



Week Eight Idaho Legislative Update for February 26 – March 1, 2024

In the eighth week of the Sixty-Seventh Idaho Legislature's Second Regular Session, the number of bills introduced continues to rise. Amidst the scurry on the House and Senate floors this week, long committees with contentious bills also dominated the Legislature's schedule. Perhaps most interesting this year, is the sheer number of bills, as reported last week. In addition to the volume of bills, the process of engagement with affected parties has been generally absent on many of these bills. It's been fascinating to watch as freshmen and Chairmen alike, present drastic changes to statutes with little or no involvement from stakeholders, industries, or input from other legislators, prior to introducing their bills. This creates immediate opposition and at times contention. It certainly isn't how things have been done traditionally, but it seems to be the new normal this year.

Both the House and Senate began having the floor meet twice a day to speed up the process of voting on bills. The transmittal deadline is Monday, March 4th, when both chambers do their best to have all bills that originated from their chamber over to the other side of the rotunda. March 4th is also Idaho Day, meaning presentations and traditions may take precedence over hearing bills during the morning floor sessions. We can expect long afternoon floor sessions from this point on until both sides can catch up.

The Senate's calendar has racked up dozens of bills to be deliberated within the next few weeks; however, the House has been moving through their bills quickly in preparation for this deadline. The Senate has started to use its procedural mechanism to roll votes on bills that are unanimous. This saves time as they bypass the required roll call vote being taken on every bill. This trick speeds up their process tremendously on noncontentious bills. Nevertheless, both sides have plenty of bills to move through as session races on.

Going forward, Governor Little will be acting on hundreds of bills that come across his desk. So far, there have only been nine (9) bills signed into law and no vetoed bills. As the Legislature begins to clear its log jam, this will change very quickly. [HERE](#) is a list that is updated regularly of all the bills Governor Little has acted on. This list, updated daily, will be useful going forward and will have every bill passed by the House and Senate on it.

This week is typically the 2/3rd's mark for the session, thus, leading to hopefully shorter committee meetings next week but also longer floor sessions. Nevertheless, there are still plenty of contentious bills being heard in committee. Bills overhauling or limiting local government control including transportation, Medicaid program changes, equipment used by law enforcement, changes to the electrical code, two (2) more resolutions for constitutional conventions, and several HOA-related bills were all big conversations this week. Committees will begin to hear more bills sent from the other side of the rotunda and some bills will be held by leadership and used as leverage, regardless of the policy merits.

JFAC has been hard at work hearing from Legislative Services Office (LSO) staff on budgets and setting line items weekly. The Committee has finally caught up to their schedule for setting budgets and aims to have all budgets set on March 13th, just before their deadline on March 15th. These appropriation bills have slowly but surely been introduced as LSO staff has been diligently working to draft these bills. The first few line-item appropriation bills are starting to be voted on by the House and Senate, but many more will come in the following weeks. The Committee has set close to one hundred (100) budgets in the past month. Big items like transportation and mental health were funded this morning, along with over twenty (20) other budgets.

The BB&A team has been working hard to ensure we keep you informed of where everything is in the process. We are ahead of the curve and will identify any potential bills that could help or hinder you. 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](#).



HCR 30 – Medicaid Waivers – House Health and Welfare

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) – House Health and Welfare

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)

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 – House Health and Welfare

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 Local Government and Taxation

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 501aa – Medical Liens – Passed the House (67-0-3) – Senate Health and Welfare

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) – House 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), 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 – House Floor

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) – Senate Health and Welfare

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 671 – Prescription Drugs under 340B – House Health and Welfare

Prevents PBMs from restricting 340B covered contract pharmacies or other covered entities any differently than non340B covered entities. This includes fees, terms, and any other regulations.

Sponsor: Rep. Redman (R-3)

HB 633 – Postpartum Medicaid Assistance – House Health and Welfare

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)



Appropriations and Budgets

HB 459 – General Government Maintenance Appropriation – Passed the House (55-11-4) – Passed the Senate (28-7) – Sent to the Governor

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 – 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

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)

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 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.