



## Legislative Update - Week 6

2/15/2021 - 2/19/2021

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### **Greetings Members of Idaho Public Health Association (IPHA) and Idaho Family Caregiver Alliance (ICA)!**

My name is Piper Traywick and I am the new IPHA/ICA legislative intern for the 2021 session. Throughout this session, I'll be writing a weekly newsletter for you through the IPHA and ICA. My weekly goal is to provide you details on key legislative activities, summaries, and resources that will be helpful to you in your endeavors. Please contact me if you have any questions, comments, or suggestions regarding legislative updates, [pipertraywick@u.boistestate.edu](mailto:pipertraywick@u.boistestate.edu).

To help you keep track of the legislative process, you can purchase a Legislative Directory at the Statehouse or you can print your legislative directory [here](#).





## **Telehealth**

This past Wednesday, House Bill 179 was referred to Senate Health & Welfare, which would permanently suspend rules and laws that had been temporarily waived at the start of the pandemic. The original purpose was to make telehealth access easier for Idahoans, but after nearly a year of suspension, many feel these laws were never necessary. Before COVID, Idahoans could only receive services from a provider licensed in Idaho, even if that provider was licensed in another state. The bill would permanently lift this restriction and incorporate additional protections to ensure that providers are qualified, follow Idaho guidelines, and are subject to Idaho laws.

Additionally, Senate Bills 1126 and 1127 were referred to Senate Health & Welfare on Wednesday. Senate Bill 1126 is based on recommendations from the Idaho Department of Health & Welfare's Telehealth Task Force, which changes the term "telehealth" to "virtual care" in order to clarify virtual care practice requirements. The purpose of SB 1127 is to facilitate innovation in healthcare technology by updating the verbiage surrounding the definition for a first telehealth encounter between a provider and a patient.

## **State Tax Cuts**

House Bill 199 has been referred to Senate Revenue & Taxation, which would revise the income and sales tax rates, as well as repeal the refundable grocery tax credit (\$100-\$120/person). Per an overview and analysis by the Idaho Center for Fiscal Policy, here are some key takeaways:

- Sales tax would drop to 5.3%, which would impact education, healthcare, housing, and transportation
- Corporate sales tax would drop from 6.9% to 6.5%
- Moderate and low income households would see little to no benefit, only Idaho's top earning households would see a difference
- Benefits are concentrated on upper income bracket because they also spend more on consumer goods
- Idaho's top 1% would see an average of \$4600 in tax cuts, while the bottom 20% of earners would see an average of \$30 in tax cuts
- While all Idahoans would lose the grocery tax credit, low income households will feel this most acutely
- Overall, the tax cut would not pay for itself and would cost the state \$239 million in lost revenue

## **Medicaid Stabilization Fund**

During the pandemic, Idaho has received an increase in federal funds for Medicaid (FMAP) amounting to \$10-12 million a month. President Biden has indicated that he intends for that to continue through at least the end of this calendar year. This frees up money in the state General Fund. Health and Welfare Committee Chairs, Rep. Fred Wood (R-Burley) and Sen. Fred Martin (R-Boise) have introduced HB209 which would establish a Medicaid Budget Stabilization Fund to offset future shortfalls in the Medicaid budget. For this fiscal year, they are proposing \$55 million for this fund.

## **Targeted Picketing Bill**

After two days of public testimony, House Bill 195, a targeted picketing bill that would criminalize protesting at private residences made it out of the House Judiciary Committee with a vote of 11-4. In the wake of protests outside the homes of public officials, many committee members were deeply concerned about the lack of appropriate and civil discourse. Those who support the bill, including law enforcement agencies, claim that allowing violent demonstration that is meant to terrorize will dissuade people from engaging in public service. As Republican Rep. Greg Chaney said, "When we turn the volume up this high on political discourse, we crowd out anybody not willing to be equally as confrontational, angry, loud or violent."

## **Fetal Heartbeat**

Senate Bill 1085 which would outlaw abortions after a fetal heartbeat has been detected, with the exception of rape, incest, or the life of the mother, has made it out of the Senate State Affairs Committee and is up for a vote in the full Senate. Fetal heartbeat can be detected after about five to six weeks of pregnancy, which is before many women know they are pregnant. The bill states that a detectable heartbeat is the sign of life, in law and in medical practice. A physician who performs an abortion after the detection of a fetal heartbeat is subject to disciplinary action. A woman who receives an abortion under this act may recover all damages available to her under Idaho law. In anticipation of potential legal action in response to the passage of this bill, the drafters have included language that the act would become effective upon action in any appellate court that upholds this ban.

## **Grassroots Initiatives**

On Monday, Senate Bill 1110 was referred to Senate State Affairs, where it received testimony largely in opposition. This bill would require that signatures be gathered from all 35 legislative districts as part of the voter initiative/referendum process. Sponsor Sen. Steve Vicks (R-Dalton Gardens), says the purpose is to ensure that all Idahoans are included in the legislative process, especially those who live in rural areas. Legislative expert, BSU Professor Gary Moncrief, shared in testimony that rural Idaho has overwhelming representation in Idaho government including all statewide and federal offices and the majority of the legislature. Those who oppose the bill argue that it would make it nearly impossible for grassroots initiatives to get on the ballot. Qualifying an initiative for the ballot requires signatures from 6% of registered voters in each of 18 districts, and this legislation would increase the number of required districts to 35. The committee sent the bill to the floor on a 6-3 vote.

## **Making Your Voice Heard**

Idaho has an open legislative process and will be allowing remote testimony. All participants must fill out a registration form, but registering does not guarantee the opportunity to testify. More information [here](#). Additionally, there is this [video](#) provided by the Idaho Council on Developmental Disabilities.

To follow the deliberations in a committee and sign up to testify, you must do so in advance of the meeting. Here are the steps you can follow online:

- Go to the Idaho Legislative Website: [legislature.idaho.gov](http://legislature.idaho.gov)
- Click on Committees
- Choose between Senate Standing Committees or House Standing Committees
- From the alphabetical list of committees, scroll down to the one you want and click on it
- Scroll down to the next meeting date; click on the PDF next to the agenda
- Scroll down to the bottom of the agenda, right above the list of committee members
- Click on the **Register to Testify** button

- Requirements for testifying:
  - First and last name
  - Email and physical address
  - What organization you are representing, if any
  - Whether you are “for” or “against” a bill
  - Written copy of your testimony
- Select date to testify and click on **Register to Testify**
- This will take you to a form that you complete with the information listed above, then click on the blue **Register** button

Please also note:

- If the meeting is over, you will get the following message: Webinar is over, you cannot register now. If you have questions, please contact webinar host: click on the link here to the committee secretary
- If you have difficulty registering, email: RemoteTestimony@lso.idaho.gov
- If the committee is simply hearing a presentation and there is no legislation or rules to consider, there will be no registration link at the bottom of the agenda; the agenda may have a link that directs you to the live streaming on the IPTV page
- These instructions do not apply to the Senate Finance or House Appropriations Committees; they meet jointly every morning and do not take public testimony

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## **Federal Updates**



### **Insurrection Commission**

House Speaker Nancy Pelosi has called for the establishment of a commission to investigate the events of January 6, 2021. The panel would be tasked with analyzing the attack on the Capitol and determining what series of security failures resulted in the siege. This would be a bipartisan effort, similar to the commission that was formed after 9/11.

### **National Healthcare Rollout**

Americans can now enroll for 2021 healthcare coverage. To learn more about ways to save, different plan options, how this impacts you, and what to expect, click [here](#).

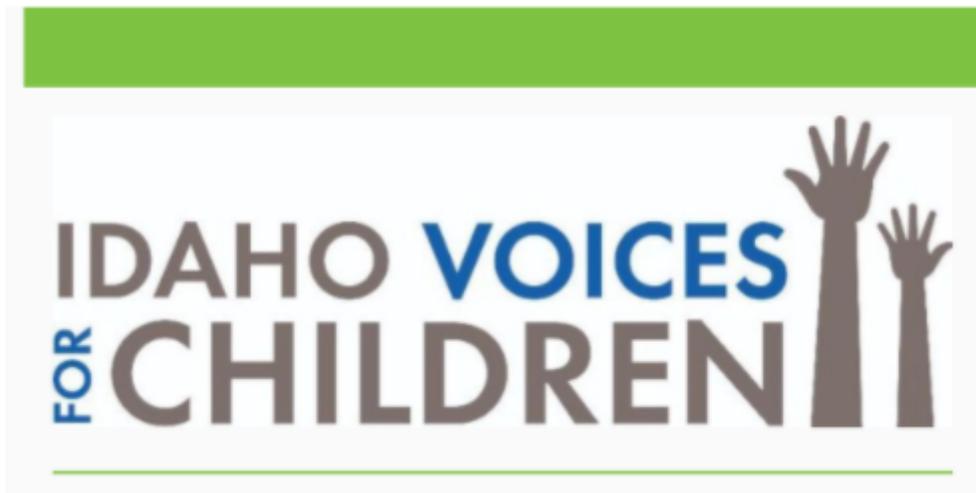
### **Relief for Military Families and Veteran Caregivers**

AARP and the Elizabeth Dole Foundation (EDF) announced a free relief program for military families and veteran caregivers that will be going nationwide. Families and caregivers will have access to free, short-term assistance in caring for ill, wounded, or injured veterans at home. EDF's respite relief program partners with CareLinx, a qualified in-home respite care provider, and is also supported nationally by AARP, the U.S.

in-home respite care provider, and is also supported nationally by AARP, the U.S. Department of Veterans Affairs (VA), and the Wounded Warrior Project (WWP). Veteran and military caregivers can apply [here](#) for 24 hours of respite which includes help with cooking, grocery shopping, housekeeping, bathing, and medication reminders.

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## Upcoming Events and Advocacy Days



Beginning on Friday, February 12, the Director of Idaho Voices for Children, Christine Tiddens, will be presenting a webinar on legislative updates, how to take action, and what to expect in the coming weeks. Dates and times are as follows:

- **Thursday, February 25th from 12-1pm**
- **Thursday, March 11th from 12-1pm**
- **Thursday, March 25th from 12-1pm**

Click [here](#) to register!

## Consortium of Idahoans with Disabilities (CID)

### **Fred Riggers Disability Awareness Day 2021 Virtual Campaign January 26 - March 31, 2021**

Fred Riggers Disability Day will not happen as traditionally it does at the State Capitol. Due to Covid-19, CID will use various social media platforms to promote the agenda. The campaign will focus on educating citizens about civil engagement strategies, providing useful tools for personal advocacy, strategies to inform legislators on disability related issues and resources and celebrating Idaho advocates in the disability movement.

More information coming soon! Stay up to date on the CID [Website](#) or [Facebook](#).

**On Wednesday, February 17, at noon MST join Idaho native and NCIL Director, Kelly Buckland for a Lunch with LeAnn interview. Go [here](#) to learn more.**

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## Bill Tracker

Do you have any specific Bills you would like to be tracked throughout the session? If so

Do you have any specific bills you would like to be tracked throughout the session? If so, please reach out and I will gladly track them through this weekly update. You can also view current bills [here](#).

Bill No.	Description	Last Action
S1003	Renames extreme emergencies as extreme peril and limits when and for how long they can be extended. It limits the application to human caused conditions. It prohibits restrictions on the right to work. It prohibits limiting or suspending the rights of the citizens. It prohibits alterations, adjustments, or suspension of statutes by the Governor.	1/14 in Senate State Affairs Committee
S1016	Repeals and adds to existing law to replace the Respiratory Care Practice Act with current respiratory practice. Streamlined the Act significantly, to guide the licensure, regulation and practice of Respiratory Therapists and Polysomnographers.	2/10, passed Senate 34-0; referred to House Health & Welfare
S1027	When the government unjustly takes an Idahoan's freedom by putting them in prison for a crime they didn't commit, there is currently no process to compensate them for the years lost. This legislation adds to existing law to provide for a claim of compensation for a wrongful conviction.	2/3, passed Senate 35-0; referred to Senate Judiciary, Rules & Administration
S1028	Increases the minimum wage incrementally from the current wage of \$7.25 per hour to \$15.00 effective July 1, 2023. It also incrementally raises the minimum tipped wage to \$5.00 per hour effective July 1, 2021, and up to \$7.50 effective July 1, 2023. It also eliminates a lower training wage for teenagers and permits counties to set a higher minimum wage.	1/25, referred to Senate State Affairs
S1030	Amends Section <a href="#">46-1005A</a> to allow the Legislature by concurrent resolution to approve the Governor's request to exceed one percent (1%) of the annual appropriation of general fund moneys being transferred to the disaster emergency account.	1/25, in Senate State Affairs
S1031	Amends existing law to provide that freedom from discrimination because of sexual orientation or gender identity is a civil right.	1/25, in Senate State Affairs
S1036	For cases involving persons with a developmental disability, <a href="#">I.C. § 66-404A</a> currently requires courts to hold hearings on the appropriateness of the appointment of a temporary guardian within ten (10) days after request for such a hearing. In order to reduce confusion to those affected by procedural time frames, the courts strive to establish time periods computed only on seven (7) day	2/10, passed Senate 34-0; referred to House Judiciary, Rules &

