

MINUTES
HOUSE BUSINESS COMMITTEE

DATE: Thursday, January 27, 2022

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Dixon, Vice Chairman Furniss, Representatives Crane, Palmer, Barbieri, Armstrong, DeMordaunt, Clow, Andrus, Nichols, Adams, Bundy, Ferch, Galloway, Mitchell, Shepherd, Berch, Green

**ABSENT/
EXCUSED:** **Reps. Crane, Mitchell**

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Dixon called the meeting to order at 1:31 p.m.

DOCKET NO. 12-0000-2100: **Anthony Polidori**, Deputy Director, Idaho Department of Finance, presented **Docket No. 12-0000-2100**, including pending rules related to the Idaho Credit Union Act and the Idaho Residential Mortgage Practices Act. He stated the rules remain unchanged from the rules previously reviewed and approved by the Legislature.

MOTION: **Rep. Galloway** made a motion to approve **Docket No. 12-0000-2100**. **Motion carried by voice vote.**

DOCKET NO. 12-0000-2100F: **Mr. Polidori** presented **Docket No. 12-0000-2100F**, including a pending fee rule related to the Uniform Securities Act. He stated the rule remains unchanged from the rule previously reviewed and approved by the Legislature.

MOTION: **Rep. Shepherd** made a motion to approve **Docket No. 12-0000-2100F**. **Motion carried by voice vote.**

Chairman Dixon turned the gavel over to **Rep. Palmer**.

RS 29239: **Chairman Dixon** presented **RS 29239**. This legislation allows a non-profit organization and its volunteers to construct single family residences without the need to sub-contract work to licensed individuals. The legislation creates an electrical, plumbing, and HVAC licensure exemption when providing these volunteer services. It does not change the current requirements in Idaho Code to pull a permit and complete an inspection according to life-safety codes when completing these installations in a single-family residence.

In response to committee questions, **Rep. Dixon** said there is no value limit on homes being built and non-licensed workers, specifically volunteers, can do the installations. He stated State rules must be followed and the work will be inspected upon completion. Chairman Dixon said the non-profit organizations will save money by not needing to hire a contractor.

MOTION: **Rep. Nichols** made a motion to introduce **RS 29239**.

During committee discussion, there was a question relating to the difference between a non-profit and a charitable organization. Chairman Dixon said he will research the difference between the two types of organizations. Concern was expressed about unintended loopholes. There was a suggestion to revisit the language before introducing the RS.

SUBSTITUTE MOTION:

Rep. Berch made a substitute motion to return **RS 29239** to the sponsor to reevaluate the language used and ensure there are no unintended loopholes created.

During committee discussion, **Reps. Barbieri, Rep. Clow** and **Rep. Ferch** said they will not support the substitute motion because they are not concerned with the current language in the proposed legislation.

SUBSTITUTE MOTION WITHDRAWN:

Rep. Berch asked for unanimous consent to withdraw his substitute-motion. There being no objection, the substitute motion was withdrawn.

VOTE ON ORIGINAL MOTION:

Motion carried by voice vote.

RS 29243:

Chairman Dixon presented **RS 29243**. This proposed legislation will create the Idaho Energy Conservation Code in Title 39, Chapter 97, Idaho Code. The new chapter adds the current adoption of 2018 International Energy Conservation Code by the Building Code Board into Idaho Code. The legislation prohibits local governmental entities from adopting any energy codes that differ from or are more extensive than the requirements of the Idaho Energy Conservation Code. The legislation does not adopt any new provisions of energy code and does not change the rulemaking authority for the Building Code Board under the Division of Occupational and Professional Licenses to make amendments, revisions or modifications to the Idaho Energy Conservation Code, adopted by the Idaho Legislature.

Chairman Dixon said this proposed legislation will bring everyone up to the same level in the energy conservation code and it will be codified in Idaho law.

In response to committee questions, **Chairman Dixon** confirmed he is willing to add the new clause, recommended by **Rep. Barbieri** stating, "Any rules, including temporary rules, promulgated pursuant to this Section must be approved by concurrent resolution during the next succeeding regular session of the legislature, and in the case of a temporary rule, if not so approved, the rule expires at the end of said succeeding session, and cannot be re-promulgated without going through the negotiated rulemaking process." **Rep. Barbieri** said this will help with the rule-making process. He also stated the additional language will ensure new temporary rules are not drafted immediately following sine die. It was proposed this language be added as section four (4) and the emergency clause become section five (5).

Rep. Berch said it is inappropriate to make this large of a change to a piece of legislation without committee members having an opportunity to read and fully understand the ramifications of the proposed amendment.

MOTION:

Rep. Barbieri made a motion to introduce **RS 29243**, adding the new language, as stated above, to section four (4) and moving the emergency clause to section five (5).

During committee discussion, **Chairman Dixon** confirmed his willingness to include the clause to **RS 29243**. **Rep. DeMordaunt** will support this the motion because it does not impact the substance of the proposed legislation. It would impact what happens to the bill in the future when the legislature is out of session. **Rep. Nichols** said she appreciates the suggested language and will also support the motion. It was clarified the added language applies only to this piece of proposed legislation. **Rep. Berch** will not support the motion.

VOTE ON THE MOTION:

Motion carried by voice vote. Rep. Berch requested to be recorded as voting Nay.

ADJOURN: There being no additional business to come before the committee the meeting adjourned at 2:01 p.m.

Representative Dixon
Chair

Kelly Staskey
Secretary