



### **Week 11 Idaho Legislative Update for March 21 – March 25, 2022**

The eleventh week of the Sixty-Sixth Idaho Legislature's Second Regular Session ended just before midnight on Friday as the last budget bill, the appropriation for the Commission on Libraries, passed on the record-setting fifth try. Both the House and Senate finished their work and are now in recess until Thursday, March 31<sup>st</sup> at 11:00 AM. Upon their return, they will consider any bills the Governor may veto before hopefully adjourning Sine Die for the rest of the year. With a recess on the 75<sup>th</sup> legislative day, legislators will continue to receive pay and per diem through the end of month, although most of them are returning home for the duration of the recess.

We often say in the Capitol “an hour is a day, a day is a week, a week is a month, and month is a year”. That certainty felt true this week, especially when budgets that easily passed in previous years, got attacked in acts of political grandstanding. Aside from the noise, this year was a successful and positive session with process, policy, and a heavy dose of politics mixed into what felt like much more of a normal session.

Before recess, this week saw the massive influx of long-awaited bills reach the Governor's desk. Governor Little and his staff have worked night and day to process and treat each bill. With this massive influx came another veto, this time on the appropriation for the Office of Information Technology Services. This veto sent a strong message to the legislature on cyber security and IT management and not tying the hands of agencies who work year-round to serve the state.

Committees continued meeting through the week and JFAC even met multiple times Friday, including a late-night Friday meeting to take up the failed libraries budget for a fifth time. Prior to that, JFAC met earlier in the day to redo the vetoed IT budget as well as reworking the libraries' budget for a fourth time. After motions, substitute motions, and fiery debate, the new libraries' budget, with millions of dollars in reductions, passed out of committee, and considered by the House for a fifth time. The budget finally passed, but only after a last-second resolution pertaining to content and standards for libraries, introduced by House Ways and Means Committee, quickly passed the House Floor.

Throughout the week, the House floor sessions lasted many hours, despite the Speaker and Majority Leader trying to move quickly to wrap things up. We continued to see galling parliamentary theatrics, campaign rhetoric, and uncouth tactics by some on the House Floor in addition to exhaustive debates and more budgets voted down. Meanwhile, the Senate flew through pages and pages of appropriations and other policies, including several bills that received amendments and quickly passed out of the Senate. One such bill, HB 735aaS, included a \$34 million, ongoing property tax cut. The Senate worked through several long sessions each day this week, which also meant going into the evenings when the House and most everyone else had left the building.

There were also several bittersweet moments this week as committees wrapped up and longtime chairmen were honored by committee members, staff, families, and others. It is a testament to much of the great work, long hours, and dedication the committee chairmen have shown over the years. As we now move into a hurried campaign season, we will always remember fondly the statesmen who carried bills with honor, integrity, and a commitment to leave the state a better place than they found it.

We now wait for the Governor to finish treating all bills and for the Idaho Legislature to return and finish session on Thursday March 31<sup>st</sup>. While we sincerely believe they should adjourn Sine Die next week. This legislature has shown us they don't have an appetite to give away the spotlight. So only time will tell.

All bills from the 2022 Idaho Legislative Session are on the [Idaho State Legislative Website](#).

The Governor's “Bill Tracker” is [HERE](#) and the State of the State and Budget Highlights can be viewed [HERE](#). All legislative and statewide candidates who filed to run for office can be found [HERE](#).



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## **Policies, Appropriations, and Rules Updates:**

### **Policies**

#### **HB 778 – Idaho Patient Act To the Governor**

Clarifies that the pursuit of an overdrawn checks for overdrawn check is not an extraordinary collection action. This is to provide a more efficient timeline for adverse credit reporting but does not give the ability to pursue other extraordinary collection actions by health care providers against patients. This replaces HB 774.

**Sponsor: Rep. Monks (R-22).**

#### **SB 1233 – Shared Investigation Authority – DOPL Senate Commerce & Human Resources Committee**

This bill hopes to enable across-the-board collaboration between Department of Occupational & Professional Licenses (DOPL) boards and commissions to improve transparency and efficiency during investigations.

**Sponsor: Sen. Souza (R-4)**

#### **HB 718 – Out-of-State Medical Students, Return to Idaho To the Governor**

This legislation would require Idaho students who enroll in WWAMI Regional Medical Program or the University of Utah School of Medicine to sign a contract with the State Board of Education stipulating that the student will repay monies paid for their education from public funds, unless the student is actively engaged in professional practice in Idaho for four years.

