



Week 18 Idaho Legislative Update for May 10 – 14, 2021

The eighteenth week of the Sixty-Sixth Idaho Legislature's First Regular Session saw the Senate finally adjourn "Sine Die" and the House... well, they recessed again until December 31st, 2021, allowing Speaker Scott Bedke to call them back when he deems it necessary though a procedural loophole rather than adjourning the longest and ugliest session in Idaho history. Late Wednesday night, the Senate finished their work and adjourned, forgoing many of the customary farewell speeches and traditions as they approached 11:00 PM. The House recessed late Wednesday night after a failed attempt to adjourn. A nontraditional end to a nontraditional session.

Governor Little completed the validation of bills within the mandatory five legislative days leaving only a couple of housekeeping items for him to manage as the session concluded. He summarized the session well in a press release Thursday, stating:

This was a truly historic legislative session in many ways – some good, and some not as good... This is the longest legislative session in Idaho history... That's not something anyone should aspire to happen. This is Idaho, not Washington, D.C. Our citizens expect legislators to get in, do the work of the people, and leave expeditiously. That is what the Idaho Constitution intended... An unknown end-of-session date and important work left undone create major dysfunction in state government, namely with the implementation of administrative rules. I know that's not an exciting topic, but it comes down to the nuts and bolts of state government and our ability to provide service to Idahoans. My executive administration and I will find ways to make state government function and move forward – as we have before – but it will cost time and money.

Questions remain about laws taking effect, rules being implemented, and what the interim committees and other new mandates from the legislature will look like in the future. Similarly, many policies and implementation questions remain about laws passed at the last minute, including the 26-page property tax bill (HB 389) and the bills to prevent the state from using ARPA dollars without legislative appropriations. With so many unknowns resulting from this session, there is less of a celebration of a job well done, and more of a looming cloud of doubt and confusion as the session concludes in a most peculiar way.

As the session ends, interim committees, agency negotiated rulemakings, and boards and commissions are ramping up. Traditionally, there is a grace period between the session ending in March and these meetings getting started in May and June, but this year again is the exception. We will be working diligently to keep you up to date as we move forward when planning for the next session and working collaboratively with the legislature, executive branch, and agencies on policies, rules, and processes that affect you.

We also hope to spend more time out and around our great state with you and look forward to more in-person meetings and events as we ascend out of a pandemic and a challenging session. We remain grateful for the chance to represent you and your interests in the Idaho Capitol. Despite the negativity, health and safety concerns, and the drama this session held, we believe it still yielded some positive outcomes. We built your reputation with policymakers across the state and were able to represent you well. Again, thank you.

All bills from this session can be tracked through the [Idaho State Legislative Website](#). You can also review the Governor's [Bill Tracker](#) for more information, and please 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) – Signed 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

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

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) – Signed by the Governor

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) – Signed 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) – Awaiting Senate Floor Debate and Vote – Failed

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) – Adopted

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 – Failed

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) – Signed 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.

[House Bill 394](#) – Effective Dates

Passed House (64 – 1 – 4) – Passed Senate (34 – 1 – 0) – Signed by the Governor

This legislation ensures that all legislation passed and signed by the governor or allowed to become law by the governor without his signature, that does not have an emergency clause, will become effective on July 1, 2021.



[House Bill 407](#) – Effective Dates

Passed House (62 – 2 – 5) – Passed Senate (29 – 0 – 6) – Awaiting Signature by the Governor

Due to length of this session, there was a need for this bill and HB 394 to enact emergency clauses for all bills that passed this session. This serves to enact all bills that don't have an emergency clause, otherwise implementation would be delayed.

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)