

MINUTES

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

- DATE:** Tuesday, March 24, 2026
- TIME:** 1:00 P.M.
- PLACE:** Room WW54
- MEMBERS PRESENT:** Chairman Foreman, Vice Chairman Lenney, Senators Lakey, Guthrie, Nichols, Bernt, Zito, Ward-Engelking, and Ruchti
- ABSENT/ EXCUSED:** None
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Foreman** called the Senate Commerce & Human Resources Committee (Committee) to order at 1:00 p.m.
- MINUTES APPROVAL:** **Senator Ward-Engelking** moved to approve the Minutes of March 17, 2026. **Senator Zito** seconded the motion. The motion carried by **voice vote**.
- NOTE:** **Chairman Foreman** briefed the Committee on the procedure for reconsideration of a bill. He announced that **Representative Scott** had requested reconsideration of the Committee's vote on **H 750aa**, described as the programmable money bill. **Chairman Foreman** stated any Committee member could move to reconsider the vote. Any member could second the motion. He noted a simple majority would decide whether to reconsider. He explained the vote would not decide the final disposition of the bill; it would only decide whether the Committee would reopen it. **Chairman Foreman** stated that if reconsidered, the sponsor would present the bill; the Committee could then discuss and take any standard motion (hold in Committee, send to the floor with a do pass, send the bill to the 14th Order of Business for possible amendment, or send with no recommendation).
- DISCUSSION:** **Senator Zito** expressed opposition to reconsideration, arguing that the bill had previously received a long, thorough hearing with testimony and vetting. She noted other bills in the Committee had not yet been heard and deserved time. **Senator Zito** stated the Committee should not spend time on the same bill twice when other bills had never received a hearing.
- MOTION:** **Vice Chairman Lenney** moved to reconsider **H 750aa**. **Senator Nichols** seconded the motion.
- DISCUSSION:** **Senator Nichols** noted that some members had been absent during the prior vote and stated that the bill was important enough to warrant reconsideration. **Senator Ward-Engelking** stated support for reconsideration because some questions had not been clearly answered during the initial hearing and additional clarification had since become available.
- Senator Zito** raised a precedent concern, questioning whether the Committee would rehear any bill whenever a Senator missed a vote, and argued that this would be an undesirable precedent. **Chairman Foreman** responded "definitively that it would not be standard practice to rehear bills simply because a member had been absent."
- Chairman Foreman** called for a roll call vote on the motion to reconsider **H 750aa**.

ROLL CALL VOTE: **Senators Lakey, Nichols, Ward-Engelking, Ruchti, Vice Chairman Lenney and Chairman Foreman** voted aye. **Senators Guthrie and Senator Zito** voted nay. The motion carried.

H 750AA RECONSIDERATION OF TRANSACTIONS - Amends and adds to existing law to establish provisions regarding programmable money. No further testimony will be taken. Representative Scott addressed the Committee and thanked members for allowing additional time on the bill. She acknowledged that the subject involved new, rapidly evolving technology. This bill focused primarily on concerns regarding interaction with the Uniform Commercial Code (UCC) (Attachment 1).

Representative Scott addressed the UCC issue citing she had obtained a written analysis from an expert in North Dakota, stating the bill did not interfere with the UCC. She noted that in response to a request that an Idaho-based UCC authority review the bill, she engaged an attorney in the Legislative Services Office (LSO) who was a UCC lawyer and a member of the UCC. She asked him to review the bill and he confirmed that because programmable money was a new technology, it was appropriate to place this subject in its own chapter. The bill did not alter or conflict with the existing UCC provisions; it simply clarified this separate area in a standalone chapter. **Representative Scott** emphasized that the expert conclusion was that the bill was completely fine as written with respect to the UCC.

Representative Scott stated the bill had been framed as the Consumer Payment Rights and Transparency Act. It was intended to protect Idaho consumers as programmable or digital forms of money became more prevalent. The key concerns the bill aimed to address included preventing discrimination against consumers via programmable money systems and preventing the use of programmable money to enforce social credit scores or other forms of behavior-based financial control. **Representative Scott** referenced that such practices were already occurring in other countries, and argued Idaho should create protections in advance.

DISCUSSION: **Senator Nichols** referenced Utah's recent legislation expanding digital currency provisions and asked for clarification that **H 750aa** did not conflict with Idaho's UCC nor with those developments. **Representative Scott** confirmed that Utah had passed a similar measure, signed into law by its Governor. She directed the Committee to language on page 3, line 9 of the bill, explaining that this placement in a separate chapter was the issue previously questioned. She reiterated, based on the UCC LSO attorney's review, that the bill simply created its own chapter, and did not modify or harm the UCC; it only clarified this new subject area.

MOTION: **Vice Chairman Lenney** moved to send **H 750aa** to the floor with a **do pass** recommendation. **Senator Nichols** seconded the motion.

DISCUSSION: **Senator Lakey** stated he was comfortable after reviewing the digital media from the last meeting. He remarked that previous questions, particularly regarding the UCC, had been sufficiently clarified and stated support for the motion, while reserving the right to ask more questions later. He reserved the right to change his vote on the floor.

Senator Guthrie stated he would vote against the motion, but would continue to educate himself prior to the floor vote.

Chairman Foreman called for a roll call vote on the motion to send **H 750aa** to the floor with a **do pass** recommendation.

ROLL CALL VOTE: **Senators Lakey, Nichols, Ward-Engelking, Ruchti, Vice Chairman Lenney and Chairman Foreman** voted aye. **Senators Guthrie, Bernt, and Zito** voted nay. The motion carried.