**Sponsor: Rep. Moyle (R-14)**

#### **HB 510 – State & Local Taxes, Businesses (69-0-1) Passed the House – Senate Local Government & Taxation Committee**

This proposal aims to “make technical corrections to legislation passed in 2021 (HB 317)”. That bill allowed Affected Business Entities (ABE’s) to elect to pay state income taxes on behalf of their owners, making those payments deductible from their federal taxes. This new bill would extend that election opportunity to trusts, estates, and ABE’s with owners that have no Idaho income tax liability.

**Sponsor: Rep. Okuniewicz (R-2)**

#### **HB 534 – State Insurance Fund House Commerce & Human Resources Committee**

Intends to allow the State Insurance Fund (SIF) to transition from state vacation and leave programs to Paid Time Off (PTO) and holidays. This would align more with private sector positions. The bill will digitalize their financial transaction offerings with online banking and mobile applications without the approval of the State Controller’s Office and Treasurer’s office.

**Sponsor: Rep. Gestrin (R-8), Sen. Lakey (R-12) - four co-sponsors**

#### **SB 1239aa – Legislative Session Uniformity (28-6-1) Passed the Senate – House State Affairs Committee**

Ensures that each regular session of the legislature shall adjourn by a certain date. It is intended to keep the legislative session uniform and part time but makes exceptions for declared disasters and emergency events.

**Sponsor: Sen. Guthrie (R-28)**



### **[SB 1259 – Medicaid, Certified Caregivers, and Property Taxes \(29-5-1\)](#) Passed the Senate – House Floor**

In-home caregivers and home-bound persons. Certified Family Home. You receive Medicaid reimbursement for housing those people, and for some, that would bump you above the circuitbreaker, but only at the state/local level. About 2,500 homes, serving over 3,000 residents. About \$50 per day, where them being institutionalized is around \$100 per day, resulting in a cost-saving for the State.

**Sponsor: Sen. Wintrow**

### **[HB 728aaS – PERSI, Russian Assets](#) To the Governor**

This bill is to ensure Russian currency and government bonds within PERSI are sold, dispersed, or traded. PERSI will be required to publicly disclose of all Russian investments that any company has. The bill will sunset March 1, 2023.

**Sponsor: Rep. Gannon (D-17) and Rep. Skaug (R-12)**

### **[HB 557 – Payday Lenders, Licensing Systems \(31-38-1\)](#) Failed in the House**

Aims to standardize the commercial payday and licensing systems. Eliminates the unnecessary licensing requirements and alters due dates to align with the electronic system of licensing. The provisions for qualifying for these licenses will be updated by this bill as well.

**Sponsor: Rep. Furniss (R-35)**

### **[HB 719 – Vaccine Mandates, Religious Exemption \(54-15-1\)](#) Passed the House – Senate State Affairs Committee**

Expands on State Code, by incorporating language that would allow for employees to claim religious exemption in the event their employer has vaccine requirements. This intends to replace HB 577.

**Sponsor: Rep. Young (R-31)**

### **[HB 578 – Required Immunity Liability Act](#) House Business Committee**

Allows for employees to request an exemption from receiving the vaccine, and the employer still requires the vaccine, then an employee is injured the employer can be held liable for this injury. The employee will have the ability to seek suit against the employer. The businesses that are required to have all employees receive the vaccine per the federal government mandate, this employer will be exempt from this bill.

**Sponsor: Rep. Monks (R-22) and Sen. Den Hartog (R-22)**

### **[HB 579 – Medical Information, Employers](#) Returned to House Business Committee**

Intends to protect employee's medical privacy by stating employees do not have to disclose medical information to an employer. An employer may request a new employee to share relevant medical information that is considered essential function to the job.

**Sponsor: Rep. Monks (R-22)**

### **[HB 581– Employee Medical Information Protection Act \(39-29-2\)](#) Passed the House – Senate Commerce & Human Resources**

Prevents a business to mandate the COVID-19 vaccine on their employers. The definition of the vaccine would be updated through this bill

**Sponsor: Rep. Shepherd (R-7)**



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**[HB 698 – Worker's Compensation, COVID-19 \(61-2-7\)](#) Passed the House – Senate Commerce & Human Resources**

This legislation specifies that injuries arising from employer mandated vaccinations shall be compensable under the Idaho Workers Compensation laws. This intends to replace HB 593.

**Sponsors: Rep. Skaug (R-12), Rep. Monks (R-22)**

**[HB 708 – Medical Information, Employers \(54-14-2\)](#) Passed the House – Senate Health & Welfare Committee**

Intends to protect employee's medical privacy by stating employees do not have to disclose medical information to an employer. An employer may request a new employee to share relevant medical information that is considered essential function to the job. This intends to replace HB 604.

