

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, January 14, 2020

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

**PLACE:** Room WW54

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

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

**MINUTES APPROVAL:** **Vice Chairman Agenbroad** moved to approve the minutes of January 7, 2020. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chairman Agenbroad to introduce the presenters for the rules being heard.

**Vice Chairman Agenbroad** stated that since Keith Simila, Executive Director, Idaho Professional Engineers and Professional Land Surveyors (IPELS) was not present, he was going to move this rule presentation further down on the agenda.

**DOCKET NO. 17-0000-1900** **Rules of the Idaho Industrial Commission (IIC)**, p. 323. **Kamerron Monroe**, IIC, Secretary, outlined the rules and highlighted the changes. **Ms. Monroe** stated 271 words and 10 chapters were eliminated. She remarked chapters were aligned and correlated within Idaho Code. **Ms. Monroe** noted many of the Crime Victim's rules had not been updated since 1986. The section pertaining to the Peace Officer and Detention Officer Disability Fund was removed from an unrelated prior chapter, making it a separate chapter for easier navigation.

**DISCUSSION:** **Senator Thayn** queried if input was received from stakeholders. **Ms. Monroe** stated input and comments were received and taken into consideration when revisions were made.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 17-0000-1900**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 17-0000-1900F** **Rules of the Idaho Industrial Commission (IIC), Fee Rule**, p. 177. **Sonnet Robinson**, IIC, Referee, outlined the rules and highlighted the changes. **Ms. Robinson** remarked some of the same definitions were in multiple places, which were consolidated into a definitions section. Workers' compensation rules and insurance carrier rules were combined into separate chapters respectively, making it easier to search for and find a specific topic. The rule requiring a bank card contract to "include the full text in English, Spanish, and any other language common to the claimant population" was changed to now read, "include the full text to communicate all terms and conditions."

**DISCUSSION:** **Senator Burgoyne** asked if the Workers' Compensation Commission (Commission) reviewed the rules. **Ms. Robinson** explained feedback from the Commission was taken into account and changes were made based on suggestions.

**Chairman Patrick** stated for the record he had a conflict of interest pursuant to Senate Rule 39(H) as he was a member of the Commission Advisory Committee, but intended to vote. He complimented the IIC for all of their hard work in conducting a thorough rules review.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 17-0000-1900F**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 10-0000-1900F** **Rules of Professional Engineers and Professional Land Surveyors (IPELS), Fee Rule**, p. 119. **Keith Simila**, IPELS, Executive Director, indicated his agency reviewed rules to identify and eliminate those that were obsolete, outdated, or unnecessary. **Mr. Simila** outlined the accomplishments of the agency. He highlighted some of the specific changes, including amending the continuing professional development rule; removing a time limit on when the IPELS Board would receive a complaint; removing the limitation on publishing disciplinary actions; and the addition of an option for the IPELS Board to waive late fees for late renewals due to extenuating circumstances.

**DISCUSSION:** **Chairman Patrick** asked for clarification on the statute of limitations process outlined in the rule. **Mr. Simila** explained a process was provided for a person to file a written affidavit to commence a disciplinary investigation at the IPEL Board's discretion. Initially there was a time limit imposed on how long the IPELS Board should wait to conduct disciplinary action. The Idaho Supreme Court ruled waiting over two years to impose disciplinary action was unacceptable.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 10-0000-1900F**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0101-1900F** **Rules of the Bureau of Occupational Licenses (IBOL), Rules of the Board of Architectural Examiners, Fee Rule**, p. 222. **Kelley Packer**, IBOL, Bureau Chief, highlighted the changes, including the renewal and reinstatement of licenses; removing the term "bureau" from definitions sections; the Shorthand Reporters Board removal of the vague term, "crime involving moral turpitude;" and in the Geologist Board Rules, the seal was removed because it has not been used in over ten years. **Ms. Packer** stated all of the boards and commissions met a total of 27 times to reauthorize and review the rules to identify and eliminate obsolete, outdated, or unnecessary rules, and looked for ways to simplify those rules. Four of the 11 chapters underwent the Red Tape Reduction Act review with the remaining eight chapters to be reviewed this summer.

**DISCUSSION:** **Vice Chairman Agenbroad** stated there would be a vote on each docket. There were no questions.

**MOTION:** **Senator Ward-Engelking** moved to approve **Docket No. 24-0101-1900F**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-2001-1900** **Rules of the Bureau of Occupational Licenses (IBOL)**, p. 657. **Kelley Packer**, IBOL, Bureau Chief, had no further information to present. There were no questions.

**MOTION:** **Senator Thayn** moved to approve **Docket No. 24-2001-1900**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0401-1900F** **Rules of the Board of Registration for Professional Geologists, Fee Rule**, p. 231. **Kelley Packer**, Idaho Bureau of Occupational Licenses (IBOL), Bureau Chief, had no further information to present. There were no questions.

