



## **Week Nine Idaho Legislative Update for March 4 – March 8, 2024**

In the ninth week of the Sixty-Seventh Idaho Legislature's Second Regular Session, Governor Brad Little has ramped up his treatment of bills that have passed both the House and Senate. The task of working through policies and deciding if they need his signature, a veto, or to become law without signature, is an Idaho tradition and constitutional requirement. However, the process has become grueling at times. As hundreds of bills flood the Governor's desk in the month of March, under a tight deadline to treat all bills, the role of the Governor is again at the forefront of the session.

The vast number of bills this session is now expected to extend the length of the session. Much to the chagrin of legislator's who have primary elections right around the corner in May 2024. The change in process, allowing legislators to try the same idea multiple times, is a departure from previous years where legislators had to get stakeholder input and commitments before getting to introduce a bill. Removing this requirement has caused many bills to be introduced, and at times reintroduced, without support. This results in committees working through long and contested hearings on bills that have technical issues, unintended consequences, and outright opposition from all affected parties. It also limits well drafted and thoughtful policies from moving forward as easily, due to limited capacity and time to consider all the bills. Thus, leaving the chairs to bear the burden of what will and won't make the committee agenda before time runs out.

The transmittal deadline for both chambers to move their bills from one side to the next came and went Monday. However, there are still dozens of House bills sitting on the House's calendar and nearly 100 bills on the Senate's calendar. The Speaker and Majority Leader did caution the House to start taking up more bills. The Senate has met on the floor twice a day Monday through Thursday this week. Long debates and a lack of consensus on many bills resulted in limited progress being made by the Senate as they continue to work diligently through a few bills at a time. The House amended bills Friday, further signaling their commitment to work towards passage of bills that needed more work, this is a rare occasion for the House, but a common practice for the Senate.

JFAC finished hearing budget presentations this Thursday, ending with the heavily scrutinized Division of Medicaid Budget. The Committee's goal is to allow for working groups to meet on Monday and Tuesday, then set the final remaining budgets next week on Wednesday, Thursday, and Friday. These budgets include Universities, Commerce, Medicaid, and the Office of the Governor. With such large budgets being set, there is typically a two-week delay for adjournment as Legislative Services works night and day to draft the appropriation bills needed. Numerous other appropriations have trickled on to the floor in the past week, further contributing the large log jam of bills.

Leadership cautioned their committee chairs this week, imploring them to start shutting down their committees and yielding more time to floor sessions. Starting next week, Senate nonprivileged committees will meet from 1:00PM to 2:00 PM cutting lunch breaks and the length of committee for longer afternoon floor sessions in the Senate. No word yet on the plans for the House committees, but we anticipate they will act in similar fashion and begin narrowing their time and focus next week. Often these changes are recognized by the term "Call of the Chair" when daily committee agendas are updated with no actions by the committee.

Despite these conversations, the House Ways and Means Committee has been active and printing new bills frequently. We expect this to continue next week. A large portion of these bills have been rewrites of previous bills. The work continues, and while emotions are running high and legislators are becoming eager to finish their priorities and be done, there is many good things left to do and we remain committed to working hard for you through the very end of session and beyond.

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.



## Policies

### **HCR 30 – Medicaid Waivers – House 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) – 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) – Senate Health and Welfare**

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 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 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) – 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 – Passed the House (44-26) – Senate 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 Floor**

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 – Held in 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 – Passed the House (42-26-2) – Senate 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

### **SB 1397 – Department of Insurance Trailer Appropriation – Passed the Senate (33-1-1) – House Floor**

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

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**

## 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.