

MINUTES  
**HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Wednesday, February 09, 2022

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

**PLACE:** Room EW05

**MEMBERS:** Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Wisniewski, Horman, Hanks, Weber, McCann, Chew, Necochea, Toone

**ABSENT/  
EXCUSED:** Representative(s) Horman

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Holtzclaw** called the meeting to order at 1:31pm.

**MOTION:** **Rep. Necochea** made a motion to approve the minutes of February 3 and February 7, 2022. **Motion carried by voice vote.**

**RS 29124:** **Rep. Dixon** said **RS 29124** would create hazard pay for wildland firefighters. It would allow the Idaho Department of Lands to increase the differential pay of wildland firefighters by 25% when in hazardous conditions, making it easier for Idaho to attract employees to this in-demand profession.

**MOTION:** **Rep. Syme** made a motion to introduce **RS 29124**. **Motion carried by voice vote.**

**RS 29135:** **Rep. Erickson** explained **RS 29135** would add juvenile detention, juvenile probation, and adult misdemeanor post-certified officers to the Rule of 80 retirement plan as is currently conducted with their adult counterparts. This would help with recruitment efforts for positions that work with high risk youth and is specifically for post-certified positions so not everyone would be able to take advantage of this.

**MOTION:** **Rep. Weber** made a motion to introduce **RS 29135**. **Motion carried by voice vote.**

**RS 29396:** **Rep. Skaug** declared Rule 80 before explaining **RS 29396** seeks to streamline workers' compensation settlement process for employers and injured workers who choose to settle their respective claims, rather than go to hearing. It would eliminate the requirement of approval of the Industrial Commissioners, except for settlements involving minors, legally incompetent persons, or when either party is not represented by an attorney.

**MOTION:** **Rep. Toone** made a motion to introduce **RS 29396**. **Motion carried by voice vote.**

**RS 29489:** **Rep. Skaug** again declared Rule 80 before introducing **RS 29489** which ensures that COVID-19 vaccine injuries are compensable under workers' compensation. This legislation replaces an RS previously heard by the committee and improves it by explaining this legislation is not for or against COVID-19 vaccine requirements and cannot be used in defense of vaccine mandates.

**MOTION:** **Rep. McCann** made a motion to introduce **RS 29489**.

**SUBSTITUTE  
MOTION:** **Rep. Harris** made a substitute motion to introduce **RS 29489** and recommend it be sent directly to the Second Reading Calendar.

- ROLL CALL VOTE:** Roll call vote was requested. **Motion carried by a vote of 9 AYE, 3 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Holtzclaw, Syme, Harris, Wisniewski, Weber, McCann, Chew, Necochea, and Toone. Voting in opposition to the motion: Reps. Kingsley, Christensen, and Hanks. Rep. Horman was absent/excused. Rep. Skaug will sponsor the bill on the floor.**
- RS 29194:** **Rep. Ruchti** explained **RS 29194** would improve the process by which the Governor selects the candidate to be appointed as the attorney representative on the Industrial Commission. Currently, the Governor's office seeks out applicants to apply for this position. This legislation would place responsibility for recruitment of applicants, processing applications and doing initial interviews of applicants with the Judicial Council with assistance from the Idaho State Bar. The Judicial Council would use the same process they currently use with candidates for open district judge and appellate judge positions. At the end of its process, the Judicial Council would present two to four names to the Governor for his consideration for appointment as the attorney representative to the Industrial Commission.
- In response to questions about the opinion of the Governor's office, **Rep. Ruchti** explained that they haven't taken a position though they have been informed. Additionally, he said he was unaware of any other situation in which this process is used to select candidates other than district and appellate court judges.
- MOTION:** **Rep. Necochea** made a motion to introduce **RS 29194. Motion carried by voice vote.**
- RS 29413C1:** **Rep. Syme** said **RS 29413C1** would set up an Idaho Workforce Housing Advisory Commission and establish the Idaho Workforce Housing Fund. It would not authorize additional spending; it would just set up the mechanism to create a fund. The Advisory Commission would consist of 10 members and be tasked with developing, implementing, and maintaining a statewide workforce housing plan. The Idaho Workforce Housing Fund would be created to accept such monies as allocated by the legislature and distribute funds according to the statewide plan as implemented by the Idaho Workforce Housing Commission Distinct shortage of housing for workforce. Rep. Syme also pointed out in paragraph 2 the word 'Association' should be changed to say 'The Idaho Housing and Finance Association'.
- MOTION:** **Rep. McCann** made a motion to introduce **RS 29413C1** with the following changes: on Page 2, Section 2, Paragraph 2, change the word "association" to "The Idaho Housing and Finance Association". **Motion carried by voice vote.**
- RS 29453:** **Rep. McCann** explained **RS 29453** would add clarification on how state law is applied to all state employees, while also clarifying which sections of Idaho's personnel system laws apply to classified employees. Adding inclusive language to include "classified and nonclassified state employees" will help to ensure employee best practice standards are applied across all state employees in the executive department and provide a foundation for decisions and policies. The changes will further clarify that only classified state employees are subject to the merit system and due process.
- MOTION:** **Rep. Weber** made a motion to introduce **RS 29453. Motion carried by voice vote.**
- RS 29473:** **Rep. McCann** explained **RS 29473** would allow for flexibility and clarification within established compensation practices. Currently, all employee compensation increases require a satisfactory performance evaluation on file prior to granting the increase. The requirement of an evaluation restricts an agency from giving salary increases when necessary for internal equity or external market changes.

In response to questions about the increased maximum bonus from two to five thousand dollars, **Rep. McCann** said that they wanted the ability to increase the maximum bonus if it was deserved. There was no change in the fiscal note because these bonuses must still come from the existing budget.

**MOTION:** **Rep. Toone** made a motion to introduce **RS 29473**. **Motion carried by voice vote.**  
**Chairman Holtzclaw** turned the gavel over to **Vice Chairman Syme**.

**RS 29392:** **Rep. Holtzclaw** explained **RS 29392** would allocate 49,999,000 dollars from the American Rescue Plan Act (ARPA) to provide childcare infrastructure expansion grants. He said this was an opportunity for the committee to be involved and aware of how ARPA funding is being spent.

**MOTION:** **Rep. Necochea** made a motion to introduce **RS 29392**.

**ROLL CALL VOTE:** Roll call vote was requested. **Motion carried by a vote of 8 AYE, 4 NAY and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Holtzclaw, Syme, Harris, Weber, McCann, Chew, Necochea, and Toone.** **Voting in opposition** to the motion: **Reps. Kingsley, Christensen, Wisniewski, and Hanks.** **Rep. Horman was absent/excused.**

**RS 29393:** **Rep. Holtzclaw** explained **RS 29393** would allocate 50 million dollars to workforce training for in demand professions.

In response to questions about how Idaho would be affected if these funds are not spent, **Rep. Holtzclaw** said Idahoans will still pay for it but without receiving any benefits from it.

**MOTION:** **Rep. McCann** made a motion to introduce **RS 29393**.

**ROLL CALL VOTE:** Roll call vote was requested. **Motion carried by a vote of 8 AYE, 4 NAY and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Holtzclaw, Syme, Harris, Weber, McCann, Chew, Necochea, and Toone.** **Voting in opposition** to the motion: **Reps. Kingsley, Christensen, Wisniewski, and Hanks.** **Rep. Horman was absent/excused.**

**Vice Chairman Syme** turned the gavel over to **Chairman Holtzclaw**.

**RS 29414:** **Rep. Toone** explained **RS 29414** would identify post traumatic stress injuries as occupational injuries to allow them to be compensable under workers' compensation. PTSD is recognized as a legitimate injury in thirty four other states already. Idaho has a heightened standard of clear and convincing evidence to determine PTSD which would prevent this from being abused. This legislation would seek to ensure our workers are healthy.

In response to questions about whether health means physical or mental, **Rep. Toone** said it means both and that health needs to address the whole body.

**MOTION:** **Rep. Syme** made a motion to introduce **RS 29414**.

**ROLL CALL VOTE:** **Rep. Christensen** requested a roll call vote on **RS 29414**. **Motion failed by a vote of 5 AYE, 7 NAY and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Syme, McCann, Chew, Necochea, and Toone.** **Voting in opposition** to the motion: **Reps. Holtzclaw, Harris, Kingsley, Christensen, Wisniewski, Hanks, and Weber.** **Rep. Horman was absent/excused.**

**DOCKET NO. 15-0400-2100:** **Michelle Puegh**, Strategic Business Partner, Idaho Division of Human Resources, said that the rule changes were in line with the goal of red tape reduction. Because the public health districts are no longer state employees, they do not have to comply with the merit system and therefore the rules regarding this were eliminated. Additionally, a rule regarding classified employees was removed as it was redundant.

**MOTION:** Rep. Harris made a motion to approve **Docket No. 15-0400-2100. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:19pm.

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Representative Holtzclaw  
Chair

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Emily Huddleston  
Secretary