



Week 17 Idaho Legislative Update for May 3 – 7, 2021

The seventeenth week of the Sixty-Sixth Idaho Legislature's First Regular Session felt like the end of the session we are accustomed to. The House and Senate recessed late Wednesday night until Wednesday, May 12th, giving Governor Little the mandatory five legislative days (excluding Sunday) to treat all remaining bills that have passed both bodies this session. After three very long and fast-paced days, there is a modest amount of procedural work left for the House and Senate to take up when they return, but rumors continue about more bills coming, and the question of extended recess vs. "Sine Die" remains.

Both the House and Senate worked long into the night Monday, Tuesday, and Wednesday at a feverish pace to wrap up big policy debates and approve budgets. Four new bills pertaining to executive powers and emergency declarations moved forward in a mere three days after Governor Brad Little's veto of [Senate Bill 1136a](#) and [House Bill 135a](#) relating to emergency declarations, and executive powers were both overridden in the House, and both failed in the Senate. Also introduced and passed in a matter of three days was a lengthy and complex property tax bill. Several legislators voted no on these bills due to their hurried and poor process.

JFAC finished trailer appropriations and supplementals to budgets, and JFAC Co-Chair Rep. Rick Youngblood introduced another bill this week to ensure the legislature can appropriate ARPA funds. Ultimately transportation funding, education funding, and income tax relief passed. The new property tax bill also passed on a narrow margin of 19-16-0 in the Senate. Each of these will have significant impacts on state funding.

With the major policy decisions and budgets now before the Governor, and another round of attempts to balance powers between the legislature and the Governor during times of emergency, Governor Little has big decisions in front of him. His choices to manage state spending and properly fund government, as well as potentially redefine the boundaries and roles of Idaho's Governor and Legislature in emergencies, leaves the end of the session looming. Vetoes on the emergency powers or other major policies could further lengthen the session. While many in and out of the capitol believe it is not a reason to stay, members of leadership on both sides of the rotunda may see it as a justification to lengthen the longest session further ever.

Upon returning from recess next week, the Idaho legislature will have shattered the record for the longest session, arguably also the most dysfunctional and contentious. They also broke the record for the most bills introduced as many policy ideas went through multiple iterations prior to passing both bodies. It is often a part of the process to work ideas multiple times and in different ways, but this year has been the exception to the rule on nearly every front.

As we move into the middle of May and further into a rare fifth month of the legislative session in Idaho, the end of the session seems to remain elusive. 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 316aaS](#) – Public Health District, aid

Passed House (66 – 2 – 0) – Passed Senate (35 – 0 – 0) – Passed House with Amendments (64 – 0 – 5) – Awaiting Signature by the Governor

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) – Signed 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 – Returned from the Amending Order – 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) – Passed Senate (32 – 2 – 1)

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) – Signed 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) – Signed 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

Passed Senate (26 – 7 – 2) – Passed House (41 – 24 – 4) – Awaiting Signature by the Governor

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) – Held on Senate Calendar

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) – Passed Senate (28-7-0)

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) – Held on Senate Calendar

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) – Signed by the Governor

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)