



Week Thirteen Idaho Legislative Update for April 3– April 6, 2023

In the thirteenth week of the Sixty-Seventh Idaho Legislature's First Regular Session the Idaho Legislature completed its work and adjourned "Sine Die". The Senate Adjourned at 12:31 PM and the House adjourned at 12:37 PM to formally adjourn "Sine Die" for the year.

This week was generally quiet around the Capitol as legislators recessed late last week to give the mandated time for the Governor to treat all bills. Ultimately the Governor vetoed 4 bills this session. He also signed others with an accompanied letter of warning and yet other bills were allowed to go into law without signature, a tool Governor Little has rarely used. For a full list of bills and when they were treated by Governor Little click [HERE](#).

With the session coming to an end, we can look back on many of the successes of the year, as well as some challenges. Record investments in broadband, transportation, education, fire prevention and mitigation, recreation, water quality and quantity, and many other programmatic supports, show Idaho is on the right track and the Governor's vision has led to a prosperous and growing state with stronger than ever rainy-day funds, a balanced budget, and another round of record tax cuts coupled with even more red tape being cut.

This session was also the first time the massive class of freshmen legislators felt the burden of intense scrutiny on policies. Education choice, Medicaid costs, and anti-local government policies were dominate themes that shaped policy this session. While headlines were subjugated to the many social issues, from the death penalty, abortion, libraries, guns, elections, and other familiar fights, much of the work that was done this session was a product of well-meaning and hardworking legislators who stepped up and did the hard work to advance good policy for Idahoans. Despite the rhetoric or warnings from out-of-state money or vocal fringe factions.

Successes this year were hard fought and often coupled with a plethora of negative and even predatory policies. But amidst the challenges of this unique session, we achieved expansion of the Launch program for workforce and in-demand careers; support for law enforcement including mental health and retirement employment opportunities; childcare; renters assistance and protections; expansion of hunting, fishing, and trapping opportunities and programs; rural nurse loan repayments; pedestrian safety; reduced property taxes; clearer and lightened restrictions on businesses and so much more.

As the sun sets on another legislative session, we wish to take a moment to thank each of you for your patience, support, and trust as we work diligently to serve your needs and support the best possible outcomes for you, legislators, and the people of Idaho. We know we find the best successes this way and while the time spent is often onerous, the diligence and support to achieve goals is its own reward, and we are so very grateful to have your trust. We also wish to thank the many secretaries, staff, and agency personnel who work side by side with us. As well as the Governor, his incredible staff, and all 105 Idaho legislators who while we may not always agree with, have always been open to talking with us and have helped us through many nuanced and difficult issues.

Idaho is not perfect, but it is a shining example of what a state can be. While we have much work to do going forward, we truly believe the future of Idaho is bright and thriving. Again, the Benn Brocksome and Associates Team: Benn, Mike, Peyton, Bailey, and Abby would like to thank and congratulate you. As always, we will take a brief break before beginning again and look forward to resuming our practice of spending more time with you as we work towards success between now and next year.

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 – (24-11) Passed the Senate – Signed Into Law

Amends the dedicated public school health insurance fund 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 2025.

Sponsor: Rep. Furniss (R-31)

HB 215 – Pharmacy Benefit Managers – (61-9-0) Passed the House – (25-8-2) Passed the Senate – Signed Into Law

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, revoking of the license, or imprisonment for up to six (6) months.

Sponsor: Rep. Redman (R-3)

HB 291 – Fair Pharmacy Audit Act – (61-7-2) Passed the House – (27-7-1) Passed the Senate – Signed Into Law

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)

HB 292 – Property Tax Relief – (63-7-0) Passed the House – (32-3) Passed the Senate – Vetoed by Governor – (58-12) House Overrides Veto – (28-7) Senate Overrides Veto – Certificate of Passage

\$75 million will be used for a one-time transfer for property tax relief to homeowners FY 23. The circuit breaker requirements were also changed to state that 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 376 – Property Tax Trailer Bill – (59-11) Passed the House – (35-0) Passed the Senate – Signed Into Law

This bill is a trailer for HB 292 and replaces HB 375. This bill protects bonds used by highway districts and solidifies TECM funding. States that they shall receive no less than eighty million dollars and no more than one hundred forty million dollars. The remaining funding in excess of eighty million dollars shall be continuously appropriated and apportioned to the local units of government for local highway projects.

Sponsor: Rep. Monks (R-22)

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

This updates the Telehealth Access Act to the Virtual Care Access Act. Allows for virtual health care patient and provider relationships and allows 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 the provider, is what will deem how this applies.

Sponsor: Rep. Redman (R-3)



[SB 1020 - Relating State Health Insurance](#) – (34-1) Passed Senate Floor – (66-0-4) Passed the House – Signed Into Law

This legislation would add a representative from an Idaho school district to the Group Insurance Advisory Committee. States that the advisory committee shall include one (1) active employee, one (1) retired employee, and one (1) representative from an Idaho school district. Outlines how personnel employed after June 30, 2009, shall not be eligible for any retired personnel health care service coverage unless they match certain qualifications.

Sponsor: Sen. Guthrie (R-28)

[SB 1097- Medicaid Management Information Systems](#) – (23-12) Passed the Senate – (40-27-3) Passed the House – Signed Into Law

This legislation adds a section relating to Medicaid Management Information System. It creates a general fund for future mandatory MMIS procurement and 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 – (34-0-1) Passed the Senate – Filed with Secretary of the State

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 of 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 keeping Medicaid recipients safe.

Sponsor: Rep. Redman (R-3)

Appropriations and Budgets

[HB 369 – Division of Medicaid](#) – \$4,539,917,000 Total Request – (40-30) Passed the House – (18-17) Passed the Senate – Signed Into Law

\$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 one-time 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)

[SB 1195 – Medicaid Management Information Systems](#) –\$1,838,700 Total Request – (27-8) Passed the Senate – (61-9) Passed the House – Signed Into Law

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 Appropriation - \\$10,604,100 Total Request](#) – (35-0) Passed the Senate – (70-0) Passed the House – Signed Into Law

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)



HB 323 – Division of Medicaid Supplementals – (46-24) Passed the House – (25-10) Passed the Senate – Signed Into Law

\$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)

Rules

[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.