



Week Ten Idaho Legislative Update for March 11– March 15, 2024

In the tenth week of the Sixty-Seventh Idaho Legislature's Second Regular Session, the Senate and House worked diligently to catch up. The proposed Sine Die date was March 22nd, but with the political theater in the House throughout January and delays to the budget setting process stemming from changes to the process, the Idaho Legislature is adding a week to ten (10) days. Both House and Senate leadership have noted the Sine Die date will most likely be pushed to Friday, March 29th. Leaving two (2) full weeks of session, if they don't recess to let the Governor catch up on treating bills.

The Senate's traditional long floor sessions of March used to thin the lengthy third reading calendar are underway. The Senate moved through their less controversial bills, holding any bill that leadership had heard opposition from to limit debates and roll through vote counts. We anticipate the Senate will start to pick and choose when, and what, contentious bills they'll take up as they continue to caucus and make trades with the House next week. Senate leadership and chairs have met several times this week, which tells us they are preparing their committees to start shutting down next week.

With the filing deadline for political candidates in the May Primary Elections being today, Friday, March 15, 2024, at 5 PM, all 105 legislators now know who is running for their seat. The filing deadline happens every two (2) years and is a major motivator for the Legislators who draw primary opponents. Most legislative races are decided in the May Primary Election and the November General Election becomes a bit of a formality for these races depending on the make-up of the districts. [HERE](#) is a full list of candidates who have filled this far. This list will be finalized and updated in next week's report. Many legislators will face at least one opponent in either the May Primary or November General Election. There were also a handful of legislators who will be retiring or have opted to not run again, this is always interesting but the number pales in comparison to the overhaul we saw just two years ago in the 2022 election cycle.

The week started off with one of the major policy bills failing in committee after months of negotiations. [HB 447](#) – Parental Choice Tax Credit, a private school tuition reimbursement through a tax credit, died in committee after a robust number of testifiers spoke for and against the bill. This was a highly anticipated bill that was introduced in January as a priority of a select House Leadership. An amended substitute motion to send to the floor with no recommendation failed with an 8-9 vote, and the substitute motion passed to hold in committee indefinitely 10-7.

JFAC finished the bulk of their work this week, setting dozens of budgets between Wednesday and Friday. With Education, Health and Welfare, and many other policy bills with fiscal impacts still looming more budget bills and funding will be needed next week. Up to this point, the Legislature has not voted down an appropriation bill on the floor. Over the next few weeks, we will see many budgets be introduced, voted on, and acted on by both the Legislative and Executive branches. As more controversial budgets are up on the floor, only time will tell if these budgets need to be reconsidered by JFAC.

With many bills backed by members of leadership being slow-rolled due to issues or major opposition, we have watched as leadership allows multiple iterations of the same policy to be re-introduced and attempts to push a new version of their idea forward. This is a fascinating departure from past years' process and has resulted in well over six hundred (600) bills being introduced, re-introduced, or amended. There's still time for plenty of legislation to come out of the drawer or to be introduced, in the weeks ahead. The BB&A team is still on high alert and working hard to finish the session strong.

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](#). [HERE](#) is a list of Governor Little's daily tracking sheet.



HCR 30 – Medicaid Waivers – Passed the House (59-9-5) – Senate Floor

This concurrent resolution outlines the intent of the legislature to develop cost-sharing and work requirements that would permit the state to extend resources to a greater population. It requests the Department of Health (IDHW) to model work requirements after Georgia and Arkansas and apply for waivers that would allow individuals to choose between Medicaid or private insurance if they are within 100% and 138% of the federal poverty limit.

Sponsor: Rep. Vander Woude (R-22)

SB 1355 – Medicaid Legislative Review Panel – Passed the Senate (27-8) – Passed the House (58-9-3) – Sent to the Governor

Creates the “Medicaid Legislative Review Panel” which will have the chairs of both the House and Senate Health and Welfare serving as co-chairs as well as one (1) appointed by the Speaker of the House and one (1) appointed by Pro Tempore of the Senate. There must be one (1) senator and one (1) representative from the minority, and the Legislative Services Office will staff the rest. The review panel will review contracts make recommendations on what should be included in Medicaid contracts and determine what data should be collected among other duties. This panel will create and submit a report of activities and recommendations to the Legislative Council.

Sponsor: Sen. VanOrden (R-30), Rep. Vander Woude (R-22)

HB 577 – Medicaid, Direct Payment – Passed the House (43-23-4) – Senate Floor

Allows the Department of Health and Welfare to get approval from the Centers for Medicare and Medicaid Services (CMS) for payments to hospitals in the Idaho Behavioral Health Plan if they qualify. This payment can't exceed the max allowed payment outlined by federal regulation. This must occur before July 1, 2027.

Sponsor: Rep. Petzke (R-21)

HB 685 – Medicaid Stabilization Budget Fund – Passed the House (47-22-1) – Senate Floor

The purpose of this legislation is to create a stabilization fund for the Medicaid Budget. The funds not used from the Medicaid Budget will be transferred to the Joint Millennium Fund instead of being reverted into the general fund.

