

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, January 30, 2024

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Cook, Senators Lakey, Guthrie, Ricks, Foreman, Hartgen, Lenney, 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 Cook** called the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Hartgen** moved to approve the Minutes of January 18, 2023. **Senator Lenney** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Ward-Engelking** moved to approve the Minutes of January 23, 2024. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

RULES REVIEW MOTION: **Motion on the Reconsideration of Docket No. 17-1001-2301 - Administrative Rules Under the Crime Victims Compensation Act (ZBR Chapter Rewrite), pp. 151-152.** **Chairman Cook** explained there must be a motion to reconsider this Docket.

MOTION: **Senator Guthrie** moved to reconsider **Docket No. 17-1001-2301**. **Chairman Cook** seconded the motion.

ROLL CALL VOTE: **Chairman Cook** called for a roll call vote. **Senators Lakey, Guthrie, Ricks, Foreman, Hartgen, Ward-Engelking, Ruchti, Lenney,** and **Chairman Cook** voted aye. There were no nays. The motion carried.

RULES REVIEW: **Reconsideration of Docket No. 17-1001-2301 - Administrative Rules Under the Crime Victims Compensation Act (ZBR Chapter Rewrite), pp. 151-152.** **Paul Jefferies**, Review Officer, Idaho Industrial Commission (IIC) was there to answer any questions from the Committee.

MOTION: **Senator Guthrie** moved to accept **Docket No. 17-1001-2301** with the exception of Section 11, Subsection 7. **Senator Hartgen** seconded the motion.

DISCUSSION: **Chairman Cook** stated he was concerned about all of Section 7, p. 151. He queried if the Committee were to reject a change to this section, was there anything else that had to be rejected in this Docket. **Mr. Jefferies** suggested that in order to make the rejection more cohesive, p. 156 of the pending rule book, Section 13.02 of the paragraph was what was put in place of the medical fee schedule. He noted it would make sense to strike Section 13.02 while retaining Section 11.07 a-f, pp. 151-153. **Chairman Cook** queried if Senator Guthrie should rescind his motion. **Senator Guthrie** stated a new motion was in order.

SUBSTITUTE MOTION: **Chairman Cook** moved to reconsider **Docket 17-1001-2301** and reject Section 11.07 and Section 13.02. **Senator Hartgen** seconded the motion.

ROLL CALL VOTE: **Chairman Cook** called for a roll call vote on the substitute motion. **Senators Lakey, Guthrie, Ricks, Foreman, Hartgen, Ward-Engelking, Ruchti, Lenney,** and **Chairman Cook** voted aye. There were no nays. The motion carried.

DOCKET NO. 12-0104-2301 **Rules Pursuant to the Idaho Credit Union Act (ZBR Chapter Rewrite) - Proposed Rule, p. 4.** **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), reported the IDOF's pending rule did not include any changes from the proposed rule text. The IDOF removed unnecessary language within the rule, brought clarity to definitions and specific prohibitions found within the rule, and removed unnecessary requirements imposed upon the credit union industry. Input was received from the State's Credit Union Industry Association and the State's Community Bankers Association.

MOTION: **Senator Guthrie** moved to approve **Docket No. 12-0104-2301**. **Senator Ruchti** seconded the motion.

DISCUSSION: **Chairman Cook** referred to p. 10 relating to chartered applications. He queried what part of the rule indicated how to apply to create a credit union. **Mr. Polidori** noted the information was outlined in statute. **Chairman Cook** stated the rules were to help people understand how to create a credit union. **Mr. Polidori** indicated information was provided on the website and with other outreach efforts.

Chairman Cook referred to p. 12, Subsection v., "maximum amount of credit union assets in relationship to net worth" and asked why the reserves in Subsection i. were crossed out. **Mr. Polidori** stated this was a correction of something that was wrong in the rule.

Senator Lakey queried which code section referred to the charter application. **Mr. Polidori** noted the information was in Title 26. **Senator Lakey** remarked that if an applicant looked in code, they would not know how to complete an application. He asked that by eliminating a rule, did it give the IDOF more latitude and could the IDOF require more. **Chairman Cook** remarked that the statute was put on the website and the IDOF could have added more steps with legislators not having input. **Mr. Polidori** explained the list of items that were in rule were put on the website. He noted the IDOF only did what was allowed in statute.

VOICE VOTE ON MOTION: The motion to approve **Docket No. 12-0104-2301** carried by **voice vote**.

DOCKET NO. 12-0108-2301 **Rules Pursuant to the Uniform Securities Act (2004) (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule, p. 15.** **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), stated the pending rule did not include any changes from the proposed rule. **Mr. Polidori** indicated the IDOF removed unnecessary language in the rule that served only as instructions for regular business processes that did not require codified rules. Additionally, the IDOF brought clarity to definitions and specific requirements found within the rule, removed unnecessary requirements imposed upon the securities industry, and removed rules that duplicated authorities already existing within Idaho's Uniform Securities Act. No new rules were added to the rules that had existed prior to this rulemaking. There was no opposition.

Mr. Polidori pointed out that on p. 51 there were significant sections removed from exams and advertising. He stated that statute gave the IDOF the authority to set rules. Those companies that were compliant had to submit advertising to the IDOF before actually advertising. The IDOF had the authority to review the company at any time. **Mr. Polidori** reported registration was removed on

page 46 and all form numbers on page 45 were removed, since the majority were duplications.

DISCUSSION: **Chairman Cook** pointed out the term "designated matching services" on p. 46 and asked for an explanation. **Mr. Polidori** reported he had never seen this and that was not something that occurred in Idaho.

Senator Lakey referred to the bottom of page 43 that addressed written opinions. He stated "waivers" was removed. He queried if the IDOF issued waivers under statute. **Mr. Polidori** indicated the IDOF was consolidating language. The IDOF issued "no action" letters, but waivers were not supported in statute.

MOTION: **Senator Lakey** moved to approve **Docket No. 12-0108-2301**. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 12-0110-2301 **Rules Pursuant to the Idaho Residential Mortgage Practices Act (ZBR Chapter Rewrite) - Proposed Rule, p. 77.** **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), remarked the IDOF did not make any changes from the proposed rule text. The IDOF brought clarity to definitions and specific requirements found within the rule, removed unnecessary requirements imposed upon the mortgage industry, and removed rules that duplicated authorities already existing within the Idaho Residential Mortgage Practices Act. No new rules were added. There was no opposition.

MOTION: **Senator Hartgen** moved to approve **Docket No. 12-0110-2301**. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Vote on the Gubernatorial Reappointment of Michael Brassey to the Idaho Personnel Commission.** **Senator Guthrie** moved to send the Gubernatorial reappointment of Michael Brassey to the Idaho Personnel Commission to the floor with the recommendation that he be confirmed by the Senate. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Committee Vote on the Gubernatorial Appointment of Julie Ann Triepke, Idaho Health Insurance Exchange Board (IHIEB).** **Senator Ward-Engelking** moved to send the Gubernatorial appointment of Julie Ann Triepke to the IHIEB to the floor with the recommendation that she be confirmed by the Senate. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

RS 31086 **Relating to the Duties of the Director of the Department of Labor (DOL).** **Senator Lenney** reported the Secret Ballot Protection Act (SBPA), proposed to amend Idaho Code § 72-1382 to safeguard employee rights and privacy during union formation elections. This proposed legislation guaranteed the right to vote via secret ballot elections, either administered by the Director of the DOL or through a similar process conducted by the employer. **Senator Lenney** reported this legislation excluded employees under the exclusive jurisdiction of federal officials or boards. He stated this proposed measure had no fiscal impact on the General Fund, as it neither allocated funds nor led to a reduction in expenditures.

Senator Lenney remarked the union collected a certain number of signatures called a card check. He stated the problem with a card check was the union did not respect the right to privacy for employees. He noted employees were subjected to bullying and intimidation.

DISCUSSION: **Senator Ward-Engelking** commented teachers were not bullies and were not the kind to intimidate. The process was very open. She noted she was probably the only Senator who was involved in this process. She noted teachers may do a secret ballot as written in the contract. She stated she would vote nay.

Chairman Cook asked if the bullying and intimidation was an Idaho problem. **Senator Lenney** remarked this was a nationwide problem. When asked to provide examples by **Chairman Cook**, **Senator Lenney** stated he had none. **Chairman Cook** stated this bill could get the State of Idaho in trouble with the National Labor Relations Action Act and advised Senator Lenney to check with the Department of Labor and the Attorney General's office.

MOTION: **Senator Foreman** moved to send **RS 31086** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**. Senator Ward-Engelking voted nay.

ADJOURNED: There being no further business at this time, **Chairman Cook** adjourned the meeting at 2:10 p.m.

Senator Cook
Chair

Linda Kambeitz
Secretary