



## Week Eleven Idaho Legislative Update for March 23– March 24, 2023

The eleventh week of the Sixty-Seventh Idaho Legislature's First Regular Session marks the target adjournment date of March 24, 2023. However, session loomed on as the legislature continued their work through Friday afternoon. The possibility of adjournment was lost early in the week as the House voted down more budgets and the Senate's third reading calendar amassed several pages. The House made the decision to not meet until next Tuesday at 9:00 AM to allow the Senate to catch up. Although we did not hear our favorite phrase of adjournment "Sine Die" this week, we are keeping hope for next week, as many of the major issues are done and appropriations are finally moving forward.

The Senate moved [HB 24](#) – Idaho Launch Program, from the Amending Order to the second reading calendar. HB 24 and S 1167 were both taken up on Wednesday. HB 24 led to a similar situation as in the House, as the Senate debated through their lunch with a near to two-hour debate with not one predicted vote changing. After a grueling two-month holding period, the Senate's final vote on Idaho Launch was 20-15. [SB 1167](#) – Launch Trailer Bill, was taken up directly after with minimal debate, leading to a similar outcome of a 21-14 vote. The trailer bill was then sent to the House, where it passed out of the House Commerce and Human Resources Committee with a do-pass recommendation late Friday morning and will be taken up on the House Floor as early as Tuesday next week.

JFAC aimed to finish their work on Wednesday when they reconsidered the Division of Medicaid Budget. The Committee adjourned call of the chair but had to meet Thursday due to the Medicaid budget not having a wide consensus. We are still unsure if the newest draft has the backing it needs to get across the House Floor. Currently, the House is looking for budgets to hold hostage as a way to maintain political leverage over the Senate and Governor, their choice at the moment is surprising, the Budget for Secretary of State, which has wide support in the House. Although an interesting choice of a hostage, we may see more budgets be taken hostage next week.

The first vetoed bill of the 2023 Idaho Legislative Session happened on Tuesday: [HB 133](#) – Driver's Education. The bill would have allowed parents and legal guardians to be educators for their children's Class D Driver's Training Instruction Permits. Governor Little stated, *"I cannot support allowing different requirements for driver's training. Safety must be the utmost priority when preparing students for the responsibility of driving and there needs to be clear, consistent, and fair guidelines."* Click [HERE](#) to read the Governor's full veto letter.

[HB 292](#) – Property Tax Relief, was passed on the Senate Floor on Monday afternoon with a 32-3 vote. The bill moved its way through the process and was delivered to Governor Little on Wednesday, March 22, 2023. The new property tax relief bill will take effect immediately after signage in the hopes for more swift relief to homeowners is in desperate need.

The House and Senate Floor sessions were onerous this week with time spent working through heavily controversial budgets and bills. Both chambers suspended their rules multiple times to work different items. We also saw both House and Senate committees begin to shut down midweek as the session began to wrap up. However, both State Affairs Committees continue to hold meetings and have not slowed down. House State Affairs still plans to print bills next week, including two abortion bills.

As we move into the twelfth week of session, we hope to see the Senate continue through bills and appointments to finish their work early in the week. The House will also have work do upon returning to the floor on Tuesday morning. We believe the end of session is nearly here as we are still working to see many bills across the finish line. Even with hope in site for next week, we may yet have to wait again as the Governor must treat all bills prior to adjournment.

All bills from the 2023 Idaho Legislative Session are on the [Idaho State Legislative Website](#). The Governor's Budget Recommendation Highlights can be found [HERE](#). The JFAC Budget Hearing schedule can be found [HERE](#).



**[HB 203 – Public School Health Insurance Fund](#) – (50-18-2) Passed the House – Senate Floor**

Amends the dedicated fund for the public school health insurance where schools may buy into the state's medical and dental group insurance plan. It extends the buy in time limit to be allowed from to 2025.

**Sponsor: Rep. Furniss (R-31)**

**[HB 215 – Pharmacy Benefit Managers](#) – (61-9-0) Passed the House – Senate Floor**

Clarifies the enforcement pharmacy benefit manager code that was added in 2020. If the Director of Insurance finds a PBM in violation, they can be subject to fines, rejection, or revoke of the license, or by imprisonment for up to six (6) months.

**Sponsor: Rep. Redman (R-3)**

**[HB 291 – Fair Pharmacy Audit Act](#) – (61-7-2) Passed the House – Senate Floor**

This legislation creates uniform standards and criteria for pharmacy record audits by or on behalf of a pharmacy benefit manager. Replaces HB 270.

**Sponsor: Rep. Redman (R-3)**

**[SB 1097- Medicaid Management Information Systems](#) – (23-12) Passed Senate Floor – (40-27-3) Passed the House – Sent to the Governor**

This legislation is to add into section Medicaid management information system, that there is created a general fund for future mandatory Medicaid MMIS procurement an installation requirement without requiring a separate request for funding.

**Sponsor: Sen. Cook (R-32)**

**[HCR 9 - Medicaid Task Force](#) – (67-2-1) Passed the House – Senate Floor**

This resolution will create a task force on Medicaid in Idaho for future solutions to keep or move to a new Model. The goal is to bring stakeholders and the Idaho Department Health and Welfare (IDHW) together to find solutions on how to lower costs. The task force will look at the current system through a study and find ways for predictability and keep Medicaid recipients safe.