**Sponsor: Rep. Monks (R-22)**

**[HB 616aaS – Private Foundations, Charitable Trusts, Non-Profits, Privacy To the Governor](#)**

This bill aims to protect private foundations and charitable trusts by clarifying that the only business reports they would need to file are those required under the State's Nonprofit Act and consumer protection laws.

**Sponsor: Rep. Troy (R-5)**

**[SB 1326 – Regulatory Shift, Division of Licensing & Certification](#) Senate Health & Welfare Committee**

This legislation would effectively shift eighteen (18) different types of medical facilities and agency types, as well as the regulatory authority, duties, and staff responsible for licensing and inspection, from the Division of Licensing & Certification to the Division of Occupational & Professional Licenses (DOPL). Included in this transition would be the management of the certification program for certified family homes to DOPL.

**Sponsors: Sen. Riggs (R-3), Rep. Erickson (R-33)**

**[SB 1399 – Extending Employment Services Program To the Governor](#)**

This proposed legislation would move the Extended Employment Services Program from the Division of Vocational Rehabilitation to the Division of Health & Welfare (DHW). Current funding for the program would be shifted from the Division of Vocational Rehabilitation to DHW, resulting in the transfer of three (3) FTP and \$3.51 million. This replaces SB 1329.

**Sponsor: Sen. Cook (R-30).**

**[HB 645 – Elections, Community College Trustees](#) Returned to State Affairs Committee**

Changes the at-large voting process for community college trustee elections to a zonal one. This proposal has a 2024 effective date to not further complicate the election cycle that is about to start.

**Sponsor: Rep. Chaney (R-10)**

**[HB 671 – School Board Trustees \(54-13-1\)](#) Passed the House – Held in Senate State Affairs Committee**

If an election is held within 120 days from a successful recall, then an election will be held for a school trustee position instead of an appointment. If the next election is held further out than 120 days, a temporary trustee position will be fill until the next election, where the permanent spot will be elected.

**Sponsor: Rep. Erhardt (R-33)**



**[SB 1346aa – Medical Record Requests, Cap \(28-8-1\)](#) Passed the Senate – Held in House Health & Welfare Committee**

This bill would establish “a reasonable maximum charge” for a patient, or their representative, to obtain a copy of records from a physician or other health care service that is intended to prevent price gouging, but also provide an incentive for electronic download of records.

**Sponsor: Sen. Ricks (R-34)**

**[SB 1356 – Extend Employment Services](#) Held in Senate Health & Welfare Committee**

SB 1356 would codify employment services from Idaho Division of Vocational Rehabilitation to the Division of Medicaid. This is a state supported employment and vocational training service and aims to ensure full access to the vocational services Idahoans with significant disabilities.

**Sponsor: Sen. Cook (R-30)**

**[SB 1368 – Occupational Licensing Reform Act, Language Clean-up](#) To the Governor**

This bill would update all Idaho Division of Occupational and Professional Licensing boards and commission statute references in alignment with Idaho Code

**Sponsor: Sen. Lakey (R-12).**

**[SB 1381 – Coronavirus Pause Act](#) To the Governor**

This legislation was crafted in reaction to the COVID-19 pandemic and aims to prevent discrimination in the workplace, with the exception of any requirements that might be required of medical care providers, on the basis of vaccination.

**Sponsors: Sen. Winder (R-20), Sen. Lakey (R-12), Rep. Adams (R-13)**

**[SB 1397 – Negotiated Rulemaking Process](#) Sent to the 14<sup>th</sup> Order for Amendment**

This allows for legislatures to have a negotiated rulemaking process for all temporary rules that are not approved by the legislature the following session. This bill is to ensure that the rulemaking process is transparent and that temporary rulemaking is only used for emergency situations.

**Sponsor: Sen. Anthon (R-27)**

**[SB 1234 – Dental Hygienist Endorsements](#) Signed into Law**

**[HB 436 – Income Taxes](#) Signed into Law**

**[HB 450 – Unemployment Insurance Tax Rates](#) Signed into Law**

**[HB 444 - Extending Sunset of Coronavirus Limited Immunity Act](#) Signed into Law**

**[SB 1247 – Establishing Technical Schools](#) Signed into Law**

**[HB 506 – Armed Forces Scholarships](#) Signed into Law**

**[HB 551 – Subpoena Powers for the PERSI Board](#) Signed into Law**

**[HB 552 – PERSI Withdrawal Penalties](#) Signed into Law**



[HB 553 – PERSI Background Checks](#) Signed into Law

[HB 461 – Armed Forces Scholarships](#) Signed into Law

[HB 517 – Dentists, Idaho Department of Corrections](#) Signed into Law

[SB 1246 - Uniform Controlled Substance Act](#) Signed into Law

[SB 1283 – Supplemental Medicaid Reimbursement for Ground Emergency Transport](#) Signed into Law

