

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
SIMPSON SUBCOMMITTEE
Rules Review

DATE: Tuesday, January 17, 2012

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Simpson, Representatives Block, Hartgen, Ringo

**ABSENT/
EXCUSED:**

GUESTS: Phil Wickleff, Income Eligibility Verification System (IEVS); Donna Weast, Michael Savoie, Idaho Division of Human Resources (DHS); Bruce Christenson, Greg Metsker, Idaho Commission for the Blind and Visually Impaired (ICBVI); Tamara Mackenthun, Stephanie Miller, Mirea Unsworth, Kathrun Morris, Shirley Alexander, Nancy Egan, Cindy Hedge, Frank Powell, Robert Unce, Idaho Department of Health & Welfare (IDHW); Bob Fick, Department of Labor (DOL); Ed Hawley, Administrative Rules

Chairman Simpson called the meeting to order at 1:29 p.m.

DOCKET NO. 09-0130-1101: **Mr. Bob Fick**, Idaho Department of Labor (DOL), presented **Docket No. 09-0130-1101**, which imposes new restrictions on eligibility for unemployment insurance. This rule defines a corporate officer and the circumstances in which one might be eligible for unemployment insurance. IDAPA 09-0130-375 will be amended to limit eligibility of a corporate officer for unemployment insurance benefits. The rule also authorizes the use of facsimile and e-mail transmissions for claimants in approved training for out-of-state reporting of their weekly or biweekly claims. Currently transmissions are allowed only by mail, which delays benefit payments as long as a week.

Mr. Fick testified that the insurance was never to provide insurance for seasonal businesses for bridging the slow periods. Seasonal businesses need to learn to bridge slow periods in operations. Everyone was notified of rule changes in July, statements were sent to media about rule changes.

MOTION: **Representative Ringo** made a motion to recommend approval of **Docket No. 09-0130-1101** to the full committee. **Motion passed by voice vote.**

DOCKET NO. 09-0135-1101: **Mr. Fick** presented **Docket No. 09-0135-1101**, which amends IDAPA 09-01-35 to allow a corporation to exempt its corporate officers from unemployment insurance coverage. Corporations will not have to pay employment security contributions for exempt corporate officers, and exempt corporate officers would not be eligible for unemployment insurance benefits. This rule brings the department into compliance with deadlines in amendments to federal programs.

Representative Hartgen asked if there was any review for extenuating circumstances. **Mr. Fick** said that the computer system currently in use by the department, does not allow tracking of the 34,000 claimants in the state, should they all claim at different allotted times. Cases of new businesses have been discussed; however, any changes would be done by statute rather than rule change.

MOTION: **Representative Ringo** made a motion to recommend approval of **Docket No. 09-0135-1101** to the full committee. **Motion passed by voice vote.**

DOCKET NO. 15-0202-1101: **Mr. Greg Metsker**, Idaho Commission for the Blind and Visually Impaired (ICBVI), presented **Docket No. 15-0202-1101**. This rule is a result of a federal review, which took place in the spring of 2010. The rule makes the application process for Vocational Rehabilitation services more accessible. The policy changes will put ICBVI in compliance with 34 CFR 361.41(a), 34 CFR 361.41(b)(2), and 34 CFR 361.54 (b)(3)(ii). The rule also increased the maintenance funds to help with training-related expenses from \$1,503 to \$3,000 per federal fiscal year, with no more than \$500 per month. These maximum expenses also apply to room-and-board and rent for post secondary education.

Representative Hartgen asked if the maintenance money is paid from state or federal funds. **Mr. Metsker** said the money is paid out of federal Vocational Rehabilitation funds, and that it is based on cost-of-living rather than federal statute.

MOTION: **Representative Block** made a motion to recommend approval of **Docket No. 15-0202-1101** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 15-0401-1101: **Mr. Michael Savoie**, Idaho Division of Human Resources, presented **Docket No. 15-0401-1101**. This rule reflects the expansion of disabled Veteran's preference, which requires the Veteran be granted an interview when their name appears in the top 25 of a hiring list, rather than the top 10 as was previously done. This brings the rule into compliance with Title 65 Chapter 5, which was changed during the 2011 legislature. The rule also distinguishes time served in temporary assignments and would apply toward entrance probation, and acting appointment service would apply toward promotional probation.

MOTION: **Representative Hartgen** made a motion to recommend approval of **Docket No. 15-0401-1101** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 21-0107-1101: **Mr. Phil Wickleff**, Idaho Division of Veteran's Services (IDVS), presented **Docket No. 21-0107-1101**. In 2009, the Veteran's Education Program was transferred to the Division of Veteran's Services, but the rules governing the program stayed in the rules of the State Board of Education. This revision corrects the error. .