**Sponsor: Rep. Redman (R-3)**

**[HB 292 – Property Tax Relief](#) – (63-7-0) Passed the House – (32-3) Passed the Senate – Sent to the Governor**

\$75 million will be used for one-time transfer for property tax relief to homeowners FY 23. The circuit breaker requirements were also changed to state homes under \$400,000 will qualify. Then in FY 24, \$50 million will be used for homeowner property tax relief and \$100 million will be allocated to school districts based on average daily attendance. This may be used for bonds to relieve property taxpayers, and if there is not a current bond they may use the funds for levies, then for future reserve account use. The March election would no longer be eligible for school districts to hold an election. 20% of the way fair account to be utilized in 2025 to give property tax relief.

**Sponsor: Rep. Monks (R-22)**



### **HB 366 – Medicaid Conditions and Expansions – Personal Bill – Held at Desk**

This legislation amends Idaho Code relating to Medicaid eligibility expansion and states that the state may not implement or execute any state plan that includes Medicaid eligibility for those under 65 and whose income is 133% of the federal poverty level. The legislation also outlines numerous conditions that must also be met, which include federal financial participation, a work requirement for able-bodied adults, enrollment caps, and others. States that the Department of Health and Welfare must notify the Senate and House of Representatives of Health and Welfare Committees within 20 days of any submission, approval, reject, or withdrawal of any federal waiver for state plan amendment. Then it outlines the plan for terminating eligibility.

**Sponsor: Rep Vander Woude (R-22)**

### **HB 162 – Virtual Health Care - (69-0-1) Passed the House – (34-0-1) Passed the Senate – Signed into Law**

### **SB 1020 - Relating State Health Insurance – (34-1) Passed the Senate – (66-4) Passed the House – Signed into Law**

## **Appropriations and Budgets**

### **HB 369 – Division of Medicaid – \$4,539,917,000 Total Request – House Floor**

\$175,900 for personnel benefits, \$646,000 for change in employee compensation, and \$171,271,900 for nondiscretionary adjustments. This budget includes seven supplementals and has fourteen line items. \$72,000,000 line item for a behavioral health plan, \$20,082,000 line item for ground emergency medical transportation, \$24,864,300 line item for provider rate increases, \$560,000 line item for managed care compliance review, and \$2,220,200 line item for cost containment implementation. \$50,000 from the Cooperative Welfare (General) Fund and \$50,000 from the Cooperative Welfare (Federal) fund, for a onetime net increase of \$100,000 for Early and Periodic Assessment. This budget replaces HB 334, and the total request is 12.2% higher than the previous year.

**Sponsors: Rep. Raybould (R-27), Sen. VanOrden (R-30)**

### **HB 323 – Division of Medicaid Supplementals – (46-24) Passed the House – (25-10) Passed the Senate – Sent to the Governor**

\$170,289,700 for Public Health Emergency, \$100,000 for Early and Periodic Screening Assessment, \$29,029,000 for Receipt Authority, and \$210,591,100 for Upper Payment Limit Increase.

**Sponsors: Rep. Furniss (R-31), Sen. Cook (R-32)**

### **SB 1195 – Medicaid Management Information Systems – \$1,838,700 Total Request – (27-8) Passed the Senate – House Floor**

This budget is a trailer bill for [SB 1097](#), which Establishes a new fund for Medicaid Management Information Systems, (MMIS) dealing with payment. Cash Transfer of \$18,656,400 from the General Fund to MMIS. For FY23, a one time appropriation of \$183,900 from the MMIS dedicated fund and \$1,654,800 from the Cooperative Welfare federal Fund for a net increase of \$1,838,700. FY24 the addition of \$14,374,400 onetime from the MMIS to purchase the base module.

**Sponsors: Sen. Cook (R-32), Rep. Raybould (R-27)**

### **SB 1135 – Department of Insurance - \$10,604,100 Total Request – (35-0) Passed the Senate – (70-0) Passed the House – Signed Into Law**



[HERE](#) is the link for the Index of all Pending Rules seeking legislative approval. Committees in both the House and Senate are assigned rules to approve. As a reminder, if a rules docket passes either House or the Senate, they are set to go into effect but need to be enacted by legislation or executive order. Once a pending rule is approved, a (+) symbol will appear in front of the docket number. If a pending rule is not approved by the Legislature a (-) will appear in front of the docket number.

#### **IDAPA 18 – DEPARTMENT OF INSURANCE**

(+) [18-0701-2201](#) - Acquiring Control, Insurance Holding Company Systems and Mutual Insurance Holding Companies (ZBR)

(+) [18-0702-2201](#) - Reserve Liabilities and Minimum Valuations for Annuities and Pure Endowment Contracts – (ZBR Chapter Rewrite)

(+) [18-0703-2201](#) - Valuation of Life Insurance Policies Including the Use of Select Mortality Factors (ZBR Chapter Rewrite)

[18-0708-2201](#) - Property and Casualty Actuarial Opinion Rule – (ZBR Chapter Rewrite)

#### **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

(+) [16-0309-2201](#) - Medicaid Basic Plan Benefits – (Pending Rule)

(+) [16-0317-2201](#) - Medicare/Medicaid Coordinated Plan Benefits - (ZBR)

#### **IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)**

(+) [59-0101-2201](#) - Public Employee Retirement System of Idaho (PERSI) – (Notice of Proposed Rulemaking)

### **Appointments**

Appointments approved by Senate Committees, are confirmed by the full Senate.

- Rod Higgins was confirmed by the Senate to the State Insurance Fund Board on January 24, 2023.
- Terry Gestrin was confirmed by the Senate to the State Insurance Fund Board on January 24, 2023.