[HCR 38 – WWAMI Regional Medical Education Program](#) Adopted

[SB 1256 - Notarization Process for Background Checks](#) Signed into Law

[HB 561 – Uses for Grant Funding, Emergency Service Personnel](#) Signed into Law

[HB 556 – Securities](#) Signed into Law

[HB 562 – Drug Outlet \(Pharmacy\) Registration](#) Signed into Law

[HB 590 – Streamlining the Worker’s Compensation Process](#) Signed into Law

[HB 611 – Reinsurance, Claims](#) Signed into Law

[HB 554 – Definitions – PERSI](#) Signed into Law

[HB 555 – Reemployment, PERSI](#) Signed into Law

#### **Appropriations and Budgets**

**[HB 767 – Department of Health & Welfare, Public Health Services Division, FY23 Appropriation To the Governor](#)**  
259.02 FTP; \$10.76 million from the General Fund; \$50.06 million from dedicated funds; and \$156.38 million from federal funds. This includes \$147,700 for benefit costs; \$77,500 for replacement items; remove \$4,600 for statewide cost allocation; and \$1.34 million for CEC. The total appropriation request is for \$217.20 million, which would reflect a 5.4% increase over the FY22 appropriation

**Motioned by: Nash (D-16) Seconded by: Sen. Riggs (R-3)**

**[HB 777 - DHW - Division of Medicaid, FY23 Appropriation. To the Governor](#)**  
\$3.64 Billion base; 213 FTP; adding \$115,200 for benefit costs; \$1.12 million for CEC; \$126.36 million for nondiscretionary adjustments; and removing \$2,100 for statewide cost allocation. The total FY23 appropriation request is for \$4.04 Billion, which would reflect 6.6% increase over the FY22 appropriation.

**Sponsors: Rep. Amador (R-4), Sen. Van Orden (R-31)**



**[HB 799 - State Board of Education, CTE Division, FY23 Appropriation.](#) To the Governor**

553.64 FTP; \$78.52 million base; adding \$299,100 for benefit costs; \$2.80 million for CEC; and removing \$4,100 for statewide cost allocation. The total FY23 appropriation request is for \$84.24 million, which would reflect a 0.1% increase over the FY22 appropriation. \$73.19 million would come from the General Fund, \$552,800 from dedicated funds, and the remaining \$10.49 million from federal funding sources.

**Sponsors: Rep. Horman (R-30), Sen. Crabtree (R-7)**

**[SB 1427 – Department of Health & Welfare, Extended Employment Services](#) To the Governor**

This bill would move the Extended Employment Services program from the Division of Vocational Rehabilitation to the Department of Health & Welfare. This would result in the personnel costs associated with 3.60 FTP and \$3.62 million from the General Fund being shifted.

**Sponsors: Sen. Cook (R-30)**

**[SB 1428 - Individual High Risk Reinsurance Pool Fund](#) To the Governor**

Trailer to HB 611 to add 25 million from the General Fund to the Individual High Risk Reinsurance Pool Fund.

**Sponsors: Sen. Troy (R-5), Sen. Crabtree (R-7)**

**[SB 1331 – Department of Health & Welfare FY 2022 Appropriations, Division of Medicaid](#) Signed into Law**

**[HB 661 – FY22 Supplemental Appropriations, DHW](#) Signed into Law**

**[HB 710 – Division of Human Resources, FY22 Supplemental Appropriation](#) Signed into Law**

**[HB 726 - Division of Human Resources \(DHR\), FY23 Appropriation.](#) Signed into Law**

**[HB 722 – Department of Insurance, FY23 Appropriation](#) Signed into Law**

**[SB 1384 – DHW, Mental Health Services Division, FY23 Appropriation](#) Signed into Law**

**[HB 771 – Self-Governing Agencies, DOPL, FY23 Appropriation](#) Signed into Law**

**[SB 1401 - DHW – Other Programs, FY22 and FY23 Appropriation](#) Signed into Law**

**[HB 773 - DHW - Family & Community Services - FY 2023 Original.](#) Signed into Law**

**[SB 1418 - State Board of Education, Health Education Programs, FY23 Appropriation](#) Signed into Law**



## Rules

[HERE](#) is the link for the Index of all Proposed Rules seeking legislative approval. Committees in both the House and Senate are assigned rules to approve. As a reminder, if a rules docket pass either House or the Senate, they are set to go into effect but need to be enacted by legislation or executive order.