MOTION: **Representative Block** made a motion to recommend approval of **Docket No. 21-0107-1101** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 16-0601-1101: **Ms. Kathy Morris**, Idaho Department of Health and Welfare, presented **Docket No. 16-0601-1101**. This rule contains clarification with regard to compliance with the federal Indian Child Welfare Act and applies specifically to the removal of Indian children living off a reservation. The proposed change in language is found in Sections .050 and .05.

Representative Hartgen asked about the change in languages, which appears to be more broad regarding customs. **Ms. Morris** replied that the volume of language is reduced for purposes of definition. **Representative Hartgen** asked why a new definition of "reservation" is necessary. **Ms. Morris** replied that the change put the definition in understandable language and also to brought it up to U. S. Code.

Representative Simpson asked whether the language is consistent with the language found in federal regulations and if the change in definition of reservation will require changing the definition in other rules. **Ms. Morris** replied that the definition is the most consistent with the language in federal regulations; she was not aware of any issues regarding the change.

Representative Hartgen asked if it is always the case that the child's tribe contact is followed or if there are cases where it is not in the best interests of the child. **Ms. Morris** replied that it is taken on a case-by-case basis. She also said that if an Indian child is in foster care, all efforts should be made to unify the child with their tribe.

- MOTION:** **Representative Ringo** made a motion to recommend approval of **16-0601-1101** to the full committee. **Motion carried by voice vote.**
- DOCKET NO. 38-0301-1101:** **Ms. Teresa Luna**, Department of Administration, presented **Docket No. 38-0301-1101**, relating to group insurance, which changes the definition of eligible dependents for both active and retired employees. The state must expand the coverage up to age 26, regardless of dependent status, unless the dependent has coverage through their own employer. The rule also eliminates language in 05.c and 06.c, as it is no longer necessary to define the word "dependent" and clarifies when a child would lose coverage. The rule also addresses Medicare prescription drug costs and states that any eligible retiree or spouse may petition the director for reimbursement of prescription costs up to \$2,000.00 per calendar year, per Medicare-eligible retiree and per Medicare-eligible dependent spouse, through December 31, 2013.
- MOTION:** **Representative Hartgen** made a motion to recommend approval of **Docket No. 38-0301-1101** to the full committee with the exception that sub-paragraph 040 02.a, only, be rejected. **Motion carried by voice vote.**
- DOCKET NO. 16-0601-1102:** **Ms. Stephanie Miller**, Idaho Department of Health and Welfare, presented **Docket No. 16-0601-1102**, which will (1) improve the quality of adoption services in Idaho, (2) increase the requirements for certification as an adoption professional, (3) clarify the minimum standards of service, (4) specify the consequences for failing to provide the minimum standard of service, require Certified Adoption Professionals be covered by malpractice insurance, and (5) specify the responsibilities of the Department and the Certified Adoption Professional to one another. The rule implements an application fee for Certified Adoption Professionals, which will be used to help offset the expense of providing the increased level of supervision necessary to support the program.
- Representative Block** asked about language in Section 762.02 referring to employment and religion. **Ms. Miller** replied that if an adoptive family is able to support a child financially and emotionally they are considered viable by the agency. The concern of religion is used by social workers looking to place a child into that home. Employment is used to determine if a family has the financial resources to support an additional child. **Representative Block** stated that in Section 800.01 there is a preference priority and asked if this rule is consistent with the Child Protection Act. **Ms. Miller** said that it was.
- Representative Simpson** asked **Ms. Miller** who represented the stakeholder group in coming up with these proposed rule changes. **Ms. Miller** said that stakeholders, such as LDS Social Services, Idaho Youth Ranch, A New Beginning, and other organizations, were also invited to participate from Northern and South Central Idaho. **Representative Simpson** asked if religious preference is used as an exclusionary measure. **Ms. Miller** said that it is not.
- Representative Ringo** asked if outpatient counseling and a medical statement is required to ensure the stability of adoptive parents. **Ms. Miller** said the rule allows a department employee to ask prospective adoptive parents to release background information to ensure a stable environment.
- MOTION:** **Representative Block** made a motion to recommend approval of **Docket No. 16-0601-1102** to the full committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the subcommittee, the meeting was adjourned at 2:35 p.m.

Representative Erik Simpson
Chair

Martha de Simon
Secretary