

Idaho Academy of Family Physicians

2021 Legislative Report

Week 2: January 18 – January 22

Governor's Executive Powers and Emergency Declarations

Week 2 of the legislative session has been dominated by discussion about, and numerous bills introduced, to either curb Executive powers, end the COVID state of emergency, pull back public health restrictions, or a combination of all three. The legislature feels compelled to do SOMETHING (or at least look like they are doing something) about restoring personal freedoms that are perceived to have been restricted during the pandemic. Most are certainly hearing loudly from some of their constituents upset by these restrictions, and many legislators believe it themselves. Nine separate bills have been introduced, so far, related to emergency powers. The legislature believes (incorrectly I think) that they can end the COVID emergency order, yet still continue to receive federal support and assistance. Certainly, FEMA would not view it that way. This puts at risk distribution of vaccines, PPE, financial support for small business, and a number of other support programs.

I have attached a copy of remarks delivered by Governor Little Friday afternoon on this subject.

Rules Review

The first few weeks of the legislative session are typically dominated by rules review. Idaho is one of the few states in which the legislature must review and approve or reject rules written by state agencies that address implementation of the previous legislative session's laws. The Senate and House Health and Welfare committees have dived headlong into this process and things seem to be going smoothly in that respect.

Looking ahead to next week:

The Joint Finance and Appropriations Committee's schedule next week includes the State Board of Education, in which WWAMI program will have a presentation (Monday, Jan 25), the Medical Residencies have their presentations (Tuesday Jan

26) and the Boise Internal Medicine residency, and Psychiatry residency presentations are scheduled for Friday, January 29.

New Bills of interest introduced this week:

S1016: Respiratory Therapy Practice Act – by Division of Occupational and Professional Licenses

Completely re-works and updates the Respiratory Therapy Practices Act which was last updated in 2003. Aligns Act better to current respiratory practice, deletes outdated and redundant language, removes barriers to licensure, and generally cleans up and streamlines the Act.

Status: introduced in Senate Health and Welfare on Jan. 20, awaiting full hearing.

S1017: Controlled Substances – by Division of Occupational and Professional Licenses

Annual bill to align state law with changes made by the Drug Enforcement Agency changes to controlled substance scheduling.

Status: Introduced in Senate Health and Welfare on Jan. 20, awaiting full hearing.

SJR101: Psychoactive Drugs – by Sen. Grow

This is a proposed Constitutional Amendment to imbed into the Constitution the current state statute outlawing the use of Marijuana, certain opioid drugs, methamphetamine, etc.

Status: Introduced in Senate State Affairs committee on Jan 18, awaiting full hearing.

H0017: Public Funds for Abortion – by Rep. Skaug, Sen. Zito

Ensures that taxpayer money does not support the abortion industry. Prohibits public contracting with an abortion provider, prohibits use of any public asset or employee to procure, counsel in favor, refer to, or perform an abortion. Applies to all units of government in Idaho including State, County, municipal, public health districts and public school districts.

Status: introduced in House State Affairs committee on Jan 21, awaiting full hearing.

Previously introduced Legislation:

H0001: Disasters, Governor's Powers, by Rep. Jason Monks

This bill ensures that all Idahoans have the right to work, provide for their families, and contribute to the economy during any emergency disaster declaration. It limits the length of an emergency disaster declarations to 30 days unless extended by a resolution of the legislature. Ensures the right to assemble for worship. And terminates all disaster declarations that have existed for more than 30 days.

Status: HELD in committee to be replaced by another bill. Had been introduced in House State Affairs Committee on January 12.

HCR 001*: Disaster Declaration Ended, by Rep. Heather Scott

This concurrent resolution ends the existing state of disaster emergency in the state.

Status: No action this week. Introduced in House State Affairs committee on January 12, awaiting hearing.

HCR 002*: Gatherings, Group size, by Rep. Brent Crane

Eliminates the restrictions of gatherings limited to 10 or more people under the Governor's Emergency Disaster Declaration.

Status: Passed State Affairs committee Jan 19, now for consideration by full House. Had been introduced in House State Affairs Committee on January 13.

S1001: Disaster, definition: by Senate GOP Leadership

Clarifies the definition of the word "disaster", deletes the word "during" and replaces it with "arising out of" in order to address funding allocation into the Disaster Emergency Account.

Status: Passed out of committee on Jan 19, pending before full Senate. Had been Introduced in Senate State Affairs Committee on January 13.

S1002: Disaster, payments: by Senator Chuck Winder

Intent is to ensure an emergency declaration may end while preserving the state's ability to continue receiving funds to assist in the state's recovery to such disaster.

Status: No action this week. Introduced in Senate State Affairs committee on January 13, awaiting hearing.

S1003: Martial law, Governor's Authority, by Sen Chuck Winder and Speaker Scott Bedke

Renames extreme emergencies as extreme peril; limits application to human caused conditions; prohibits restrictions on the right to work; limits duration of extreme peril and sets parameters for extension; prohibits limiting or suspending the rights of citizens; prohibits suspension of statutes by the Governor.

Status: No action this week. Introduced in Senate State Affairs Committee January 13, awaiting hearing

SCR 101*: Disaster emergency terminated, by Sen. Chuck Winder and Senate GOP leadership

Would immediately terminate the COVID-19 Emergency Orders issued by the Governor while maintaining declarations necessary to keep federal funding available for Idaho's military, first responders, health care providers, and communities.

Status: Passed out of committee on Jan. 19, now before full Senate for action. Had been Introduced in Senate State Affairs Committee January 13.

*Note: Concurrent Resolutions (HCR, SCR) express the will of the legislature and do not require the signature of the Governor (thus he cannot VETO either).

We will continue to track activity of interest to IAFP and provide weekly reports throughout the session. We stand ready to answer any questions you may have.

Thanks,
Ken Burgess, Partner
Veritas Advisors, LLP