

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 70

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO COUNTY INDIGENCE SERVICES AND FINANCES; AMENDING SECTION
2 20-605, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE THAT THE COST OF
3 MEDICAL OR DENTAL SERVICES FOR PERSONS CONFINED AT CERTAIN FACILITIES
4 SHALL BE PAID AT A CERTAIN RATE; AMENDING SECTION 31-3302, IDAHO CODE,
5 TO DEFINE A TERM AND TO PROVIDE THAT MEDICAL SERVICES FOR PERSONS CON-
6 FINED AT A COUNTY JAIL SHALL BE PAID AT A CERTAIN RATE; AMENDING SECTION
7 31-3503, IDAHO CODE, TO PROVIDE FOR NEGOTIATION AND SETTLEMENT OF CER-
8 TAIN CASES; AMENDING SECTION 49-673, IDAHO CODE, TO REMOVE REFERENCES
9 TO THE CATASTROPHIC HEALTH CARE COST PROGRAM; REPEALING SECTION 57-813,
10 IDAHO CODE, RELATING TO THE CATASTROPHIC HEALTH CARE COST ACCOUNT;
11 AMENDING SECTION 63, CHAPTER 318, LAWS OF 2022, TO REVISE THE EFFECTIVE
12 DATE OF A REPEAL; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMER-
13 GENCY AND PROVIDING EFFECTIVE DATES.
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Section 20-605, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 20-605. COSTS OF CONFINEMENT. (1) For purposes of this section, "re-
19 imbursement rate" means ninety-five percent (95%) of the unadjusted medic-
20 aid rate of reimbursement for medical charges allowed pursuant to title XIX
21 of the social security act, as amended, that is in effect at the time the ser-
22 vice is rendered.

23 (2) The county wherein any court has entered an order pursuant to sec-
24 tion 20-604, Idaho Code, shall pay all direct and indirect costs of the
25 detention or confinement of the person to the governmental unit or agency
26 owning or operating the jail or confinement facilities in which the person
27 was confined or detained. The amount of such direct and indirect costs shall
28 be determined on a per day per person basis by agreement between the county
29 wherein the court entered the order and the county or governmental unit
30 or agency owning or operating such jail or confinement facilities. In the
31 absence of such agreement or order fixing the cost as provided in section
32 20-606, Idaho Code, the charge for each person confined or detained shall be
33 the sum of thirty-five dollars (\$35.00) per day, plus the cost of any medical
34 or dental services paid at the ~~rate of reimbursement as provided in chapter~~
35 ~~35, title 31, Idaho Code reimbursement rate~~, unless a rate of reimbursement
36 is otherwise established by contract or agreement; provided, however, that
37 the county may determine whether the detained or confined person is eligible
38 for any local, state, federal or private program that covers dental, medi-
39 cal and/or burial expenses. That person will be required to apply for those
40 benefits, and any such benefits obtained may be applied to the detained or
41 confined person's incurred expenses, and in the event of the death of such
42 detained or confined person, the county wherein the court entered the order

1 shall pay all actual burial costs. Release from an order pursuant to section
 2 20-604, Idaho Code, for the purpose of a person receiving medical treatment
 3 shall not relieve the county of its obligation of paying the medical care
 4 expenses imposed in this section. In case a person confined or detained
 5 was initially arrested by a city police officer for violation of the motor
 6 vehicle laws of this state or for violation of a city ordinance, the cost
 7 of such confinement or detention shall be a charge against such city by the
 8 county wherein the order of confinement was entered. All payments under this
 9 section shall be acted upon for each calendar month by the second Monday of
 10 the month following the date of billing.

11 SECTION 2. That Section 31-3302, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 31-3302. COUNTY CHARGES ENUMERATED. (1) For purposes of this section,
 14 "reimbursement rate" means ninety-five percent (95%) of the unadjusted med-
 15 icaid rate of reimbursement for medical charges allowed pursuant to title
 16 XIX of the social security act, as amended, that is in effect at the time the
 17 service is rendered.

18 (2) The following are county charges:

19 ~~(1)~~ (a) Charges incurred against the county by virtue of any provision
 20 of this title.

21 ~~(2)~~ (b) The compensation allowed by law to constables and sheriffs for
 22 executing process on persons charged with criminal offenses; for ser-
 23 vices and expenses in conveying criminals to jail; for the service of
 24 subpoenas issued by or at the request of the prosecuting attorneys, and
 25 for other services in relation to criminal proceedings.