	increments. To bring these proceedings in line with the courts' efforts to reduce confusion, the ten (10) day time frame in <a href="#">I.C. § 66-404A(3)(b)</a> should be changed to fourteen (14) days.	Administration
S1037	The statute setting forth the procedure for the commitment of mentally ill persons( <a href="#">I.C. § 66-329</a> ) limits continuances of hearings in these cases to no more than five (5) days. The courts are seeking to change these to seven (7) days or 7-day increments for consistency with court scheduling.	2/10, passed Senate 34-0; referred to House Judiciary, Rules & Administration
S1041	Prohibits excessive pricing during a declared emergency applies to exorbitant or excessive increased prices to the consumer rather than to the margin between wholesale and retail prices. Applies to exorbitant or excessive increased prices to the consumer rather than to the margin between wholesale and retail prices.	2/10, passed Senate 34-0; referred to House Commerce & Human Resources
S1050	Allows enrollees to receive up to a 12 (twelve) month supply of prescribed contraceptives if they so choose. Currently, many insurance plans reimburse for only a 1 (one) to 3 (three) month supply of contraceptive supplies.	2/4, referred to Senate Commerce & Human Services
S1054	Limits the powers of the Governor during extreme emergencies.	2/4, referred to Senate State Affairs
S1060	Requires county wide or district wide orders of a Public Health District to be approved or denied by the County Commission in the county in which those orders are to take effect.	2/11, On Third Reading for a vote in the Senate
S1085	Prohibits an abortion following detection of a fetal heartbeat.	2/11, referred to State Affairs
S1087	Raises the age of legal possession and use of tobacco products and electronic smoking devices to 21.	2/11, referred to Senate State Affairs
S1089	Amends existing law to revise a provision regarding rape where the victim is sixteen or seventeen years of age and repeals existing law relating to rape of a spouse.	2/11, Introduced; read first time; referred to Senate JR for Printing
S1092	Provides for reimbursement for new in-state hospitals serving as Medicaid providers.	2/11, Introduced; read first time; referred to Senate JR for Printing
S1098	Provides requirements for health benefit plans and student health benefit plans that cover prescription contraception to allow the choice of a 12-month supply.	2/12, Introduced; referred to Senate JR for Printing

S1110	Increase voter involvement and inclusivity in the voter initiative/referendum process by ensuring signatures are gathered from each of the 35 legislative districts.	2/12, Introduced; referred to Senate JR for Printing
H0001	Revises provisions regarding the Governor's powers during a disaster emergency and provides that the Governor may not alter, adjust, or suspend any provision of Idaho Code during a disaster declaration.	1/14, in House State Affairs (replaced by H0016)
H0003	The Reasonable Childhood Independence Act; Amends existing law to revise the definition of "neglected" in child protection law.	1/19, in House Judiciary, Rules, & Administration
H0004	Amends Idaho's Parental Rights statutes to state that an emergency order, disaster declaration, etc. cannot be deemed a compelling government interest that would allow abridgement of parental rights as described in <a href="#">32-1013</a> .	1/15, in House Judiciary, Rules, & Administration
H0016	Limits the governor's powers during a disaster emergency and to provide that the governor may not alter, adjust, or suspend any provision of the Idaho Code during a disaster declaration. Terminates all existing emergency declarations that have existed for more than 30 days. More stringent than H0001.	2/4/, returned to House State Affairs Committee
H0017	Prohibits public contracting or participating in any commercial transaction with any abortion provider.	1/22, in House State Affairs
H0020	Provides for a standard medical cost deduction from the income of an applicant for circuit breaker property tax reduction	1/22, in House Revenue & Taxation
H0033	Provides for review of a district board of health's actions, decisions, or orders, states that first and second violations of public health laws shall be infractions, and limits quarantine or isolation orders to no more than 30 days unless extended by affected counties or cities.	1/26, in House Health & Welfare
H0034	Amends existing law to limit the application of health ordinances to city limits.	1/26, in House Health & Welfare
H0038	Clarifies the requirements necessary for prescribing medication via telehealth, expanding beyond the current limitations of the act. This is in alignment with the allowances made during the COVID-19 pandemic response.	2/3, Passed House 70-0; in Senate Health & Welfare
		2/1, Passed House 70-0; in Senate

H0042	Provides a time extension for certain extraordinary medical collection action requirements.	7/0-0; in Senate Commerce & Human Resources
H0045	Provides that a local governmental unit shall not enact, maintain, or enforce an ordinance or a resolution that would have the effect of regulating rent, fees, or deposits charged for leasing private residential property.	2/27, referred to House Judiciary, Rules & Administration
H0052	Prohibits conversion therapy for minors in certain instances.	1/28, referred to House Ways & Means
H0056	Makes abortion illegal and requires the attorney general to direct state agencies to enforce this law.	1/29, referred to House Ways & Means
H0063	Prohibits mandated or forced vaccination.	2/1, referred to House Ways & Means
H0067	Duly elected school boards representing the parents in a community, including charter school boards of directors are authorized to close schools to prevent the spread of contagious disease. Department of Health and Welfare, district boards of health, and cities shall not have this authority.	2/11 Passed House 65-5; referred to Senate Education
H0068	Reduces the number of governmental entities who have the authority to close higher education institutions, or otherwise limit any aspect of school programs or activities to prevent the spread of contagious or infectious disease.	2/11, Passed House 59-11; referred to Senate Education
H0074	Amends existing law to limit the application of health ordinances to city limits.	2/11, Passed House 70-0; referred to Health & Welfare
H0077	Revises the definition of "neglected" to clarify that child neglect be defined as putting kids in obvious danger or denying them truly necessary care and does not include normal actions by parents for encouraging reasonable childhood independence activities.	2/3, in House Judiciary, Rules & Administration
H0089	This allows school district employees, with an enhanced concealed weapons license, to carry a concealed weapon on school property. The employee must provide a confidential copy of their enhanced license to school officials who shall also share the information with law enforcement.	2/5, in House State Affairs
H0090	Provides for the protection of certain historic monuments and memorials. No monument or memorial erected on State property may be relocated, removed, disturbed, or	2/9, Passed House 51-19; referred to

	altered without approval of the Idaho Legislature by way of a Concurrent Resolution.	Senate State Affairs
H0097	Provides that at least 70% of COVID-19 vaccine doses must be administered within fourteen days of being received by the organization responsible for vaccine administration.	2/8, in House Health & Welfare
H0098	Limits emergency disaster declarations to a maximum of 60 days unless extended under certain provisions and clarifies that the governor may not alter, adjust, or suspend Idaho Code during a disaster declaration.	2/8, in House State Affairs
H0105	Provides that presidential electors will be chosen based on which candidate won the most votes among in-person voting on Election Day, and only allows absentee balloting based on military service or sworn physical inability to vote in person.	2/9, in House State Affairs
H0108	Amends and adds to existing law to authorize the possession, distribution, transportation, and use of cannabis for medical purposes, to impose an excise tax on medical cannabis and medical cannabis devices.	2/10, in House Health & Welfare
H0115	Provides that a hospital trustee may not be an employee of or have an ownership interest in certain other facilities and to revise provisions regarding hospital boards.	2/10, referred to House Health & Welfare
H0121	Clarifies that employees of Idaho public Universities or College shall not offer extra credit to students to vote or not vote, or to influence a vote for or against a candidate or ballot measure.	2/12, referred to House State Affairs
H0126	The purpose of this legislation is to legalize the production, processing, research, and transportation of industrial hemp in the state.	2/12, referred to Agricultural Affairs
H0127	Creates an Idaho Broadband Advisory Board to develop, implement and maintain a statewide broadband plan funded by the Idaho Broadband Fund.	2/12, Referred to House Environment, Energy & Technology
H0140	Prohibits discrimination on the basis of vaccination status and to prohibit state contracts with companies that engage in such discrimination.	2/12, Introduced, referred to House JRA for Printing
H0146	Provides clarifying consumer protection provisions to reduce confusion between insurance and health care sharing ministries offering non-insurance sharing of medical costs among their members.	2/12, Introduced, referred to House JRA for Printing

	MEMBERS.	
HCR001	Provides that the state of disaster emergency declared by the Governor is now ended.	1/14, referred to House State Affairs
HCR002	Lifts the restriction on groups of 10 or more under the Governor's Emergency Declaration.	1/25, Adopted in House 55-15; in Senate State Affairs
HCR005	Declares that the portion of the February 2, 2021, guidelines regarding the prohibition on gathering of more than 50 people is null, void, and of no force and effect.	2/10, Adopted in House 55-15; in Senate State Affairs
HJR002	Prevents the legislature from amending the current signature gathering requirements for statewide ballot initiatives without voter approval.	1/29, in House Ways & Means
HJR003	Proposes an amendment to the Idaho Constitution to provide that an officer may make a warrantless arrest based on probable cause for an offense committed outside of the officer's presence.	2/5, referred to House State Affairs
SCR101	Terminates the COVID-19 emergency orders issued by the Governor while maintaining those declarations necessary to keep federal funding available for Idaho's military, first responders, health care providers, and communities.	1/27, referred to Senate State Affairs
SCR103	Declares that the December 30 general order of isolation issued by the Governor and the director of the Department of Health and Welfare is terminated.	2/3, referred to State Affairs
SJR101	Proposes an amendment to the Idaho Constitution prohibiting the production, manufacture, transportation, sale, delivery, dispensing, distribution, possession, or use of certain psychoactive drugs.	2/3, Adopted in Senate 24-11; in House State Affairs