



Week Ten Idaho Legislative Update for March 13– March 17, 2023

In the tenth week of the Sixty-Seventh Idaho Legislature's First Regular Session Committees hurried to introduce and move rules and bills that haven't yet progressed. As the Chairs begin the process of closing their committee and wrapping up their last bill hearings of the session before losing privilege next week, many simple fixes, as well as contentious bills, were heard in committee this week. Many committees will only plan to hold one to two meetings next week prior to shutting their committee down for the year. There are a few large to-do's still left to accomplish prior to the Idaho Legislature being able to utter the words of *Sine Die*. This includes HB 292 - Property Tax Relief and HB 24 – Idaho Launch Program.

HB 292, property tax relief, is moving quickly through the process compared to many other bills this session. The bill was heard in House Revenue and Taxation on Monday morning with only one negative testimony regarding the removal of the March election date being utilized for bonds and levies by school districts. HB 292 was swiftly moved onto the second reading calendar, passing the House Floor with a nearly party-line vote (63-7) on Tuesday afternoon. Senate Local Government and Taxation followed the same layout as the House on Thursday afternoon and was read across the Senate Floor second reading calendar today. We anticipate the property bill will pass the Senate early next week.

HB 24 - Idaho Launch Program is still in the amending order as leadership and the Senate Majority deliberate. The expectation is to move HB 24 from the amending order without amendments. [SB 1167](#) – Idaho Launch Trailer Bill, was taken up in Senate Commerce and Human Resources on Tuesday; the bill made it out of committee with a 5-4 vote. The trailer bill was held on the calendar for one legislative day, so we expect to see these bills be taken up back-to-back next week when the Senate finds the time to devote to lengthy debates.

The House and Senate worked continually through their lengthy floor sessions this week. The House suspended their rules to take up additional bills to catch up. The Senate moved through dozens of bills throughout the week during their two-floor sessions per day. While some of the backlog has cleared, appropriations have re-filled their reading calendars. The Senate's amending order bill list has grown throughout the session, with fifteen (15) bills in this order. However, only some will move forward, while others are left to die for this session.

This week JFAC released many of the cash transfers that were being held, including Transportation, Water Quality, Parks and Recreation, and education funding. The Committee also appropriated numerous trailer bills to fund bills with a fiscal note that have passed or are likely to pass. With a few budgets being returned to JFAC or failing on the House Floor, JFAC plans to meet next Tuesday to solve the issues with select budgets, and they may need to meet again after this meeting if another budget fails on the floor.

Next week, we will begin to see a few bills that have become political hostages be released, while others get last-minute attempts to be saved but many remain kept in the drawer of the chairmen. A regular and continued practice of the process, especially as time runs out. At this point in the session, we are seeing many bills introduced to begin conversations on issues to deal with over the summer and take up next year.

Although the House and Senate still have plenty of work to get through, we can see the end of session approaching quickly. House Leadership is still aiming to be done on Friday, March 24, 2023, but the Senate anticipates their work will be done the following week prior to starting a new month. The pile of work for the Governor is mounting as the Legislature will wait for him to treat all bills prior to *Sine Die*.

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 Governor's Bill Action for the 2023 Legislative Session can be found [HERE](#).



[HB 203 – Public School Health Insurance Fund](#) – (50-18-2) Passed the House – Senate Commerce and Human Resources

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)

[HCR 9 - Medicaid Task Force](#) – (67-2-1) Passed the House – Senate Health and Welfare

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 – Senate Floor

\$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 162 – Virtual Health Care](#) - (69-0-1) Passed the House – (34-0-1) Passed the Senate – Sent to the Governor

This updates the Telehealth Access Act to the Virtual Care Access Act. Allows for virtual health care patient and provider relationships may be established, allowing providers to prescribe prescription drugs. It also adds a new section stating the Idaho Legislature understands virtual care is an additional way that care can be delivered to increase outcomes, early detection, and prevention. Prescriptions may not be prescribed through a set questionnaire online but can be administered through all other virtual care as long as the prescription is for a legitimate medical purpose and is in the provider's scope of practice. The location of the patient, not provider, is what will deem how this allow applies.

Sponsor: Rep. Redman (R-3)

[HB 214 – Medicaid Waivers](#) - House Health and Welfare

This would require legislative approval for Medicaid Wavers and state plan amendments created by the Department of Health and Welfare.

Sponsor: Rep. Blanksma (R-8)



[SB 1020 - Relating State Health Insurance](#) – (34-1) Passed the Senate – (66-4) Passed the House – Senate to Governor

Would repeal the requirement for the Office of Group Insurance to publicize rules for determining the eligibility of participants in the state's health insurance plan. The eligibility is determined based on the healthcare provider.

Sponsor: Sen. Guthrie (R-28)

[SB 1097- Medicaid Management Information Systems](#) – (23-12) Passed Senate Floor – House Floor

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)

Appropriations and Budgets

Early and Periodic Assessment

FY 2023 for the Division of Medicaid and the addition of \$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.

Motion: Sen. Cook (R-35), Seconded: Rep. Petzke (R-21)

Basic, Coordinated, Enhanced, Expansion- Receipt Authority

FY 2023 for the Division of Medicaid the reduction of \$14,933,200 from the Cooperative Welfare (General) Fund an increase of \$96,727,600 from the Cooperative Welfare Dedicated Fund an increase of \$4,028,800 from the Hospital Assessment Fund, and a reduction of \$56,794,200 from the Cooperative Welfare (Federal) Fund, for a net ongoing increase of \$29,029,000.

Motion: Rep. Nash (D-16), Seconded: Sen. Cook (R-35)

[HB 323 – Division of Medicaid Supplementals](#) – House Floor

\$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 1135 – Department of Insurance - \\$10,604,100 Total Request](#) – (35-0) Passed the Senate – (70-0) Passed the House – Sent to the Governor

This appropriation is for the department's Fiscal Year authorization to equivalent for full-time positions. Capping the full-time positions at 70.50.

Sponsors: Sen. Cook (R-32), Rep. Tanner (R-14)

Medicaid Management Information Systems- Grand Total \$1,838,700

This budget is a trailer bill for [SB 1097](#), 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 Appropriation onetime of \$183,900 from the MMIS dedicated fund and \$1.654,800 from Cooperative Welfare federal Fund for a net increase of \$1,838,700. FY24 the addition of \$14,374,400 onetime from the MMIS this is to purchase the base module.

Motion: Sen. Cook (R-) Seconded: Rep. Raybould (R-27)



[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.