26 ~~(3)~~ (c) The expenses necessarily incurred in the support of persons
 27 charged with or convicted of crime and committed therefor to the county
 28 jail. Provided that any medical expenses shall be paid at the ~~rate~~
 29 ~~of reimbursement as provided in chapter 35, title 31, Idaho Code,~~
 30 reimbursement rate unless a rate of reimbursement is otherwise estab-
 31 lished by contract or agreement.

32 ~~(4)~~ (d) The compensation allowed by law to county officers in criminal
 33 proceedings, when not otherwise collectible.

34 ~~(5)~~ (e) The sum required by law to be paid to grand jurors and indigent
 35 witnesses in criminal cases.

36 ~~(6)~~ (f) The accounts of the coroner of the county, for such services as
 37 are not provided to be paid otherwise.

38 ~~(7)~~ (g) The necessary expenses incurred in the support of county hos-
 39 pitals, and the indigent sick and nonmedical assistance for indigents,
 40 whose support is chargeable to the county.

41 ~~(8)~~ (h) The contingent expenses, necessarily incurred for the use and
 42 benefit of the county.

43 ~~(9)~~ (i) Every other sum directed by law to be raised for any county pur-
 44 pose, under the direction of the board of county commissioners, or de-
 45 clared to be a county charge.

46 SECTION 3. That Section 31-3503, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

1 31-3503. REIMBURSEMENT. (1) An approved application for financial as-
2 sistance for services received through March 31, 2022, shall obligate an ap-
3 plicant to reimburse the obligated county and the state for such reasonable
4 portion of the financial assistance paid on behalf of the applicant as the
5 county commissioners may determine that the applicant is able to pay from
6 resources over a reasonable period of time. Cash amounts received shall be
7 prorated between the county and the state in proportion to the amount each
8 has paid. Moneys distributed to the state shall be deposited into the state
9 general fund.

10 (2) A final determination shall not relieve the applicant's duty to
11 make additional reimbursement from resources if the county commissioners
12 subsequently find within a reasonable period of time that there has been a
13 substantial change in circumstances such that the applicant is able to pay
14 additional amounts up to the total claim paid on behalf of the applicant.

15 (3) A final determination shall not prohibit the county commissioners
16 from reviewing a petition from an applicant to reduce an order of reimburse-
17 ment based on a substantial change in circumstances.

18 (4) The automatic lien created pursuant to the chapter may be filed and
19 recorded in any county of this state wherein the applicant has resources and
20 may be liquidated or unliquidated in amount. Nothing herein shall prohibit
21 an applicant from executing a consensual lien in addition to the automatic
22 lien created by filing an application pursuant to this chapter. In the event
23 that resources can be located in another state, the clerk may file the lien
24 with the district court and provide notice to the recipient. The recipient
25 shall have twenty (20) days to object, following which the district court
26 shall enter judgment against the recipient. The judgment entered may there-
27 after be filed as provided for the filing of a foreign judgment in that juris-
28 diction.

29 (5) The county shall have the same right of recovery as provided to the
30 state of Idaho pursuant to sections 56-218 and 56-218A, Idaho Code.

31 (6) The county commissioners may require the employment of such of the
32 medically indigent as are capable and able to work and whose attending physi-
33 cian certifies they are capable of working.

34 (7) That portion of the moneys received by a county as reimbursement
35 that are not assigned to the state shall be credited to the respective county
36 current expense fund.

37 (8) The automatic lien attached to an application for services received
38 through March 31, 2022, pursuant to this chapter as it existed on March 1,
39 2022, shall continue to be valid for the purposes of collecting reimburse-
40 ment pursuant to this section.

41 (9) Upon receipt of a settlement application, the county commission-
42 ers may negotiate and settle a case for financial assistance paid, which in-
43 cludes full lien release, on behalf of the state.

44 SECTION 4. That Section 49-673, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 49-673. SAFETY RESTRAINT USE. (1) Except as provided in section
47 49-672, Idaho Code, and subsection (2) of this section, each occupant of a
48 motor vehicle that has a gross vehicle weight of not more than eight thousand
49 (8,000) pounds, and that was manufactured with safety restraints in compli-

1 ance with federal motor vehicle safety standard no. 208, shall have a safety
2 restraint properly fastened about the occupant's body at all times when the
3 vehicle is in motion.

4 (2) The provisions of this section shall not apply to:

5 (a) An occupant of a motor vehicle who possesses a written statement
6 from a licensed physician that the occupant is unable for medical rea-
7 sons to wear a safety restraint;

8 (b) Occupants of motorcycles, implements of husbandry and emergency
9 vehicles;

10 (c) Occupants of seats of a motor vehicle in which all safety restraints
11 are then properly in use by other occupants of that vehicle; or

12 (d) Mail carriers only if all vehicle regulations and safety practices
13 of the United States postal service are adhered to.