H 721

IDAHO BUILDING CODE ACT - Amends existing law to revise provisions regarding public school building plan reviews. **Senator Toews** reported that under existing Idaho Code, school districts had been required to obtain permits for new public school buildings before advertising for project bids. He noted this process was not aligned with other public works processes in Idaho. In practice, the requirement was sometimes ignored by local governments or created unnecessary delays in permitting. It also complicated general contractors' ability to obtain accurate and competitive subcontractor bids, since they could not move forward.

Senator Toews stated **H 721** allowed school districts to advertise for bids concurrently with the planning/permitting process, thereby aligning school construction practices with standard public works practice. A 30-day shot clock was established for initial permit review across public works to reduce uncertainty and prolonged delays. This bill incentivized contractors to submit complete, high-quality permit applications. The bill was characterized as reducing regulatory burdens and streamlining school permitting.

TESTIMONY:

Sean Schupack, Idaho Associated General Contractors, testified in support of **H 721**. He stated the bill reduced regulatory burdens for both contractors and public owners. He explained that the bill simply aligned school projects with existing treatment of other public works, allowing bids before final permitting. He noted that there was no opposition to the bill. He encouraged the Committee to send the bill to the floor with a do pass recommendation.

MOTION:

Senator Guthrie moved to send **H 721** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

H 931

PORTABLE BENEFIT PLAN ACT - Amends language added by H 645 regarding the Portable Benefit Plan Act. **Senator Den Hartog** described **H 931** as a "trailer bill" to prior health benefits plan legislation (**H 651**). She explained the bill made a technical correction by removing a reference to "the department" on line 17 of the existing statute. She noted that in the original bill, "the department" had referred to the Idaho Department of Insurance (IDOI). However, throughout the rest of the legislation, the IDOI was not given any implementation responsibilities. **Senator Den Hartog** stated leaving that reference in place could create confusion. **H 931** struck the unnecessary reference to avoid misinterpretation.

MOTION:

Senator Lakey moved to send **H 931** to the floor with a **do pass** recommendation. **Senator Nichols** seconded the motion. The motion carried by **voice vote**.

H 929

HEALTH CARE - Adds to existing law to establish provisions regarding certain out-of-pocket payments for health care services. **Representative Bingham** explained that the bill was intended to help lower healthcare costs for patients, especially those with high-deductible insurance plans. She used her own experience as self-employed with a \$10,000 deductible as an example. She noted that historically, patients could go to a provider and say, "if I pay you cash today, may I receive a lower price." **Representative Bingham** remarked providers had been willing to discount up-front cash payments because they received payment on the date of service, and they avoided administrative costs associated with billing and collections.

Representative Bingham outlined what the bill did. She explained it explicitly allowed patients to negotiate prices directly with providers before services were rendered. The negotiated price had to be less than or equal to the insurer's contracted rate (an "allowable" amount). After the service was provided and paid at the negotiated amount, the patient could submit that amount to their insurance company. The insurance company would then be required to count the paid amount toward the patient's deductible and annual out-of-pocket maximum. **Representative Bingham** stated that this practice had previously been more

common, but over the last several years (roughly five or more), it had become restricted or discontinued, possibly due to provider or hospital internal policies, and/or concerns about the "hold harmless" clause, which generally prevented providers from giving lower rates to some parties, but not others under certain contractual conditions. She noted that industry stakeholders had been consulted to ensure the bill's language was workable and compliant, and reported there was no industry opposition.

DISCUSSION: **Vice Chairman Lenney** queried if there was opposition to this bill. **Representative Bingham** stated there was a question whether this bill violated the "hold harmless" clause. She explained this bill did not violate the clause.

Senator Ruchti contrasted two situations. He noted an uninsured patient could negotiate a discounted cash rate, which was already permissible. He then noted an insured patient with a high deductible seeking to do essentially the same thing could not. **Representative Bingham** confirmed that **H 929** applied to the insured, high-deductible scenario, giving them similar negotiation leverage while still allowing credit toward the deductible and out-of-pocket maximum.

Senator Guthrie asked whether, if a service was originally priced at \$6,000 but negotiated down to \$4,000, would the deductible be \$6,000 or \$4,000. **Representative Bingham** replied the deductible credit would be \$4,000, the actual amount paid by the patient.

Senator Nichols asked for clarification and confirmed that all negotiation happened up front between patient and provider. The negotiated cash price would then be what was submitted to the insurer. **Representative Bingham** affirmed that the bill's intent was to empower the insured individual to negotiate and then have that negotiated amount recognized by their insurer.

MOTION: **Senator Guthrie** moved to send **H 929** to the floor with a **do pass** recommendation. **Senator Nichols** seconded the motion.

DISCUSSION: **Senator Lakey** stated he would vote no out of caution about legislatively dictating contractual relationships among the provider and the insurance carrier, and the insured individual and the carrier. **Senator Lakey** noted he may reconsider his position later, but, at this stage, he was concerned about telling the private sector what it must accept contractually.

VOICE VOTE ON THE MOTION: The motion to send **H 929** to the floor with a **do pass** recommendation, carried by **voice vote**. **Senators Lakey** and **Zito** requested to be recorded as voting nay.

NOTE: **Chairman Foreman** noted that this may be the last meeting of the Committee for the session.

DISCUSSION: **Senator Zito** moved to bring **H 745** before the Committee, expressing concern that some bills had received multiple hearings, whereas **H 745** had not been heard at all. **Chairman Foreman** ruled the motion was out of order, explaining that under Senate Rules, the Committee could not override the Chair's decision to hold a bill in Committee.

Chairman Foreman thanked the Committee members for their work throughout the session. He offered special recognition and thanks to the Committee Secretary for 14 years of outstanding service, noting this might have been her last Committee meeting.

ADJOURNED: There being no further business at this time, **Chairman Foreman** adjourned the meeting at 1:30 p.m.

Senator Foreman
Chair

Linda Kambeitz
Secretary