

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, March 14, 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 meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:01 p.m.

H 686 **Relating to Employment Security Law. Representative Andrus** explained this legislation defined what qualified as a "work search" activity that unemployment claimants engaged in to receive unemployment insurance benefits. This bill required claimants to conduct five work search actions per week in order to receive benefits. Idaho currently only required two work search activities per week as outlined by administrative rule. The legislation required these claimants to report to the Department of Labor (DOL) which qualified "work search" activities they conducted weekly. **Representative Andrus** stated the final provision in this bill explicitly prohibited the practice of "ghosting" of an employer interview by unemployment insurance claimants and required the DOL to maintain an email address and web portal for employers to report claimant "ghosting." **Representative Andrus** noted the DOL already had several rules and regulations defining "work search" and had a portal for businesses to report potential employees who "ghosted" job interviews. A significant cost to the DOL was not anticipated to implement this legislation.

DISCUSSION: **Senator Ruchti** asked for clarification of the penalty for the loss of one week of benefits for a claimant if they had a job interview but did not show up and were there any exceptions. **Representative Andrus** stated that page 3 in the bill clarified the claimant had seven days to respond if a job offer was made. The business owner had the option to report this information through the online portal for the Department of Labor (DOL). **Senator Ruchti** and **Representative Andrus** discussed the exceptions that applied for a job offer for a claimant if it did not constitute suitable employment, or if there was an accident or medical emergency.

Senator Ward-Engelking queried who determined what was suitable employment. **Representative Andrus** stated the terminology for suitable employment was common terminology.

A discussion ensued among the Committee members regarding how this bill affected those who applied for jobs that were collecting unemployment, how the business owner could voluntarily report someone, and the role of the DOL.

MOTION: **Senator Lenney** moved to send **H 686** to the floor with a **do pass recommendation**. **Senator Foreman** seconded the motion. The motion carried by **voice vote**. **Senator Ward-Engelking** stated she reserved the right to change her vote on the Senate floor.

MINUTES APPROVAL: **Senator Foreman** moved to approve the Minutes of March 7, 2024. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Honoring of Page Keegan Watts**. **Chairman Cook** asked Mr. Watts what he learned while being a Senate Page. **Mr. Watts** remarked he learned about how the Senators amicably disagreed. **Senator Lakey** thanked Mr. Watts for all of his help with the Judiciary and Rules Committee as well as this Committee. **Chairman Cook** queried what was the biggest surprise for Mr. Watts. **Mr. Watts** stated he was amazed at all of the food supplied for everyone at the Capitol.

RS 31647 **A Concurrent Resolution Stating Findings of the Legislature and Approving Pending Rules of the Division of Human Resources and Personnel Commission, the Idaho Industrial Commission, and the Public Employees Retirement System of Idaho, Reviewed by the Senate Commerce and Human Resources Committee and the House Commerce and Human Resources Committee, with Exceptions - Unanimous Consent Request for referral to a Privileged Committee for Printing.**

MOTION: **Senator Lakey** asked for unanimous Consent to send **RS 31647** to a privileged Committee for printing. There were no objections.

GUBERNATORIAL APPOINTMENT VOTE: **Committee Vote on the Gubernatorial Appointment of Lori Wolff to the Public Employee Retirement System Board**. **Senator Ward-Engelking** moved to approve the Gubernatorial Appointment of Lori Wolff to the Public Employee Retirement System Board, to serve a term commencing July 1,, 2023 and expiring July 1, 2028. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

H 543 **FAMILY DAYCARE HOMES - Adds to existing law to provide that a homeowner's association may not prohibit the operation of a family daycare home**. **Representative Vander Woude** explained homeowner associations (HOA's) could not add restrictions prohibiting the operation of a family daycare, unless that restriction was in the Covenants, Conditions, and Restrictions (CCR's) when the property was purchased. There was no impact to the General Fund because HOA's were not part of the government budget.

Representative Vander Woude stated access to child care was difficult and expensive. It was important that in-home child care be preserved. He yielded his time to Representative Green.

Representative Green stated in-home daycare provided a menu of options for families. HOA's were able to adopt rules to bring daycare into compliance with the law. She remarked that in-home daycare allowed parents to stay home with their children while watching a maximum of six other children. She researched the language in this bill with an attorney and with the Attorney General's office to make sure it was in compliance with the law.

TESTIMONY: **Brindee Collins**, Attorney, specializing in HOA law, asked the Committee to hold the bill. She stated this bill was legislative interference and could nullify existing covenants.

DISCUSSION: **Senator Lenney** queried what part of the bill made Ms. Collins think there was the potential of nullifying existing covenants. **Ms. Collins** explained that the bill went into effect July 1, 2024. She felt there were two sentences in the bill that conflicted. There was no restriction prohibiting daycare at a private residence. She stated pre-existing regulations caused a conflict. **Senator Lenney** asked for clarification on line 13 of the bill. **Ms. Collins** stated that no HOA could enforce a covenant in such a way that prohibited or had the effect of prohibiting the operation of a family daycare home.

Senator Ruchti stated the person who challenged this bill regarding retroactivity would lose in court. He stated that lines 11, 15, and 16 of the bill made the parameters very clear. **Ms. Collins** responded she was not comfortable with the enforcement language as she thought it was convoluted. She stated she thought the HOA should write their own rules.

Senator Foreman stated he did not like the government superimposing contract law. **Ms. Collins** remarked that the language in the HOA covenant had to be stricken in order to prohibit these kinds of things. When someone purchased a home in an HOA, they gave up some of their rights. She noted the covenants included an amendment provision that could be changed at any time.

Senator Lakey stated this bill did not insert the government into a contract. This bill was less invasive and that lines 13 through 16 clarified the language. **Ms. Collins** remarked the issue was a slippery slope because the Legislature had imposed limits on certain things. The Legislature needed to decide on how far that went.

Senator Ward-Engelking stated the bill was saying the HOA could not change the rules. **Ms. Collins** reiterated what she said to Senator Lakey.

Senator Foreman queried if there was a process within an HOA where homeowners complained and voted a restriction out. **Ms. Collins** stated every HOA had an amending policy.

TESTIMONY: **Tammy Porter**, representing herself, testified in support of the bill. She stated she was a licensed daycare provider. There was not enough daycare available. She explained she had a neighbor who was untruthful with the HOA and tried to get her daycare shut down.

DISCUSSION: **Representative Green** mentioned the importance of protecting in-home family daycare. This was a property right and this bill protected those rights.

MOTION: **Senator Hartgen** moved to send **H 543** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion.

DISCUSSION: **Senator Foreman** stated he had concerns when home buyers joined an HOA because they agreed to majority rule. Otherwise, they should not buy a house with an HOA. He stated he did not support the motion.

Senator Lakey stated he supported the motion, but reserved the right to change his vote on the floor of the Senate. He stated the language in the bill was not perfect.

VOICE VOTE: The motion to send **H 543** to the floor with a **do pass** recommendation carried by **voice vote**. **Senator Foreman** voted nay.

H 501AA

MEDICAL LIENS - Amends existing law to revise provisions regarding medical liens, to update a provision regarding perfection of such liens, and to provide that liens shall relate to the charges for services or treatments provided. Chairman Cook stated that due to the lack of time, this bill would be continued to the next meeting.

ADJOURNED:

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

Senator Cook
Chair

Linda Kambeitz
Secretary