14 (3) (a) A citation may be issued to:

15 (i) Any occupant of the motor vehicle who is age eighteen (18)
16 years or older and fails to wear a safety restraint as required in
17 this section; and

18 (ii) The operator of the motor vehicle who is age eighteen (18)
19 years or older if any occupant under eighteen (18) years of age
20 fails to wear a safety restraint as required in this section.
21 For purposes of this subparagraph, it shall be deemed a single
22 violation regardless of the number of occupants not properly re-
23 strained.

24 (b) A person issued a citation pursuant to this subsection shall be sub-
25 ject to a fine of ten dollars (\$10.00), ~~with five dollars (\$5.00) of such~~
26 ~~fine to be apportioned to the catastrophic health care cost fund, as set~~
27 ~~forth in section 57-813, Idaho Code.~~ A conviction under this subsec-
28 tion shall not result in violation point counts as prescribed in section
29 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving
30 traffic violation for the purpose of establishing rates of motor vehi-
31 cle insurance charged by a casualty insurer.

32 (4) A citation may be issued to the operator of the motor vehicle if the
33 operator is under eighteen (18) years of age and the operator or any other
34 occupant who is under eighteen (18) years of age fails to wear a safety re-
35 straint as required in this section. For purposes of this subsection, it
36 shall be deemed a single violation regardless of the number of occupants not
37 properly restrained. A person issued a citation pursuant to this subsection
38 shall be subject to a fine of ten dollars (\$10.00), ~~five dollars (\$5.00) of~~
39 ~~such fine to be apportioned to the catastrophic health care cost fund as set~~
40 ~~forth in section 57-813, Idaho Code,~~ plus court costs. A conviction under
41 this subsection shall not result in violation point counts as prescribed in
42 section 49-326, Idaho Code. In addition, a conviction under this subsection
43 shall not be deemed to be a moving traffic violation for the purpose of estab-
44 lishing rates of motor vehicle insurance charged by a casualty insurer.

45 (5) Enforcement of this section by law enforcement officers may be ac-
46 complished only as a secondary action when the operator of the motor vehicle
47 has been detained for a suspected violation of another law.

48 (6) The department shall initiate and conduct an educational program,
49 to the extent sufficient private donations or federal funds for this spe-
50 cific purpose are available to the department, to encourage compliance with

1 the provisions of this section and to publicize the effectiveness of use of
2 safety restraints and other restraint devices in reducing risk of harm to oc-
3 cupants of motor vehicles.

4 (7) The department shall evaluate the effectiveness of the provisions
5 of this section and shall include a report of its findings in its annual eval-
6 uation report on the Idaho highway safety plan which it submits to the na-
7 tional highway traffic safety administration and federal highway adminis-
8 tration pursuant to 23 U.S.C. section 402.

9 (8) The failure to use a safety restraint shall not be considered under
10 any circumstances as evidence of contributory or comparative negligence,
11 nor shall such failure be admissible as evidence in any civil action with
12 regard to negligence.

13 SECTION 5. That Section [57-813](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 6. That Section 63, Chapter 318, Laws of 2022, be, and the same
16 is hereby amended to read as follows:

17 SECTION 63. An emergency existing therefor, which emergency
18 is hereby declared to exist, Sections 5 through 38, 54, 59, and 61
19 of this act shall be in full force and effect on and after passage
20 and approval; and Sections 1 through 4, 53, 55, 57, 58, and 60 shall
21 be in full force and effect on and after July 1, 2022. Sections ~~39~~
22 40 through 52 shall be in full force and effect on and after July
23 1, 2023. Section 39 shall be in full force and effect on and after
24 September 30, 2023. Section 62 shall be in full force and effect on
25 and after July 2, 2024. Section 56 shall be in full force and effect
26 on and after October 1, 2024.

27 SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature, in
28 enacting this act, to revise and repeal provisions of law affected by the re-
29 peal of the County Indigent Program and the Catastrophic Health Care Cost
30 Program in House Bill 735, enacted as Chapter 318, Laws of 2022.

31 SECTION 8. An emergency existing therefor, which emergency is hereby
32 declared to exist, Sections 1 through 4, 6, and 7 of this act shall be in full
33 force and effect on and after passage and approval, and Section 5 shall be in
34 full force and effect on and after September 30, 2023.