- MOTION:** **Senator Lakey** moved to approve **Docket No. 24-0401-1900F**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 24-0701-1900F** **Rules of the Idaho State Board of Landscape Architects, Fee Rule**, p. 241. **Kelley Packer**, Idaho Bureau of Occupational Licenses (IBOL), Bureau Chief, had no more information to present. There were no questions.
- MOTION:** **Senator Martin** moved to approve **Docket No. 24-0701-1900F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 24-0801-1900F** **Rules of the Board of Morticians, Fee Rule**, p. 247. **Kelley Packer**, Idaho Bureau of Occupational Licenses (IBOL), Bureau Chief, had no more information to present. There were no questions.
- MOTION:** **Senator Souza** moved to approve **Docket No. 24-0801-1900F**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 24-1801-1900F** **Rules of the Real Estate Appraisal Board, Fee Rule**, p. 259. **Kelley Packer**, Idaho Bureau of Occupational Licenses (IBOL), Bureau Chief, had no more information to present. There were no questions.
- MOTION:** **Senator Guthrie** moved to approved **Docket No. 24-1801-1900F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 24-2501-1900F** **Rules of the Idaho Driving Business Licensure Board, Fee Rule**, p. 287. **Kelley Packer**, Idaho Bureau of Occupational Licenses (IBOL), Bureau Chief, had no more information to present. There were no questions.
- MOTION:** **Senator Ward-Engelking** moved to approve **Docket No. 24-2501-1900F**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 24-2801-1900F** **Rules of the Barber and Cosmetology Services Licensure Board, Fee Rule**, p. 302. **Kelley Packer**, Idaho Bureau of Occupational Licenses (IBOL), Bureau Chief, had no more information to present. There were no questions.
- MOTION:** **Senator Martin** moved to approve **Docket No. 24-2801-1900F**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 24-2901-1900F** **Rules of Procedure of the Idaho Certified Shorthand Reporters Board, Fee Rule**, p. 330. **Kelley Packer**, Idaho Bureau of Occupational Licenses (IBOL), Bureau Chief, had no more information to present. There were no questions.
- MOTION:** **Senator Souza** moved to approve **Docket No. 24-2901-1900F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.
- DISCUSSION:** **Chairman Patrick** assured the listening audience that the Committee had reviewed and considered all of the changes in these dockets and found no issues.
- DOCKET NO. 24-2101-1900F** **Rules of the Idaho State Contractors Board (Board), Fee Rule**, p. 276. **Rob McQuade**, Idaho Bureau of Occupational Licenses (IBOL), Legal Counsel, described the changes in the rules for these dockets. He stated there was a need for a fee increase for these two dockets. He noted legal guidance has been for the two boards to carry 12 to 18 months of budget in reserve in case an unexpected cost arose, such as an expensive disciplinary case. The cash balance is closely monitored. If a board has more than 12 to 18 months of reserve, appropriate action to decrease revenue, such as a fee decrease, would be reviewed. Currently, this Board has less than one month of reserve in the budget.
- Mr. McQuade** indicated when a board begins to inch toward the red, appropriate steps are recommended to keep them self-sufficient. In order to avoid going into debt, the Board was proactive and has requested a fee increase, which is only the second time since their inception in 2006, with the last request in 2016. The Board examined where costs could be reduced and new internal processes have

been implemented which has saved some money. Changes to the law have been identified that will significantly reduce investigative costs.

The Board proposes to increase three of its four fees (Application, Reciprocal, and Renewal) from \$15 to \$50.

**DISCUSSION:** **Senator Guthrie** and **Mr. McQuade** discussed the lack of negotiated rulemaking and the most cost effective way to carry out a fee increase.

**Ms. Packer** pointed out the IBOL spoke with agencies and corresponded with stakeholders about fee increases. She stated investigative costs have increased since 2016.

**Ms. Packer** and **Senator Guthrie** discussed compromised workmanship, due process after a complaint has been filed, and the costs associated with investigating complaints.

**MOTION:** **Senator Ward-Engelking** moved to approve **Docket No. 24-2101-1900F**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-2201-1900F** **Rules of the Idaho State Liquefied Petroleum Gas Safety Board (Board), Fee Rule**, p. 281. **Rob McQuade**, Idaho Bureau of Occupational Licenses (IBOL), Legal Counsel, outlined the changes and the request for a new "facility reinspection fee." He indicated the new fee has been proposed because reinspections are a rising cost to the Board. **Mr. McQuade** noted over the past five years, there has been a 23 percent facility failure rate on inspections. Facilities with less than 10,000 gallons and dispensing to the public is inspected every two years; while bulk storage facilities are inspected every four years. Failure requires a reinspection within 60 days. The Board proposes to have those requiring reinspection bear the cost.

**DISCUSSION:** **Senator Lakey** asked for clarification of the reinspection fee. **Mr. McQuade** explained that if an entity fails an inspection, they are notified they have 60 days to correct the situation and are reinspected. **Senators Guthrie** and **Martin**, and **Mr. McQuade** discussed the length of time it takes for reinspection.

**MOTION:** **Chairman Patrick** moved to approve **Docket No. 24-2201-1900F**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Agenbroad passed the gavel to Chairman Patrick.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:18 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary