



Week Four Idaho Legislative Update for January 29 – February 2, 2024

In the fourth week of the Sixty-Seventh Idaho Legislature's Second Regular Session, we entered the second month of session and marked the traditional one-third mark. The Senate has worked diligently to move confirmations of appointments through the process, to save many hours later in session. This is a pragmatic and necessary approach to ensure they are not delayed hours or even days later in session. Meanwhile, the House floor saw long floor sessions this week that yielded the passage of [HB 406](#) – Fentanyl Bill and [HB 415](#) – Guns in Schools Bill, we anticipate this will be just the beginning of the election influencing major votes.

While presentations continued this week in JFAC, a powder keg was lit Friday morning in the budget pre-meeting where members scurried through a massive pile of printed motion sheets. As the discussion continued in what is traditionally a very benign meeting, tension raised and a clear split in philosophy between the traditional process and the newly created process erupted. This resulted in a contentious and unique budget setting meeting, that technically didn't break any rules but caused consternation with the chairmen and some members of the committee.

The result of the JFAC budget setting on Friday morning, was a series of agency budgets being passed that mirrored the budgets from years past. However, this creates conflicts with the maintenance budgets the committee passed earlier this session. There are now nine budgets with every agency's base funding in them hanging on the floors of the Senate and House while the battle for control of JFAC and the state's funding continues into next week.

This week also saw one of the major policies discussed ahead of session be introduced. An attempt at an Idaho version of school vouchers was introduced this week in House Revenue and Taxation, [HB 447](#) - the "Idaho Parental Choice Tax Credit". The committee voted to introduce the bill but several on the committee seem to be opposed to the bill. We will continue to see this bill gain a lot of attention as it was identified as a priority for Sen. Den Hartog (22) and several Senate chairmen sponsoring including Co-Chair Grow (14) and Chairman Ricks (34). In the House, Chairmen Monks (22) and Co-Chair Horman (32) sponsoring with support from the Speaker.

Many rules have been approved by one or both committees at this point. Many members of both the House and Senate have continued to raise technical questions including possible issues with both bodies being required to approve rules, what happens if one side rejects a section, and how the Idaho Supreme Court (ISC) decision made on January 29, 2024, affects the process. These decisions are still being ironed out, and we don't yet know the final outcome of rules, but the Legislature has been working hard to approve and reject them as they used to. To read the entire ISC decision click [HERE](#).

The RS deadlines to introduce legislation are at the end of next week for non-privileged committees. As a result, legislators' anxiety is growing with the number of bills they have been working on and are trying to get introduced before they need special permission. They will have many more long floor debates as bills make their way through the process and as bills work their way to the other side of the rotunda for consideration.

The horse-trading and political theatre are well underway. Leadership and others have been negotiating for weeks on the plan for income tax cuts, school facilities, and more. Through conversations, we believe the facilities funding, income tax, and other accountability measures will all be dealt with in one bill. Thus, including a little bit of what everyone wants, and potentially forcing the hand of all parties to get it across the finish line. This bill is expected next week. Marking the next major policy piece to be introduced as we continue towards the session's conclusion in a very contentious election year.

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](#).



Policies

[HB 419](#) – Medicaid Eligibility – Held in 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 Floor

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)

[HB 397](#) – Immunization Registry – House Health and Welfare

Returns the immunization from an opt-out to an opt-in registry for children.

Sponsor: Rep. Blanksma (R-8)

[HB 438](#) – Immunization Exemptions – House Health and Welfare

Amends code relating to immunizations and states school officials shall describe immunizations are not mandatory and may be refused on religious or other grounds.

Sponsor: Rep. Healey (R-15)

[HB 439](#) – Immunization Assessment Board – House Health and Welfare

Reset the sunset date for the Idaho Immunization Board for July 1, 2029.

Sponsor: Rep. Healey (R-15)



Appropriations and Budgets

[HB 459](#) – General Government Maintenance Appropriation – House Floor

The maintenance budget for General Government includes the Department of Administration, the Commission on Aging, the Commission on the Arts, the Commission for the Blind and Visually Impaired, Office of Drug Policy, Office of Energy and Mineral Resources, the Division of Financial Management, the Division of Human Resources, Office of Information Technology Services, the State Liquor Division, Military Division, PERSI, Office of Species Conservation, STEM action center, Workforce Development Council, Board of Tax Appeals, and the State Tax Commission.

Sponsor: Rep. Furniss (R-31), Sen. Grow (R-14)

[HB 460](#) – Public School Support Program Maintenance Appropriation – House Floor

This bill appropriates funding for the Public-School Support Program which includes the seven divisions for Administrators, Teachers, Operations, Children's Programs, Facilities, Central Services, and Educational Services for the Deaf and the Blind.

Sponsors: Rep. Lambert (R-23), Sen. Lent (R-33)

[SB 1268](#) – Health and Human Services Maintenance Appropriation – Senate Floor

The Health and Human Services maintenance budget includes the Department of Health and Welfare and the State Independent Living Council. Included in the Department of Health and Welfare is the Division of Medicaid, Rural Nursing Loan Repayment Fund, Emergency Medical Services, Substance Abuse Treatment and Prevention, and Mental Health Services.

Sponsors: Sen Bjerke (R-5), Rep. Tanner (R-14)



[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.
- Robert Cuoio was confirmed by the Senate to the State Board of Health and Welfare on February 1, 2024.
- Carolyn Lodge was confirmed by the Senate to the Idaho Health Insurance Exchange Board on January 31, 2024.
- Julie Ann Triepke was confirmed by the Senate to the Idaho Health Insurance Exchange Board on February 2, 2024.