### Rules Approved:

- [16-0000-2100](#) - Notice of Omnibus Rulemaking, Department of Health and Welfare (with the exception of chapter 16.03.09)
- [16-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule), Department of Health and Welfare
- [15-0100-2100](#) – Omnibus Rulemaking - Proposed Rule, Office of the Governor, Idaho Commission on Aging
- [04-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule, Office of The Attorney General, Page 5-91
- [34-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule, Secretary of State, Page 357-376
- [34-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, Secretary of State Page 78-111
- [38-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule, ID Dept. of Administration, Page 377-417
- [38-0000-2100F](#)- Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, Id Dept. of Administration, Page 112-12
- [18-0000-2100F](#) Notice of Omnibus Rulemaking (Fee Rule) - Pending Rule – Department of Insurance
- [18-0000-2100](#) Notice of Omnibus Rulemaking - Pending Rule – Department of Insurance
- [18-0201-2101](#) Insurance Rates and Credit Rating (New Chapter) - Pending Rule
- [18-0407-2101](#) Restrictions on Discretionary Clauses in Health Insurance Contracts (New Chapter) - Pending Rule
- [18-0410-2101](#) Medicare Supplement Insurance Standards (New Chapter) - Pending Rule
- [18-0604-2101](#) Continuing Education (New Chapter) - Pending Rule
- [09-0000-2100](#) Notice of Omnibus Rulemaking - Pending Rule – Department of Labor
- [16-0000-2100](#) - Omnibus Rulemaking – Proposed Rule – Department of Health and Welfare
- [16-0000-2100](#) - Section 16.03.09.772.01(c) Held in Committee – Department of Health and Welfare
- [16-0000-2100F](#) - Omnibus Rulemaking (Fee Rule) - Proposed Rule – Department of Health and Welfare
- [18-0000-21000](#) - Notice of Omnibus Rulemaking - Amendment to Temporary Rule, p. 115; 18.01.01 - 18.08.01, pp. 119 - 346 – Department of Insurance
- [18-0604-2101](#)- Continuing Education (New Chapter) - Proposed Rule, p. 400
- [18-0402-2101](#) - Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule, p. 364
- [15-0400-2100](#) – Notice of Omnibus Rulemaking – Pending Rule – Idaho Division of Human Resources
- [15-0100-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Idaho Commission of Aging
- [15-0200-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Commission for the Blind and Visually Impaired
- [16-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule – Department of Health and Welfare
- [24-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Division of Occupational and Professional Licenses
- [24-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule – Division of Occupational and Professional Licenses
- [34-0000-2100](#) - Omnibus Rules Review - Office of Secretary of State
- [34-0000-2100F](#) - 2022 Pending Fee Rules - Secretary of State Office
- [38-0000-2100](#) - Proposed Omnibus Rules - Idaho Dept. of Administration
- [38-0000-2100F](#) - Fee Rules review - Idaho Dept. of Administration
- [15-0400-2100](#) - Notice of Omnibus Rulemaking - Pending Rule – Division of Human Resources
- [16-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Department of Health & Welfare
- Exception of 16.03.09.772.01C, 16.03.21.101.04.Q, and 16.03.21.302.01 A-E, and 16.03.21.101.047



### **Appointments**

- Jerry Edgington's re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Mar 3<sup>rd</sup>, 2022.
- Janice Fulkerson's re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Feb 14<sup>th</sup>, 2022.
- Kevin Settles' re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Feb 14<sup>th</sup>, 2022.
- Margaret Henbest's reappointed to the Idaho Health Insurance Exchange Board was confirmed on Feb. 24<sup>th</sup>, 2022.
- Lori Wolff was appointed as the Administrator of the Division of Human Resources
- Karan Tucker's appointed to the Idaho Health Insurance Exchange Board was confirmed on Feb 14<sup>th</sup>, 2022.
- Gregory Donaca's appointment to the Idaho Health Insurance Exchange Board was confirmed on Feb 14<sup>th</sup>, 2022.
- Stephen Weeg's appointment for the Idaho Health Insurance Exchange Board was confirmed on Feb 17<sup>th</sup>, 2022.
- Cynthia Fairfax's appointment to the Health Insurance Exchange Board was confirmed on March 8<sup>th</sup>, 2022.
- Trent Nate's appointment to the Idaho Health Insurance Exchange Board was confirmed on March 25<sup>th</sup>, 2022.