Sponsor: Rep. Vander Woude (R-22)

HB 521 – School Facilities Funding – Passed the House (61-6-3) – Senate Floor

Lowers corporate and individual income tax from 5.8% to 5.695%. Adds property tax relief in the form of school facilities funding. This legislation also increases sales tax revenue allocation from 2.25% and 3.25% to the school district's facility fund and also redirects the lottery dividends to the fund. This bill also dedicates \$125 million from sales tax to a new School Modernization Facilities Fund to be used for bonding.

These funds cannot be used for gymnasiums, only for classroom and other school renovations or replacements. This also changes the power from the Board of Education to the Governor to appoint an executive officer to the State Board. The annual report must be created for the Legislature with the details of the use of the School Modernization Fund. The August election is also removed from code to be used for bond and levy questions.

Sponsor: Rep. Moyle (R-10), Rep. Monks (R-22), Sen. Grow (R-14), Sen. Bernt (R-21)

HB 398 – Medicaid State Plan and Waivers – Passed the House (58-10-2) – Senate 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 501aaH – Medical Liens – Passed the House (67-0-3) – Senate Commerce and Human Resources

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 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), Rep. Gannon (R-17)

SB 1234 – Six-Month Contraceptive – Passed the Senate (19-16) – Passed the House (35-34-1) – Sent to the Governor

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), Rep. Nelsen (R-26)

HB 397 – Immunization Registry – Passed the House (56-11-3) – Senate 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 – Passed the House (58-10-2) – Senate 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 – Passed the House (44-26) – Passed the Senate (23-12) – Sent to the Governor

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

Sponsor: Rep. Healey (R-15)

HB 527 – Pharmacy Practice – Passed the House (70-0) – Passed the Senate (34-1) – Sent to the Governor

This bill consists of the Board of Pharmacy’s rules they have been working on for the past ten (10) years, to be put into statute. Doing so will provide organization and efficiency moving forward for both the Board of Pharmacy and the Legislature.

Sponsor: Rep. Redman (R-3)

HB 633 – Postpartum Medicaid Assistance – Passed the House (42-26-2) – Senate Floor

Creates a new section for “Postpartum Medicaid Assistance” so individuals may qualify for twelve (12) months postpartum if during pregnancy they were eligible and received Medicaid.

Sponsor: Rep. Blanksma (R-8)

HCR 39 – Rule approval, Department of Health and Welfare – House Floor

The House Health and Welfare Committee approved the pending rules for the Idaho Department of Environmental Quality.

Sponsor: Rep. Erickson (R-33)

HCR 40– Rule rejection, Department of Health and Welfare House Health and Welfare

The House Health and Welfare Committee rejected the pending rules for the Idaho Department of Health and Welfare, Skilled Nursing Facilities and rejected Section, 200, Subsection 02.d since it was not consistent with legislative intent.

Sponsor: Rep. Erickson (R-33)



Appropriations and Budgets

[HB 715](#) – Joint Legislative Millennium Committee Appropriation Recommendations – Passed the House (45-20-5) – Senate Floor

This legislation includes the appropriation of funding recommended by the Joint Legislative Millennium Fund Committee. The funds are aligned with the committee's five-year plan. It includes the funding for the following:

- Dept. of Health and Welfare – Project Filter - \$1,849,800
- Public Health Districts – Youth Prevention and Cessation \$406,000
- Idaho Public Television – Media Campaigns – 1 FTP - \$1,000,000
- Idaho Drug-Free Youth – Youth Prevention Programs - \$250,000

Sponsor: Rep. Green (D-18), Sen. Burtenshaw (R-31)

[SB 1397](#) – Department of Insurance Trailer Appropriation – Passed the Senate (33-1-1) – Passed the House (65-3-2) – Sent to the Governor

This trailer appropriation includes two (2) programs, insurance regulations, and state fire marshal. Also includes three (3) line items for a total of \$869,200. The total appropriation for the Department of Insurance is \$11,522,900.

Sponsor: Sen. Cook (R-32), Rep. Handy (R-27)

[HB 460](#) – Public School Support Program Maintenance Appropriation – Passed the House (53-14-3) – Senate 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. Herndon (R-1)

[SB 1268](#) – Health and Human Services Maintenance Appropriation – Passed the Senate (27-7-1) – Passed the House (58-11-1) – Signed Into Law

[HB 459](#) – General Government Maintenance Appropriation – Passed the House (55-11-4) – Passed the Senate (28-7) – Signed Into Law

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)

*Senate Commerce rejected subsection 011.03

(+) (+) [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.
- Heidi Hart was confirmed by the Senate to the Idaho Health Insurance Exchange Board on February 8, 2024.
- McKenzie Kraemer was confirmed by the Senate to the Idaho Health Insurance Exchange Board on March 6, 2024.
- Lisa Odom was confirmed by the Senate to the Idaho Health Insurance Exchange Board on March 6, 2024.