



Week 12 Idaho Legislative Update for March 28 – April 1, 2022

The twelfth week of the Sixty-Sixth Idaho Legislature's Second Regular Session began with the House and Senate in recess as they awaited treatment of bills by Governor Little. The week ended with Adjournment "Sine Die" on Thursday afternoon, marking the end of a successful and well-run session on the 81st legislative day. The House adjourned at 1:47 PM and the Senate Adjourned at 2:43 PM, formally ending the 2022 Idaho Legislative Session.

This session was unique. They all are, but with so many long-time legislators retiring and a sense of order and process back, there is much to celebrate. Governor Little said ***"In all my years, I have never seen a more successful legislative session that produced so many positive results for the people we serve. We achieved what I never thought we could – 'the trifecta' – which is record tax relief, record education investments, and record transportation investments in one year."***

We could not agree more. There are always wins and losses, rhetoric, bad press, challenges, and even disappointments during session, but the optimism and success of this year leaves us believing the future of Idaho is bright.

Before Sine Die, the House and Senate reviewed the actions taken by Governor Little. Several bills were vetoed during the recess and were accompanied by messages from the Governor. The vetoed legislation was discussed by the House and Senate as they caucused to decide what to do. The Senate chose to take up a veto override on SB1381, the Coronavirus Pause Act, but the override failed to receive 2/3 majority with a 21-14 vote.

Following the actions of the Senate, the House then went on the floor and worked through the orders. They chose not to attempt to override any vetoes and called for adjournment by voice vote with a small number of gallinaceous legislators voting "nay", and the vast majority of representatives voting enthusiastically "aye" to adjourn Sine Die. The Senate began farewell speeches and thanked their peers and the many people who help make the process a success and an hour later also adjourned Sine Die by voice vote.

All eyes now turn to the May Primary Elections on May 17, 2022. As we wrap up our work in the Capitol, we will be providing you with an additional summary of our success this year. We are also happy to offer advice on campaigns and elections as we work with trusted legislators we want to see return and as we invest our time and energy helping those who we believe will help Idaho move forward with vision, leadership and statesmanship. We will continue to work hard to represent your interests and seek to build a path to success for next year as we move forward with a very large class of new legislators next year.

We wish to thank the Idaho Legislature, the Senate, the House, the Majority and Minority Leadership, the many staff and secretaries, the Governor and his staff, and agency leaders and their staff. We work with all of them regularly throughout the year and we consider it a privilege to be able to know and trust them as we come together to make hard decisions and promote ideas to try to make Idaho a better place. We may not always agree, but we respect the process and the role we play in it on your behalf.

And to you, Thank you. Thank you again for your trust in us this session. On behalf of myself, our firm, Mike, Kieran, and Peyton, thank you for the privilege of working on your behalf and to achieve your goals. We count you as a part of our family and we are honored to be able to work on your behalf. Again, thank you, and congratulations on a successful 2022 Idaho legislative session.

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

SB 1381 – Coronavirus Pause Act Vetoed

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 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 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)

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 employees. The definition of the vaccine would be updated through this bill

Sponsor: Rep. Shepherd (R-7)

[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)

[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)

[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)



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[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 filled 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 1397 – Negotiated Rulemaking Process](#) Sent to the 14th 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



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[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

[HB 778 – Idaho Patient Act](#) Signed into Law

[HB 718 – Out-of-State Medical Students, Return to Idaho](#) Signed into Law

[SB 1259 – Medicaid, Certified Caregivers, and Property Taxes](#) Signed into Law

[HB 728aaS – PERSI, Russian Assets](#) Signed into Law

[SB 1399 – Extending Employment Services Program](#) Signed into Law

[SB 1368 – Occupational Licensing Reform Act, Language Clean-up](#) Signed into Law

[HB 616aaS – Private Foundations, Charitable Trusts, Non-Profits, Privacy](#) Signed into Law

Appropriations and Budgets

[SB 1427 – Department of Health & Welfare, Extended Employment Services](#) Signed into Law

[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

[HB 767 – Department of Health & Welfare, Public Health Services Division, FY23 Appropriation](#) Signed into Law

[HB 777 - DHW - Division of Medicaid, FY23 Appropriation.](#) Signed into Law

[HB 799 - State Board of Education, CTE Division, FY23 Appropriation.](#) Signed into Law

[SB 1428 - Individual High Risk Reinsurance Pool Fund](#) 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



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[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 3rd, 2022.
- Janice Fulkerson's re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Kevin Settles' re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Margaret Henbest's reappointed to the Idaho Health Insurance Exchange Board was confirmed on Feb. 24th, 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 14th, 2022.
- Gregory Donaca's appointment to the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Stephen Weeg's appointment for the Idaho Health Insurance Exchange Board was confirmed on Feb 17th, 2022.
- Cynthia Fairfax's appointment to the Health Insurance Exchange Board was confirmed on March 8th, 2022.
- Trent Nate's appointment to the Idaho Health Insurance Exchange Board was confirmed on March 25th, 2022.