



Week Three Idaho Legislative Update for January 22 – January 26, 2024

In the third week of the Sixty-Seventh Idaho Legislature's Second Regular Session, we have entered the uniquely Idahoan process of negotiations between the Republican majority. Senate, House, and the Governor are now working towards agreement on big-ticket policy items. While each entity has a variation on how to move things forward in Idaho, the politicking, and scrums between the different members of the Governor's staff, House and Senate leadership began to yield results this week. In a series of meetings, the leadership and staff worked to develop a roadmap for the remaining weeks of the session. This is the part of the session that often goes unseen and unreported but yields several large outcomes. Income tax cuts, school facilities funding, transportation funding, education programs and more will be coming out as policy wins with leadership support as early as next week.

JFAC had more delays this week, as the committee did not meet to vote on budgets Friday as they had planned. The result of maintenance budgets being passed in week one and the traditional budget setting process being overhauled by the Co-chairs this year may yield a faster process in future years, but this session the committee is feeling the pains of implementing a new system. The new process has created some confusion, a large dose of frustration, and some setbacks as the joint committee members continue to work in ad hoc sub-committees to address funding challenges and produce a second wave of funding bills for agencies waiting in a sort of political purgatory as the new process unfolds.

Other points of interest this week are the general acceptance of the Governor's budget and forecast, a blanket 1% increase in change in employee compensation being incorporated into maintenance budgets. With the belief that more CEC funding will come as budgets are finalized, and the Senate continuing their speedy work to clear the lengthy list of appointment confirmations. Other big-ticket items, including Idaho Launch funding and potential policy changes to the program, continued to be tinkered with. The fight over Medicaid continues as bills have been introduced in the House to adjust the program and potentially establish additional criteria on one hand, and on the other, a bill to give legislative authorities over changes to the program.

Also of note, several contentious bills made progress through the House this week as [House Bill 406](#) (Fentanyl trafficking) cleared the House Judiciary and Rules Committee in a 15-3 vote and now moves to the House Floor with over 30 Co-sponsors as of Friday. [House Bill 415](#) (Concealed weapons, school property) cleared House State Affairs with an 11-2 vote. [House Bill 386](#) (Charter schools) also cleared the House Education Committee on a 15-1 vote.

The rules process continues as committees lumber through the changes and reductions to rules dockets negotiated over the summer and fall. While many rules have moved forward, other rules have been held in committee and created a mechanism for additional policy changes from committee members who have maintained a positive demeanor while also expressing frustrations with the process and outcomes. Agencies and legislators continue to push through but trepidations remain, and murmurs of another rules overhaul continue to be a point of conversation.

As January winds down and we head towards the second month of session, tensions are high. Floor sessions are starting to heat up and committee agendas are lengthening. Agency presentations are tapering off, and the number of bills to address is growing with many more drafts being shopped this week and next ahead of deadlines. The BB&A team is hard at work and while things are moving fast, there is still plenty of time to address issues and make changes.

All bills from the 2024 Idaho Legislative Session are on the [Idaho State Legislative Website](#). To find your legislators, click [HERE](#). To view daily reading calendars and agendas, click [HERE](#).



HB 419 – Medicaid Eligibility – House Health and Welfare

Adds checks and balances to the Medicaid Expansion program to limit the population to access the Expansion and turn more towards the Affordable Healthcare Act. This requires able-bodied individuals to work 20 hours per week at a minimum; thus, moving a portion of the population the affordable healthcare plans instead of Medicaid. This caps the Expansion population at 50,000. This limits the state Department from adding to the individuals to the Plan without meeting the criteria listed. This bill also caps the improper payment at 5% or less and added biannual redetermination requirements.

Sponsor: Rep. Redman (R-3)

HB 398 – Medicaid State Plan and Waivers – House Health and Welfare

This prevents the Department from requesting any changes from the state Medicaid Plan or applying for any 1115 or 1915 waiver. This approval must be done through Statute.

Sponsor: Rep. Blanksma (R-8)

HB 383 – Medical Liens – House Business

This bill outlines the process for patients with and without a third-party payer. For those without a third-party payer, a lien must be filed before or within ninety (90) days after the date of discharge or the last of services provided, whichever is later. For those with a third-party payer, a lien must be filed only during the first thirty (30) days of an extraordinary collection action. Outlines that a provider authorized to file a lien to secure payment must do so according to the timelines and provisions of Chapter 7, Title 45 Idaho Code.

Sponsor: Rep Skaug (R-10)

SB 1234 – Relating to Insurance – Senate Commerce and Resources

Adds a new section to code for Plans Covering Contraception. Defines prescription contraception and health benefit plan. Defines what must be included in a health benefit plan or student health benefit plan, including provided reimbursement for prescription contraception intended to last six (6) months obtained at one (1) time.

Sponsor: Sen. Wintrow (D-19)

Appropriations and Budgets

As appropriations that are of interest to you start arising, they will appear under this section.

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, the rules docket needs to pass both the House and 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 16 – Department of Health and Welfare

16-0305-2301 – Eligibility for Aid to the Aged, Blind, and Disabled (ZBR)

16-0306-2301 – Refugee Medical Assistance

(+) (+) **16-0309-2301** – Medicaid Basic Plan Benefits

(+) (+) **16-0310-2101** – Medicaid Enhanced Plan Benefits

(+) **16-0313-2101** – Consumer Directed Services

(+) (+) **16-0318-2301** – Medicaid Cost-Sharing (ZBR, Fee Rule)

IDAPA 18 – Department of Insurance

18-0404-2301 – The Managed Care Reform Act Rule (ZBR)

- Held in Senate Commerce and Human Resources till February 1, 2024 to be able to discuss their concerns more before moving forward.

(+) **18-0602-2301** – Producers Handling Fiduciary Funds (ZBR)

(+) **18-0603-2301** – Rules Governing Disclosure Requirements for Insurance Providers When Charging Fees (ZBR Chapter Repeal)

(+) **18-0706-2301** – Rules Governing Life and Health Reinsurance Agreements (ZBR)

(+) **18-0710-2301** – Corporate Governance Annual Disclosure (ZBR)

Appointments

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

- Chad Henggeler was confirmed by the Senate to the State Board of Health and Welfare on January 19, 2024.