

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, March 01, 2022

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

**PLACE:** Room WW54

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

**ABSENT/ EXCUSED:** Senator Riggs

**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:** **Vice Chair Souza** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**MINUTES APPROVAL:** **Vice Chair Souza** announced the approval of the Minutes of February 22, 2022 would be heard later in the meeting.

**Senator Guthrie** moved to approve the Minutes of February 24, 2022. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**RS 29670**

**Relating to Occupational Licensing Reform - Unanimous Consent Request for Referral to a Privileged Committee for Printing.** **Kate Haas**, Opportunity Solutions Project, noted this legislation was a terminology clean-up bill consistent with the Occupational Licensing Reform Act (OLRA) passed by the Idaho Legislature in 2020. The reform bill created a new process for how licensing boards considered and evaluated an applicant's past criminal conviction in Idaho Code Chapter 94, Title 67. The 2020 bill removed licensure denials on the basis of vague or generic terminology related to a criminal conviction, including "moral turpitude" or "moral character." She said the bill reduced confusion and conflict in law by updating all Idaho Division of Occupational and Professional Licensing (IDOPL) boards and commission statute references in alignment with Idaho Code. **Ms. Haas** stated the bill would create clear direction for licensing boards when considering applications.

**MOTION:** **Senator Burgoyne** asked for unanimous consent to send **RS 29670** to the Judiciary and Rules Committee for a print hearing. There were no objections.

**H 556**

**SECURITIES - Amends existing law to provide correct terminology, to clarify provisions regarding disciplinary conditions, to revise provisions regarding the statute of limitations, and to provide references to United States Code.** **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), explained the proposed legislation clarified the application of denial or suspension actions specific to certain registrants. He said, additionally, the legislation made non-substantive technical corrections to various sections of the statute. Also, the legislation amended provisions that limited the ability of investors to obtain relief in a private right of action.

**Mr. Polidori** pointed out there was no impact to the General Fund, the IDOF State Regulatory Fund (FIAA), or federal fund because license application fees collected by the IDOF were not altered nor the application of the Idaho Uniform Securities Act (IUSA) registration requirements to entities conducting covered activities in Idaho.

**DISCUSSION:** **Senator Burgoyne** commented the changes on page 8 regarding the statute of limitations was a big improvement.

**MOTION:** **Senator Agenbroad** moved to send **H 556** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 609** **LIENS OF MECHANICS AND - Amends existing law to revise provisions regarding a claim of a lien and to provide for attorney's fees and costs in certain instances.** **Senator Guthrie** remarked the proposed legislation amended Idaho Code to clarify the materials lien process must include certain documentation and notification, and the prevailing party would be entitled to recover attorney fees.

**Senator Guthrie** noted there was no cost to the General Fund or to local municipalities because the lien process was already in place. There would be a nominal cost to the potential claimant for the notification process.

**MOTION:** **Senator Ward-Engelking** moved to send **H 609** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**H 612** **OCCUPATIONAL LICENSING - Adds to existing law to provide for the expungement of certain disciplinary action related to licensure.** **Senator Lakey** noted this legislation allowed an Idaho licensing authority to consider and grant a request for the expungement of disciplinary action previously imposed on a person's occupational license. A licensing authority would be required, upon request, to expunge any prior disciplinary action based on failure to timely renew a license or failure to complete required continuing education. He stated this legislation removed all requirements for a licensee to report expunged disciplinary action on future licensing or renewal applications in Idaho. However, this bill did not apply to civil or criminal convictions.

**Senator Lakey** remarked there was no impact to the General Fund, dedicated, or federal funds. There was no impact to the dedicated funds of licensing boards, as any expungement request could be reviewed by a licensing authority in a timely manner at regularly scheduled board or commission meetings.

**Senator Lakey** requested this bill be sent to the 14th Order of Business for possible amendment. He noted Subsection 5, § 28-310(2) should be corrected to reflect that the person needed to continue to maintain proper conduct because if there was a second violation of the same nature, that showed a pattern.

**DISCUSSION:** **Senator Burgoyne** and **Senator Lakey** discussed how things were handled when there was an expungement at the State level versus the criminal side. **Senator Lakey** remarked that expungement was less of an issue with the State system.

**MOTION:** **Senator Martin** moved to send **H 612** to the 14th Order of Business for possible amendment. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Martin** moved to approve the Minutes of February 22, 2022. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

H 463

**DEPARTMENT OF ADMINISTRATION - Amends existing law to increase the authorized limitation for public works projects.** **Keith Reynolds**, Director, Idaho Department of Administration (IDOA), affirmed this legislation increased the limit for the delegation of public works projects from \$150,000 to \$300,000. He explained the limit had not been increased since 1996. The delegation of projects was requested by agencies based on in-house project management capability with approval at the discretion of the Permanent Building Fund Advisory Council (PBFAC).

**Mr. Reynolds** stated there was no impact to the General Fund, any dedicated, or federal fund because projects would only be delegated to agencies with available resources.

**MOTION:**

**Senator Lakey** moved to send **H 463** to the floor with a **do pass** recommendation. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:**

Vice Chair Souza passed the gavel to Chairman Patrick.

H 594

**HUMAN RESOURCES DIVISION - Amends and repeals existing law to provide for consistency of terminology with respect to state employees.** **Lori Wolff**, Administrator, Idaho Division of Human Resources (IDHR), reported the purpose of the legislation was to add clarification on how State law was applied to all State employees, while also clarifying which sections of Idaho's personnel system laws applied to classified employees. She stated adding inclusive language to include "classified and nonclassified state employees" would help to ensure employee best practice standards were applied across all State employees in the executive department and provide a foundation for decision and policies. The changes would further clarify that only classified State employees were subject to the merit system and due process.

**Ms. Wolff** indicated there was no impact to the General Fund, any dedicated or federal fund because clarification was added to current statute language.

**DISCUSSION:**

In response to several questions by Senator Burgoyne about the language in the bill outlining the definition and difference between non-classified and classified employees, **Ms. Wolff** pointed out that not every section of the bill would apply to non-classified employees. There were certain sections that applied to classified employees and to non-classified employees. They discussed the removal of health districts which was located in another section of code. **Ms. Wolff** indicated there was no intent to do anything with public health districts.

**Senator Guthrie** and **Ms. Wolff** discussed the intention was not to make any changes, but rather to provide clarity as to how sections of code applied. They discussed the mitigation of concerns for employees, especially at the universities, and the non-interference with faculty staff contracts. **Ms. Wolff** noted many changes were made to accommodate the support for this legislation. She noted the IDHR worked with Risk Management to make sure clarity was provided as to how the State laws applied.

**Senator Agenbroad** and **Ms. Wolff** discussed how the Idaho employment rules applied to boards and commissions. She stated these rules applied to all of the agencies and commissions who reported to the Governor.

**Senator Burgoyne** said he had more questions and wanted to meet with someone from IDHR to clarify some of the wording. He stated he thought this bill should be sent to the 14th Order of Business for possible amendment.

**Senator Martin** expressed a concern if the bill was held he was worried about the transmittal date deadline.

**MOTION:** **Senator Martin** moved to hold **H 594** in Committee until the next meeting. **Senator Burgoyne** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Guthrie** moved to send **H 594** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**. Senators Burgoyne and Ward-Engelking voted nay.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:16 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary