balance of powers legislation, the use of ARPA funds, and several proposed interim committees to study the ARPA funds. It remains unclear if or when the legislature will "Sine Die" formally ending the session. Rumors of an extended recess continue with the belief that it would be for a month or more if they recess.

As we continue into a rare fifth month of the legislative session in Idaho, all bills 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.



### Policy Update:

#### [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.

#### [House Bill 316](#) – Public Health District, aid

##### **Passed House (66 – 2 – 0) – Amendments approved by the Senate – Awaiting Senate Floor Debate and Vote**

House Bill 316 limits eligibility for the county medically indigent program and state Catastrophic Health Care fund by preventing anyone who qualifies for Medicaid or insurance from receiving assistance through the programs. Additionally, the legislation eliminates state aid for public health districts. State aid to health districts will be replaced by new county aid which will be funded from savings accruing to the county medically indigent program. Lastly, the legislation amends state statute regarding public health districts to ensure that health districts can continue with existing administrative relationships with state agencies if desired as well as language clarifying that local health district boards are responsible for setting salaries of local health district officials.

#### [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 81](#) – Insurance Board Size

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

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

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

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

**Passed House Business committee –Amended – Failed on the House Floor (31 – 37 – 2)**

[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 the Senate with a Voice Vote – Adopted**

[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) – Passed House (65 – 2 – 3) – Sign by the Governor**

[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) – Adopted in the Senate (Voice Vote) – Adopted**

[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 – Failed 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 House Business Committee**

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

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

### **Appropriations and Budgets**

[House Bill 382](#) – Appropriation, Department of Health and Welfare – Medicaid

**Passed House (57 – 12 – 1) - Awaiting Senate Floor Debate and Vote**

Relates to the appropriation to the Department of Health and Welfare for fiscal year 2021 and fiscal year 2022.

[Senate Bill 1203](#) – Appropriation Innocence Fund Transfer

**Passed Senate (35 – 0 – 0) – Passed House (66 – 0 – 4) – Awaiting Signature by the Governor**

Appropriates and transfers moneys from the General Fund to the Innocence Fund for fiscal year 2021.

[Senate Bill 1206](#) – Appropriation, Attorney General

**Passed Senate (32 – 2 – 1) – Passed House (44 – 23 – 3) – Awaiting Signature by the Governor**

Relates to the appropriation to the Office of the Attorney General for fiscal year 2022.

[Senate Bill 1207](#) – Appropriation Legislative Branch, Trailer

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

Relates to the appropriation to the Legislative Branch for fiscal year 2022.

[Senate Bill 1210](#) – Appropriation, Health and Welfare, Public Health Services

**Failed House (28 – 41 – 1)**

Relates to the appropriation to the Department of Health and Welfare for fiscal year 2022.

[Senate Bill 1212](#) – Appropriation Health and Welfare, Public Health Services

**Awaiting Senate Floor Debate and Vote**

Relates to the appropriation to the Department of Health and Welfare for fiscal year 2022.



## **ARPA Funding & Interim Committees**

[House Concurrent Resolution 18](#) – ARPA, Water

### **Passed House (64 – 4 – 2) – Awaiting Senate Floor Debate and Vote**

This legislation would authorize an interim committee comprised of the House Resources and Conservation standing committee's membership and the Senate Resources and Environment standing committee members to review the use of ARPA funds for allowable water infrastructure projects.

[House Concurrent Resolution 19](#) – ARPA Funds, Study Committee

### **Passed House (54 – 13 – 3) – Awaiting Senate State Affairs Committee Hearing**

This legislation would authorize an interim committee comprised of both Senate and House leadership, the JFAC co-chairs and 2 members from the House, and 2 members from the Senate to review the use of ARPA funds for federal programs.

[House Concurrent Resolution 20](#) – ARPA Funds, Sewer & Broadband

### **Passed House (55 – 11 – 4) – Awaiting Senate Floor Debate and Vote**

This legislation would authorize an interim committee comprised of the House Environment, Energy & Technology standing committee, and the Senate Local Government & Taxation standing committee members to review the use of ARPA funds for allowable broadband and sewer infrastructure projects.

## **ARPA Funds**

[Senate Bill 1208](#) – Appropriations Controller, Additional funds, ARPA

### **Passed Senate (34 – 0 – 1) – Passed House (67 – 0 – 3)**

Senate Bill 1208 is an FY 2021 supplemental appropriation bill for the Office of the State Controller. It provides \$51,774,300 to be distributed to local government units in Idaho with populations under 50,000 pursuant to the American Rescue Plan Act of 2021.

[Senate Bill 1204](#) – ARPA Funds State Funds

### **Passed Senate (26 – 9 – 0) – Passed House (38 – 31 – 1) – Awaiting Signature by the Governor**

This legislation addresses the federal American Rescue Plan Act of 2021 (ARPA) in four ways.

First, Section 1 declares cognizable any funding from the ARPA, or will be, directed to any Idaho state agency and sets aside the non-cognizable provisions of Section 67-3516(2), Idaho Code. As a result, these federal funds will not be approved for expenditure by the Division of Financial Management and the Board of Examiners and would require legislative appropriation for expenditure.

Second, and within Section 1, there is the legislative intent that provides guiding principles on the appropriation and expenditure of ARPA funds.



Third, Sections 2 and 3 create two funds from which to appropriate and expend ARPA funding. One fund is to account for receipts and disbursements of ARPA funding, and the other is to be used for cost recovery or reimbursement of funds. Expenditure from these funds will be by appropriation only. It will allow for tracking of these ARPA funds separately from other federal funding and previous COVID-19 federal funding, such as from the CARES Act.

Lastly, Section 4 provides an emergency clause that will make this act in full force and effect upon passage and approval.

### 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)