

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, January 18, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**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 Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**MINUTES APPROVAL:** **Vice Chair Souza** moved to approve the Minutes of January 13, 2022. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**INTRODUCTION:** **Vice Chair Souza** introduced Tim Frost, Deputy Director, Idaho Division of Occupational and Professional Licenses (IDOPL), explaining Mr. Frost would be presenting the rules for the Division.

**DOCKET NO. 09-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 6. **Jani Revier**, Director, Idaho Department of Labor (IDOL), indicated there were six rule chapters in the omnibus. She noted these rules were unchanged except for two sections. **Ms. Revier** mentioned the rule changes would simplify the process and make the rules straightforward and consistent. She stated in the second rule change the claimant would be required to report gross earnings for self-employment, the same as for those with regular employment. She noted some of the costs are deductible but not all.

**DISCUSSION:** **Senator Burgoyne** questioned the self-employment earnings rule and asked why the IDOL did not use the tax code. **Ms. Revier** remarked the IDOL was not an expert on the tax code and noted the rule was not always aligned with the federal tax code. She stated very few of the claimants are self-employed. The idea was to simplify the process. **Senator Burgoyne** stated the IDOL must be more flexible about the approach to this issue. He said he supported the rule with some trepidation.

**Senator Lakey** referred to the first change in the rule and queried if the change would make the process simpler. Senator Lakey and Ms. Revier discussed that unemployment insurance is individualistic, depending on the circumstances. **Senator Lakey** remarked he agreed with Senator Burgoyne with respect to the second change. Senator Lakey and Ms. Revier discussed the idea that an applicant could be eligible for a higher weekly benefit amount if the gross earnings were higher than what was previously reported. **Ms. Revier** stated she would defer to Josh McKenna.

**TESTIMONY:** **Josh McKenna**, Benefits Bureau Chief, IDOL, stated a person would have to earn enough to be eligible for benefits. He noted if the person has a part-time job, earnings would have to be reported every week. He remarked eligibility could change weekly. Benefits can be reduced for the week. He noted employers pay taxes and receive a benefit because they are not being charged as much in unemployment taxes.

**DISCUSSION:** **Senator Lakey** expressed a concern there was some benefit for a claimant to have a lower reportable gross income and that recognition of self-employment was being taken away. **Mr. McKenna** remarked that during the pandemic the IDOL became aware of several types of self-employment. He noted the rule says the IDOL may allow certain deductible costs. He noted the IDOL wanted to make the rule more straightforward. **Senator Lakey** commented he was not sure simpler was better.

**Senator Burgoyne** stated he was persuaded the Committee should not approve the self-employment earnings issue, but to approve the Docket with the exception of subsection No. 09.01.30.525.10, Self- Employment Earnings.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 09-0000-2100** with the exception of **09.01.30.525.10**. **Senator Lakey** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** remarked things were not going back to the way they were prior to the pandemic. Dramatic changes have been seen in the duration of employment. More are becoming self-employed and fewer are being employed. **Senator Martin** asked Ms. Revier if the changes would affect a small amount of people. **Ms. Revier** affirmed, based on claimants seen in 2019, less than 2 percent of 40,000 people would be affected.

**SUBSTITUTE MOTION:** **Senator Martin** moved to approve **Docket No. 09-0000-2100**. The motion died due to the lack of a second.

**VOTE ON THE ORIGINAL MOTION:** The motion to approve **Docket No. 09-0000-2100** with the exception of **09.01.30.525.10** carried by **voice vote**. **Senator Martin** requested he be recorded as voting nay.

**DOCKET NO. 12-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 58. **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), reported there were no changes to this rule.

**MOTION:** **Senator Agenbroad** moved to approve **Docket No. 12-0000-2100**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100F** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 5, **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), indicated there were no changes to this rule.

**MOTION:** **Senator Martin** moved to approve **Docket No. 24-0000-2100F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 407. **Tim Frost**, Deputy Director, IDOPL, gave a broad overview of the changes. He noted the remainder of the IDOPL rule chapters within the legislative book have either no changes or de minimis changes and would be presented together. He went over the rules for pending rules and fee rules.

**DOCKET NO. 24-3960-2100** **Rules Governing Uniform School Building Safety**, p. 414. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus rule, Docket No. 24-0000-2100.

**DOCKET NO. 24-3980-2100** **Idaho Minimum Safety Standards and Practices for Logging**, p. 417. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus rule, Docket No. 24-0000-2100.

**TESTIMONY:** **Shawn Keough**, Executive Director of the Associated Logging Contractors, testified in support of this rule.

**MOTION:** **Senator Riggs** moved to approve **Docket No. 24-0000-2100**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, p. 84. **Mr. Frost** indicated the subsequent fee rules were under this omnibus rule.

**DOCKET NO. 24-0501-2100F** **Rules of the Board of Drinking Water and Wastewater Professionals**, p. 173. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3201-2100F** **Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors**, p. 393. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:** **Senator Burgoyne** referred to page 15. **Senator Burgoyne** and **Mr. Frost** discussed whether the national standard would work for Idaho, marketplace competition, and provide flexibility within the rule.

**Senator Lakey** and **Mr. Frost** discussed the amount of hours specified for licensees to comply with the National Council of Examiners for Engineering and Surveying (NCEES) competency standards in order to renew a license.

**Senator Martin** referred to the discontinued or retired status in the docket and the effect the change would have on a retiree.

**DOCKET NO. 24-3910-2100F** **Rules of the Idaho Electrical Board**, p. 511. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:** A discussion ensued between **Senator Burgoyne** and **Mr. Frost** relating to failure to request an inspection and the possible effects of the revocation of an electrician's license.

**Vice Chair Souza** and **Mr. Frost** discussed the involvement of the electrical industry related to the changes.

**Senator Lakey** queried if an applicant or designee passed the contractor's exam but was no longer with the company, would the applicant still qualify as competent. **Mr. Frost** stated he would find out that information.

**DOCKET NO. 24-3920-2100F** **Rules Governing Plumbing**, p. 527. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3930-2100F** **Rules of Building Safety (Building Code Rules)**, p. 542. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3931-2100F** **Rules for Factory Built Structures**, p. 556. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO.  
24-3970-2100F**

**Rules Governing Installation of Heating, Ventilation & Air Conditioning (HVAC)**, p. 587. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:**

**Senator Guthrie, Vice Chair Souza, and Mr. Frost** discussed the current website and how the public could navigate through the site for help. They discussed including a reference to a code section and providing as much disclosure on the website as possible for the public.

**Senator Agenbroad and Mr. Frost** discussed the omnibus, public sessions, the amount of work involved when the Legislature did not approve the rules, and the costs to the taxpayer.

**MOTION:**

**Senator Guthrie** moved to approve **Docket No. 24-0000-2100F**. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**PASSED THE  
GAVEL:**

Vice Chair Souza passed the gavel to Chairman Patrick.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:54 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary