

## MINUTES

# SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, February 21, 2012  
**TIME:** 1:30 P.M.  
**PLACE:** Room WW54  
**MEMBERS PRESENT:** Chairman Andreason, Vice Chairman McKague, Senators Cameron, Goedde, Smyser, Tippetts, Johnson, Stennett, and Schmidt  
**ABSENT/ EXCUSED:**

**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.

**Chairman Andreason** called the meeting to order at 1:34 p.m.

**H407** **Relating to the Division of Building Safety, Idaho Building Code Board. Steve Keys, Deputy Director,** stated this legislation recognizes and accommodates the reorganization of the operating structure of the Division of Building Safety. In Section 1, it modifies the provisions of Section 39-4115, *Idaho Code*, replacing the language designating a bureau chief as the executive director of the Idaho Building Code Board, and instead stipulating that the Division will designate a nonclassified employee to serve in that role. In Section 2, the reference to bureau chiefs as designated nonclassified employees is changed to regional managers, reflecting the revised organizational structure of the agency. **Senator Smyser** asked what is the purpose of the change? **Mr. Keys** responded that it is to recognize that the Division has changed from an insulated organization to more of a regional organization. **Senator Stennett** said what benefit will this regional organization shift allow the Division? **Mr. Keys** replied the Division used to have electrical, plumbing, HVAC, building, public works within the Division and each of these bureaus operated as an individual entity. Under the reorganization there will be a common structure which will have regional managers. The intent of the regional managers, in the offices of Pocatello, Meridian and Coeur D'Alene, will be that they are in the communities they serve and will better understand their needs.

**MOTION:** **Senator Smyser** moved, seconded by **Vice Chairman McKague**, to send **H407** to the floor with a do pass recommendation. The motion carried by **Voice Vote**. **Senator Smyser** will be the sponsor of the bill.

**H408** **Relating to the Idaho Electrical Board, Presiding Officials of the Board. Steve Keys** advised this bill adds a statutory provision requiring the members of the Idaho Electrical Board to elect a vice chairman in addition to the previously required chairman. The intent is that the vice chairman will be able to act as chairman when the chairman is not available. Present law stipulates that the board will elect a temporary acting chairman when the chairman is not able to attend a meeting. The election of the vice chairman simplifies the process and allows the vice chairman to be better prepared to conduct the meeting.

**MOTION:** **Senator Schmidt** moved, seconded by **Senator Stennett**, to send **H408** to the floor with a do pass recommendation. The motion carried by **Voice Vote**. **Senator Schmidt** will be the sponsor of the bill.

**H409** **Relating to the Division of Building Safety, Revising Idaho Building Code.** **Steve Keys** said this legislation by the Building Code Board and the Public Works Contractor Licensing Board changes the basis of their remuneration for attendance at meetings from a \$50/day salary to a \$50/day honorarium. The change addresses an issue where PERSI participation has restricted board members ability to participate in individual retirement programs. This has resulted in unanticipated tax liability for some board members when contributions to retirement accounts were disallowed.

**MOTION:** **Senator Smyser** moved, seconded by **Senator Schmidt**, to send **H409** to the floor with a do pass recommendation. The motion carried by **Voice Vote**. **Senator Smyser** will be the sponsor of the bill.

**H469** **Relating to Conveyances in Buildings.** **Senator Davis** stated a company in Pocatello owns a building that was constructed before 1919 and it has an older elevator. The legislature adopted a bill that imposed a standard for elevators that will force the company to spend approximately \$50,000 to comply with the new code change. **HB469** effectively grandfathers in old elevators that existed before 2004. This legislation does not exempt building owners from having to have safe elevators, and they must operate and maintain them under the code standards that existed in 2004. **HB469**, Section 39-8614(3), *Idaho Code*, under item (1) stipulates that safety feature alterations to conveyances erected before 2004 be capped. The total cost of the modification is less than \$5,000. The conveyances are still required to have maintenance and safety inspections and make the necessary maintenance repairs and along with other modifications up to \$5,000 cap. **Senator Davis** directed the Committee to turn to the Merrill and Merrill letter under item 4 (Attachment 1). This letter explains that they worked in good faith with the Division of Building Safety to craft language that the Division could support. Also, Mr. Keys is quoted from an e-mail that the Division of Building Safety is able to support the language in **H469**. **Senator Smyser** asked **Mr. Keys, Deputy Director, Division of Building Safety**, if the Division was in support of this legislation? **Mr. Keys** stated that the Division of Building Safety would not take a position on this bill. **Senator Schmidt** asking for clarification that if this bill is enacted, it will be grandfathering elevators that had been built before 2004? **Senator Davis** stated that elevators that were installed prior to 2004 would be held to the code standard that existed in 2004. If there are repairs that can be achieved under the new elevator act below the \$5,000 threshold or less, the companies are still held to that standard.

**Romeo Gervais, Chief Fire Marshal of Boise Fire**, stated that one of the troubling pieces of the legislation with the new language is the potential of removing the ability for fire service installation in older elevators. Firefighter services are done in two phases: 1) Recall and secure the elevator to the base floor to prevent individuals from using the elevator in an emergency and gives the firefighters the ability to keep the building secured for fire fighting use; and 2) Keep control of the elevators and stage equipment several floors below. Elevators become important for the firefighters in higher buildings. A potential amendment to this legislation would be to include some language that ties the requirements to the height of a building such as a five or six story building. This would still draw some lines and would allow some provisions for higher buildings. Providing the needed safety features that the fire department would need; but allowing smaller buildings to be exempted.

**Miguel Legarreta, representing Idaho Association of Realtors**, advised that their Association is in support of this legislation. The bill does maintain safety while allowing for redevelopment to occur. The realty industry is seeing signs of recovery, but still struggling. Code upgrades can be very costly and will add to a burdened of a recovering industry. There are expensive costs associated with upgrades and in some circumstances it becomes less expensive to tear a building down then it is to maintain the buildings history and identity in the community.

**Pam Eaton, representing, Idaho Retailers Association and Lodging and Restaurant Association**, stated their Associations supported **H469**. The majority of the retail stores and hotels already comply with the safety codes. There are some smaller towns that have smaller buildings where this legislation will be a benefit. Upgrades can be an economic hardship on smaller communities restaurants and retailers.

**MOTION:** **Senator Smyser** moved, seconded by **Vice Chairman McKague**, to send **H469** to the floor with a do pass recommendation. The motion carried by **Voice Vote**. **Senator Davis** will be the sponsor of the bill.

There being no further business, the meeting adjourned at 2:00 p.m.

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Senator Andreason  
Chairman

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Carol Deis  
Secretary