

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, March 12, 2024

**TIME:** 1:00 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 1:01 p.m.

**MINUTES APPROVAL:** **Senator Lakey** moved to approve the Minutes of February 29, 2024. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Hartgen** moved to approve the Minutes of March 5, 2024. **Senator Lenney** seconded the motion. The motion carried by **voice vote**.

**RS 31598** **Relating to the Occupational Licensing Reform Act - Unanimous Consent Request for referral to a Privileged Committee for Printing.** **Senator Den Hartog** explained this legislation created a process for licensed professionals to request a variance from their licensing authority for a waiver of licensing requirement under certain circumstances. It established a process where the licensing authority could either approve or deny the petition request. There was no impact on the General Fund as licensing authorities were supported by the fees from the licensed professionals whom they regulated. This legislation had no impact of increasing licensing fees because the waiver requests were to be handled at regularly scheduled meetings.

**MOTION:** **Senator Lakey** asked for unanimous consent to send **RS 31598** to a Privileged Committee for Printing. There were no objections.

**GUBERNATORIAL APPOINTMENT:** **Gubernatorial Appointment of Lori Wolff of Meridian, Idaho, to the Public Employee Retirement System Board, to serve a term commencing July 1, 2023 and expiring July 1, 2028.** **Ms. Wolff** gave a brief overview of her background. She outlined her goals to leverage her understanding of the State's workforce and advocate for policies and initiatives that prioritized the long-term financial security of PERSI members. This included ensuring that the retirement system remained stable, sustainable, and adaptable to the evolving needs of all members. **Ms. Wolff** stated another goal was to enhance communication and transparency between the PERSI Board and staff. Additionally, she stated she was committed to collaborating with the investment staff to implement prudent investment strategies that balanced both risk and returns with the goal of maximizing the value and stability of the PERSI fund.

**DISCUSSION:** **Chairman Cook** and **Ms. Wolff** discussed her interaction with the Public Employee Retirement System of Idaho (PERSI) Executive Director on policies that were being considered for legislation during her tenure as Director of the Division of Human Resources.

**Chairman Cook** stated the Committee vote would take place at the next meeting.

**DOCKET NO.  
24-3910-2302**

**Rules of the Idaho Electrical Board (Fee Rule) - Proposed Rule.** **Amy Lorenzo**, Bureau Chief, Building Construction & Real Estate, noted that under Rule 600, Idaho Electrical Code, an exception was added for Article 210.8.d of the 2023 Edition of the National Electrical Code (NEC) for clothes dryers in laundry areas and dishwashers in dwelling units to align the wording with portions of the NEC elsewhere in Rule 600. The text of the pending rule was amended in accordance with Idaho Code § 67-5227. Only those sections that had changes that differed from the proposed text were printed in the bulletin. Pursuant to Idaho Code § 67-5224(2)(d), this pending fee rule would not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The fees for permits and inspections as designed in Rule 500 of the pending rules were authorized in Idaho Code § 54-1005. None of the fees were being changed as a result of this rulemaking or since they were previously reviewed by the Idaho Legislature.

**Ms. Lorenzo** provided additional information to the Committee to help better outline the proposed changes (Attachment 1). She stated the next document (Attachment 2) was the comparison of the arc-fault requirements in the 2017 NEC as well as in 2023. This document included the proposed exemption that limited arc-fault to bedrooms only in one and two-family dwelling units.

**Ms. Lorenzo** pointed out the following document (Attachment 3) was a more detailed crosswalk of the changes surrounding ground-fault circuit interrupter (GFCI). This included more clarification about the 250-volt exemption, as well as details where information had been reorganized or consolidated. She noted that in reviewing the current rules, there were no exemptions in effect for arc-fault. That was inadvertently deleted. **Ms. Lorenzo** pointed out that if the Committee decided to reject the proposed exemption, it would not revert back to enforcement of arc-fault in its entirety.

**Ms. Lorenzo** stated the Electrical Board (Board) discussed questions and provided several examples for consideration relating to safety, industry, and professional development for master electricians.

**DISCUSSION:** **Senator Guthrie** asked if this rule had been heard in the House. **Ms. Lorenzo** stated she made two presentations to the House Business Committee, but they had not voted. **Senator Guthrie** remarked there was follow up legislation that addressed this rule. **Ms. Lorenzo** noted the changes in this rule protected the integrity of the trade and the goal was to keep people safe.

**Chairman Cook** queried if **H 704** conflicted with this rule. **Ms. Lorenzo** stated that if **H 704** passed, it superseded this rule. **Chairman Cook** remarked he talked with Representative Clow, Chairman of the House Business Committee, and he suggested that the Committee move forward. **Chairman Cook** stated he was not sure if he wanted to vote on this docket until Thursday.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 24-3910-2302**. **Senator Hartgen** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Lenney** moved that **Docket No. 24-3910-2302** be held in Committee subject to the call of the Chair. **Senator Lakey** seconded the motion.

