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Week 7 Idaho Legislative Update for February 21– February 2022

The seventh week of the Sixty-Sixth Idaho Legislature's Second Regular Session brought movement for many policies working through committees and floor sessions. With a handful of legislators bringing theatrics to the floor in response to their grocery tax proposals being called into question and shut down, again. So far, most legislators have been diligent and engaged in their work and left much of the political pandering to events outside the Capitol. The antics and bad behavior of a few legislators has not encumbered the process beyond a general annoyance so far.

A garyloo was called for some bills this week as polices began failing on the floors of the House and Senate. Even bills with small fiscal impacts have failed. Some bills, even with do pass recommendations and unanimous votes out of committee were voted down on the floor. Meanwhile, in the same floor sessions, bills that may not pass constitutional muster, bills that have been redrafted many times this session and still have issues, and even a bill to change the speed of school bus speeds on freeways by 5 MPH have moved forward. All part of the challenging and nuanced process that is policy making in Idaho.

As the days of session grow longer, more exhausting, and often more contentious in the Capitol, much of the attention has turned to budgets. At the forefront this week, JFAC began Fiscal Year 2023 budget setting and pushing hard to motion funding bills, with hundreds of millions of dollars flowing, through committee and to the floor. This process, currently scheduled to continue through the first two weeks of March, is the only thing the legislators must do constitutionally before they can adjourn.

We have yet to see the much talked about and rumored 39-page property tax reduction and sales tax increase bill. It was scheduled for introduction, but then pulled from agendas at the last second, multiple times this week. Despite it being talked about openly in the press, the sponsors have been tightlipped in the building and only a few people have seen all or part of it. We also have not seen the end of bills being introduced with special privileges from the Speaker or Pro Tem to fit last minute needs or wants of the legislature.

More bills pertaining to property tax, sales tax distribution, elections, broadband, housing, and yes, more social issues, continue to be introduced in the basement of the Capitol. With them many other bills are also working through the process. With a record budget surplus, the largest tax cut in Idaho history signed into law, record transportation, education, and infrastructure funding in process with wide support, this session has had many highlights. While not perfect, the general tone and tenor of the Capitol this year is one of dedication and pragmatism. This is a far cry from last year's tantrums and misbehaviors and is lending itself to a shorter and more successful year.

Despite the rhetoric and the procedural articulations to disrupt the process, the work continues at a hurried pace. The urgency and desire of leadership to get bills to the Governor and get out town remains the top priority heading into week eight. This will be especially true as the ability to formally file for office starts Monday. With all statewide officers, all 105 legislators up for re-election, and with new districts drawn and approved, this year's primary elections are sure to be the most expensive ever and could also yield the most candidates for office ever in the history of our state. In the meantime, voter's eyes are on the Idaho Capitol as they begin making a list of new candidates for office and checking it twice.

In addition to this report, all bills from the 2022 Idaho Legislative Session can be viewed through the [Idaho State Legislative Website](#). The Governor's Bill Tracker can be viewed [HERE](#). For more information on any policy or process, please contact us. A link to the Governor's State of the State Address and Budget Highlights can be viewed [HERE](#).



Policies, Appropriations, and Rules Updates:

Policies

[SB 1234 – Dental Hygienist Endorsements \(34-0-1\)](#) Passed the Senate – House Health & Welfare

S1234 removes outdated extended access licensure endorsement for Idaho licensed dental hygienists to practice in an extended access setting under the supervision of a dentist. This bill will allow for dental hygienists to prescribe authorized treatment.

Sponsor: Sen. Lakey (R-12)

[HB 517 – Dentists, Idaho Department of Corrections \(62-0-8\)](#) Passed the House – Senate Floor

This proposal would classify dentists working for the Department of Corrections to be classified as Department employees to improve Board of Dentistry oversight and access to inmate dental records, history, etc.

Sponsors: Rep. Hartgen (R-24), Sen. Lee (R-9)

[SB 1283 – Supplemental Medicaid Reimbursement for Ground Emergency Transport](#) Senate Floor

This proposal states that, currently, medicaid covers only ¼ the true cost of ambulance trips by using Federal funds to supplement the cost of these services, which is intended to help improve ground transport service for Idahoans in rural areas who might avoid ground transport for medical services due to prohibitive costs. This expansion would be made at no cost to the State or local governments.

Sponsor: Sen. Riggs (R-3)

[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)

[SB 1247 – Establishing Technical Schools To Governor](#)

S1247 provides school districts, public charter schools, and eligible cooperative service agency the ability to create a technical school that may qualify for funds through the appropriated funds to the State Board of Career Technical Education. This would include both new and renewal school applicants; however, all technical schools will be required to serve at least two populations of high school students, offer postsecondary credits, and meet at least one requirement outlined for technical schools.

Sponsor: Sen. Nelson (D-5)

[HB 562 – Drug Outlet \(Pharmacy\) Registration \(69-0-1\)](#) Passed the House – Senate Health & Welfare

For resident and non-resident pharmacies, this legislation intends to improve the registration process by making it simple and more consistent.

Sponsors: Rep. Erickson (R-33), Sen. Martin (R-15)



[HR 09 – Workforce Training for In-Demand Professions \(ARPA\)](#) House Commerce & Human Resources Committee

Idaho's allocated APRA funds would dedicate \$50 million for workforce training for the in-demand professions that have been impacted by the pandemic. This House Resolution would state the funds are obligated to workforce training.

Sponsor: Rep. Holtzclaw (R-20)

[HB 444 - Extending Sunset of Coronavirus Limited Immunity Act](#) To the Governor

HB 444 intends to extend the end date of the Coronavirus Limited Immunity Act from July 1, 2022, to July 1, 2023.

Sponsors: Rep. Young (R-31), Rep. Kerby (R-9), and Rep. Skaug (R-12) – co-sponsored by Sen. Lakey (R-12) and Rep. Monks (R-22).

[HB 461 – Armed Forces Scholarships \(67-0-3\)](#) Passed the House – Senate Floor

Currently, the state Armed Forces Scholarship's availability is exclusive to family members of armed service members killed in combat. The intent of this proposal is to expand the availability of this opportunity to families of those lost in training incidents. This idea came from the Army National Guard incident near Lucky Peak in February 2021 where three lives were lost in a helicopter crash.

Sponsors: Rep. Mathias (D-19).

[HB 506 – Armed Forces Scholarships \(66-0-4\)](#) Passed the House – Senate Floor

This bill would simply make technical corrections that change references to the US Social Security Administration to the Idaho Division of Veteran Services.

Sponsor: Rep. McCann (R-6).

[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 1239 – Legislative Session Uniformity](#) Sent to the 14th Order for Amendment

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)



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[SB 1246 - Uniform Controlled Substance Act \(32-0-3\)](#) Passed the Senate – House Health & Welfare Committee

SB 1246 is meant to reflect the DEA controlled substance decisions for 2021. This includes synthetic opioids in Schedule I, opiates in Schedule II, and anticonvulsant substance in Schedule V.

Sponsor: Sen Wintrow (D-19)

[SB 1256 - Notarization Process for Background Checks \(34-0-1\)](#) Passed the Senate - House Health & Welfare Committee

Change would allow for electronic signatures to be used when background checks are notarized.

This proposal hopes to expedite notarization process, eases regulatory burden, and reduces costs on those that need those checks performed.

Sponsor: Rep. Blair (R-31).

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

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 551 – Subpoena Powers for the PERSI Board \(60-0-10\)](#) Passed the House – Senate Floor

This proposal would grant subpoena authority to the PERSI Board. The Board would use this power to produce evidence from financial institutions when necessary to resolve a disputed claim.

Sponsor: Rep. Syme (R-11)

[HB 552 – PERSI Withdrawal Penalties \(61-0-9\)](#) Passed the House – Senate Floor

To solidify its legal positions, this proposal would change language in existing State Code relating to PERSI that would change use of the term “liability” to “penalty”.

Sponsor: Rep. Syme (R-11)

[HB 553 – PERSI Background Checks \(65-0-5\)](#) Passed the House – Senate Floor

If passed, this proposal would enable PERSI to cooperate with Idaho State Police to perform FBI criminal history background checks.

Sponsor: Rep. Syme (R-11)

[HB 554 – Definitions – PERSI \(68-0-2\)](#) Passed the House – Senate Commerce & Human Resources

HB 554 is a language update proposal. Current State Code would have the definitions of “Early Retirement” and “Service Retirement” added to be consistent with Federal Code.

Sponsor: Rep. Syme (R-11)



[HB 555 – Reemployment, PERSI \(66-0-4\)](#) Passed the House

In an attempt to lower the general member contribution rate for school employees, this proposal seeks to create a new School Employee rate and allow for previously-retired educators to return to the workforce without risking the benefits they have accrued over their career.

Sponsor: Rep. Horman (R-30)

[HB 556 – Securities \(50-18-2\)](#) Passed the House –Senate Commerce & Human Resources

Relates to the Uniform Security Act by proposing to make non substantial changes, add specific time restraints, and clarifies the denial or suspension of certain restraints for the disciplinary process.

Sponsor: Rep. Furniss (R-35)

[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)

[HR 006 – State Health Insurance Reserves](#) House Commerce & Human Resources Committee

By using \$25 million in ARPA funds, HR 006 would rebuild reserves in the State Employee Health Insurance Fund. This is a proposal that was drafted in accordance with the Governor’s plan for strategic investments in education.

Sponsor: Rep. Holtzclaw (R-20)

[HB 561 – Uses for Grant Funding, Emergency Service Personnel \(43-22-5\)](#) Passed the House – Senate Health & Welfare Committee

Currently, under State Code, grant funds for emergency medical services are limited to use for the purchase and acquisition of vehicles and equipment. HB 561 would update State Code to make training, licensing, technology upgrades, and other costs not related to salaries eligible.

Sponsors: Rep. Rubel (D-18), Rep. Gestrin (R-8)

[HB 577 – Vaccine Mandates, Legal Remedies for Employees](#) House 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.

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](#) 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)

[HB 590 – Streamlining the Worker's Compensation Process](#) House Floor

HB 590 plans to streamline the worker's compensation process for the parties involved who wish to settle instead of going to trial. To speed the process up, the bill intends to eliminate the approval needed from the Industrial Commissioners. This does not apply to cases involving a minor or a legally incompetent person. The Industrial Commission will still require submitting information regarding the settlement. This replaced HB 518.

Sponsor: Rep. Skaug (R-12)

[HB 593 – Worker's Compensation, COVID-19](#) House Commerce & Human Resources Committee

This proposal would update existing law to include vaccine-related complications as a result of employer vaccine mandates as being a compensable incident.

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

[HB 604 – Medical Information, Employers](#) House State Affairs 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 616 – Private Foundations, Charitable Trusts, Non-Profits, Privacy](#) House Floor

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)



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[SB 1329 – Extended Employment Services Program, DHW](#) Senate Health & Welfare Committee

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.

[HB 645 – Elections, Community College Trustees](#) House Floor

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](#) House Floor

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 1346 – Medical Record Requests, Cap](#) Senate 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)

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

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

Appropriations and Budgets

[SB 1331 – Department of Health & Welfare FY 2022 Appropriations, Division of Medicaid](#) (31-2-2) Passed Senate – to the House

This is a FY2022 supplemental appropriation for the Division of Medicaid. It provides additional funds for contractually-required, retrospective settlements, additional funds for held payments, and a rescission due to the impacts of the public health emergency.

Sponsors: Sen. Cook (R-30), Rep. Nash (D-16)

[HB 661 – FY22 Supplemental Appropriations, DHW](#) (40-28-2) Passed House – to the Senate

This appropriation bill would supplement the divisions of Public Health, Medicaid, Psychiatric Hospitalization, and Independent Councils.

Sponsor: Rep. Nash (D-16)

PERSI, FY23 - Vote: 17-1-2

36.6% increase from FY22's appropriation (\$9.14 million to \$12.49 million)

Motion By: Sen. Grow, Seconded By: Rep. Syme



Division of Human Resources, FY23 - Vote: 17-1-2

83.3% increase from FY22's appropriation (\$2.55 million to \$4.67 million)

Motion By: Sen. Cook, Seconded By: Rep. Syme

FY22 Supplemental, Medicaid Consultants - Vote: 16-3-1.

\$450,000 in one-time operating expenditures from the General Fund to procure a contract to study cost containment strategies for DHW's Division of Medicaid.

Motion by: Rep. Nash. Seconded by: Sen. Ward-Engelking.

Department of Insurance - Vote: 19-0-1

FY23 Appropriation, 71.50 FTP; \$9.89 million base; \$41,800 in benefit costs; \$54,000 for replacement items; \$17,100 removed for statewide cost allocation; and \$373,400 added for CEC. Total request of \$10.34 million, reflecting a 2.7% increase over their FY22 application.

Motion by: Sen Grow. Seconded by: Rep. Youngblood.

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



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[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 was re-appointed as a member of the Idaho Health Insurance Exchange Board
- 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.