



## Week Thirteen Idaho Legislative Update for April 1 – April 5, 2024

In the thirteenth week of the Sixty-Seventh Idaho Legislature's Second Regular Session, the Legislature returned from Easter recess to move expeditiously through the remaining bills before recessing again until next Wednesday. Perhaps the most tumultuous two days of the session happened Tuesday and Wednesday before the House recessed on Wednesday at 4:32 PM and the Senate recessed at 8:04 PM that night, to wait the mandated five (5) days for the Governor to treat all the bills. The Legislature will return next week to consider overriding any veto's, finish any last items and finally Adjourn "Sine Die" for the year. The session is expected to finally wrap up mid-week next week, and we will be there to the very end.

The biggest fight of the session, the Idaho Transportation Department (ITD) budget enhancements, included language revoking the sale of the State Street ITD headquarters. This led to multiple introductions of similar bills from JFAC. Including Senate Bill [1461](#) being introduced Tuesday and being hung up in a parliamentary move by Senate Pro Tem Winder who used Mason's Rules of Order to break long standing tradition on budget bills that needed corrected. After it stalled on the Senate Floor, JFAC met for a third time Wednesday and introduced House Bill [770](#), again with the same language and slight adjustments to the numbers in the budget. Swiftly and with no debate, HB 770 narrowly passed the House Wednesday on a vote of 37-31-2 and later was taken up on the Senate floor and passed by one vote, 18-17.

Other last-minute bills with corrections, included HB [766](#) as cleanup for HB [521](#) (school facilities funding and income tax cuts). This was the tenth iteration of fixes for this bill. This policy was the Governor's top priority this session, and this week we saw swift introduction and passage of HB 766. Other last-minute bills were HB [741](#) - fixes to Idaho Launch, and a final adjustment for DOPL's licensing exceptions process came in SB [1429aaH](#).

Amidst the last hours of Wednesday, the House and Senate continued battling in the traditional power struggle that is the legislative process in Idaho. The unique and uncomfortable part of this was the factions in the Senate that broke out. This was not ideology based, (Freedom Caucus vs. Main Street) but instead included Chairmen and members of the Senate fighting leadership in a closed-door Senate Majority Caucus meeting that went on for hours.

While fights in caucus can be a normal part of the process, this was different. We don't know details, as caucus meetings are private, but we do know that the Senate Majority returned to the Senate Floor Wednesday night despondent, and the results of the caucus were virulent. Attacks on leadership and the direction of the Senate seemed to have occurred in a similar fashion as we saw in January in the House. The Senate, traditionally the more deliberative body, didn't change leadership in the last hours of session Wednesday. The infighting and power struggles are a brutal part of the session this year and a departure from the decorum and statesmanship of previous legislatures. Something we hope is a rare one-off and not the new normal in the Idaho Legislature.

The job of legislators isn't easy, and certainty hasn't been fun this year, yet some good things were accomplished by the Legislature for Idaho this session, along with disappointments and setbacks. As we begin to wrap up the session, we are already in discussions for next year and know we will be back in nine months to begin again. While they recess and begin preparations for their campaigns for Primary Election in May 2024, we are preparing for them to again convene next week to hopefully wrap up and looking ahead to meeting with you to plan out the rest of the spring and beyond.

As we enter week fourteen of the 2024 Idaho Legislative Session, we are taking a moment to again to thank you for your trust in us and for the privilege to represent you. The Idaho Legislative process is often emotional and dynamic, and we strive to manage it well and remain positive and helpful. We also hope the reporting and work we do is a value add for you. We are always willing to consider how best to improve our efforts and process to serve you. Sincerely, thank 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](#). [HERE](#) is a list of Governor Little's daily tracking sheet.



**[HCR 30](#) – Medicaid Waivers – Passed the House (56-9-5) – Passed the Senate (19-15-1) – Filed in the Office of Secretary of State**

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), Sen. VanOrden (R-30)**

**[HB 521](#) – School Facilities Funding – Passed the House (61-6-3) – Passed the Senate (23-11-1) – Signed Into Law**

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 398aaS](#) – Medicaid State Plan and Waivers – Passed the House (58-10-2) – Passed the Senate (27-6-2) – House Concurred (46-23-1) – Signed Into Law**

This prevents the Department from requesting any changes from the state Medicaid Plan or applying for any 1115 or 1915 waiver that would expand coverage to additional individuals or class of individuals or increase any cost to the state. This approval must be done through statute.

**Sponsor: Rep. Blanksma (R-8), Sen. Harris (R-35)**

**[HCR 39](#) – Rule approval, Department of Health and Welfare – Passed the House (65-0-5) – Passed the Senate (Voice Vote) – Secretary of State**

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

**Sponsor: Rep. Erickson (R-33), Sen. VanOrden (R-30)**

**[HB 596aaS](#) – Pharmacy Benefit Managers – Passed the House (41-29) – Passed the Senate Floor (27-8) – Concurred in the House (53-15-2) – Signed Into Law**

This legislation adds definitions for brand name or generic effective rate, maximum allowable cost appearance pricing adjustment, pass-through pricing model, spread pricing, and specialty drug. A PBM must pass along a rebate and provide full transparency of fees, markup, and discounts. Each PBM must report to the Director of Insurance by January 2025 on aggregate amounts, reimbursement rate differences, and numerous other standards to increase transparency. This bill also added one FTP to specialize in PBM oversight. The amendment discusses how PBMs, and their agents will not publish or disclose information to the Director of Insurance that would reveal a pharmacy benefit plan, price change, and other information. Any information that could compromise the financial, competitive, or proprietary nature will not be considered public record, however, a third party that performs services for the PM may have access to the information.

**Sponsor: Rep. Redman (R-3), Sen. Cook (R-32)**



### **SB 1389 – Pharmacy Benefit Managers – Senate Floor**

Adds definitions for brand name or generic effective rate, dispensing fee, effective rate guarantee, maximum allowable cost appeal pricing adjustment, participation contract, pass-through pricing model, and spread pricing. States pharmacy benefit managers (PBM) may not directly or indirectly charge a price for a prescription different from the ingredient cost or dispensing fee the pharmacy gets reimbursed for, and the PBMs will return all rebates. Grants the Director of the Idaho Department of Health and Welfare (IDHW) the authority to investigate PBMs as often as they deem necessary related to operations or compliance with laws and rules.

The legislation outlines requirements that all contracts with a PBM and a pharmacy benefits plan must incorporate which has nine (9) requirements but has an exception for specialty drugs. It also outlines the four (4) requirements for contracts executed or renewed between a PBM and one (1) or more pharmacies/pharmacists. PBMs cannot restrict pharmacies/pharmacists from disclosing appropriate information to individuals, IDHW, law enforcement, or state and federal government officials. PBMs cannot transfer or share information that could identify a patient or prescriber for any purpose that isn't for pharmacy reimbursement, compliance, or review of the benefits plan. The final component outlines the process that would occur in the case of a failure to make a payment due for an adjudicated claim.

**Sponsor: Sen. Lee (R-9)**

### **HB 577 – Medicaid, Direct Payment – Passed the House (43-23-4) – Passed the Senate (21-13-1) – Signed Into Law**

### **HB 685 – Medicaid Stabilization Budget Fund – Passed the House (47-22-1) – Passed the Senate (17-16-1) – Signed Into Law**

### **HB 501aaH – Medical Liens – Passed the House (67-0-3) – Passed the Senate (34-0-1) – Signed Into Law**

### **HB 633 – Postpartum Medicaid Assistance – Passed the House (42-26-2) – Passed the Senate (24-10-1) – Signed Into Law**

### **SB 1355 – Medicaid Legislative Review Panel – Passed the Senate (27-8) – Passed the House (58-9-3) – Signed Into Law**

### **SB 1234 – Six-Month Contraceptive – Passed the Senate (19-16) – Passed the House (35-34-1) – Signed Into Law**

### **HB 439 – Immunization Assessment Board – Passed the House (44-26) – Passed the Senate (23-12) – Signed Into Law**

### **HB 527 – Pharmacy Practice – Passed the House (70-0) – Passed the Senate (34-1) – Signed Into Law**

## **Appropriations and Budgets**

### **HB 750 – Division of Medicaid Trailer Appropriation – Passed the House (45-25) – Passed the Senate (23-11-1) – Sent to the Governor**

Reduced the basic Medicaid Plan by \$55 million and increased the Expansion Medicaid Plan by \$55 million to increase the coverage for postpartum coverage for 12 months.

**Sponsor: Rep. Furniss (R-31), Sen. VanOrden (R-30)**

### **HB 715 – Joint Legislative Millennium Committee Appropriation Recommendations – Passed the House (45-20-5) – Passed the Senate (24-10-1) – Signed Into Law**

### **HB 460 – Public School Support Program Maintenance Appropriation – Passed the House (53-14-3) – Passed the Senate (34-0-1) – Signed Into Law**



**[SB 1397](#) – Department of Insurance Trailer Appropriation – Passed the Senate (33-1-1) – Passed the House (65-3-2) – Signed Into Law**

**[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.