**DISCUSSION:** **Senator Lakey** explained **H 704** provided information on arc-fault and GFCI and had not determined the appropriateness to the extent he was comfortable with before he voted.

**Senator Guthrie** explained that, as was noted in the testimony from Ms. Lorenzo, if **H 704** passed, there was no harm done. The rule may not be heard by the House until **H 704** passed.

**TESTIMONY:** **Ken Burgess**, Idaho Home Builders, stated the Home Builders participated in negotiated rulemaking. There were concerns revolving around GFCI and arc-fault. There were specific appliances included in a list of 12 and that numbers 7-12 were accepted. An evaluation was done on what it meant to include all of those appliances for an average home. That added an additional \$3,800 per home. There were discussions about nuisance tripping and challenges from the members. The Board exempted dryers and dishwashers. Arc-fault circuit interrupters (AFCI's) were only required in bedrooms.

**ROLL CALL VOTE:** **Senator Ruchti** called for a roll call vote on the substitute motion. **Senators Lakey, Foreman, and Lenney** voted aye. **Senators Guthrie, Ricks, Hartgen, Ward-Engelking, Ruchti, and Chairman Cook** voted nay. The substitute motion failed.

**VOICE VOTE:** The original motion to approve **Docket No. 24-3910-2302** carried by **voice vote**. **Senators Lakey, Foreman, and Lenney** voted nay.

**H 589** **HOMEOWNER'S ASSOCIATIONS - Amends existing law to revise provisions regarding certain disclosures and to provide for a restriction on transfer fees.** **Senator Ruchti** presented on behalf of Representative Holtzclaw. **Senator Ruchti** stated this legislation clarified that a homeowner's association (HOA) or their agent may not charge a fee for providing a property owner with their statement of assessment account. This legislation also prohibited an HOA from charging a transfer fee unless it was expressly allowed by the Covenants, Conditions, and Restrictions (CC&R's). There was no fiscal impact to the General Fund because this legislation pertained to HOA's and they were not government entities.

**MOTION:** **Senator Guthrie** moved to send **H 589** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**H 593** **STATE OFFICERS AND EMPLOYEES - Amends existing law to provide for certain credited state service and utilization of unused paid time off for certain eligible nonclassified officers and employees hired by the Office of the State Public Defender before January 1, 2025.** **Representative Weber** explained that with the creation of the State Public Defender's Office, county employees moved over as an employee to the State of Idaho. Employees moving to the State Public Defender's Office received comparable accrual rates based upon their County Public Employee Retirement System of Idaho (PERSI) hours. Employees were allowed to transfer up to 40 hours of vacation. Funds from counties were deposited into the Public Defense Fund to pay for vacation hours transferred by each employee. **Representative Weber** stated this legislation caused no additional expenditure of funds at the State or local level, nor did it cause an increase or decrease in revenue.

**MOTION:** **Senator Lakey** moved to send **H 593** to the floor with a **do pass** recommendation. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

**H 604**

**ELECTRICAL CONTRACTORS AND JOURNEYMEN - Amends existing law to revise certain requirements for electrical contractors. Representative Wheeler** explained this bill adjusted the requirements for individuals to engage in work as an electrical contractor, assuring that an appropriate level of experience was demonstrated by the journeyman or master electrician providing oversight of a contracting operation. This legislation caused no additional expenditure of funds at the State or local level of government nor did it cause an increase or decrease in revenue.

**DISCUSSION:**

**Senator Ricks** questioned the change of adding 2,000 hours of documented experience to the requirements. **Representative Wheeler** stated that in negotiations last year, the 4,000 hours were to be maintained, but that requirement was inadvertently omitted. Inspectors in the field brought this discrepancy to the attention of Representative Dixon. **Senator Ricks** noted that 4,000 hours was mentioned, but there were only 2,000 hours in the bill. **Representative Wheeler** explained inspectors were willing to live with 2,000 hours.

**Chairman Cook** queried if there was any opposition. **Representative Wheeler** reported there was none.

**MOTION:**

**Senator Guthrie** moved to send **H 604** to the floor with a **do pass** recommendation. **Senator Ricks** seconded the motion. The motion carried by **voice vote**. **Senator Foreman** voted nay.

**ADJOURNED:**

There being no further business at this time, **Chairman Cook** adjourned the meeting at 1:48 p.m.

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Senator Cook  
Chair

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Linda Kambeitz  
Secretary