

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, January 14, 2014

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Tippetts, Vice Chairman Patrick, Senators Cameron, Goedde, Guthrie, Martin, Lakey, Schmidt, Ward-Engelking

**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.

**CONVENED:** **Chairman Tippetts** called the meeting to order at 1:30 p.m. and welcomed everyone to the first meeting of the Commerce & Human Resources Committee (Committee) meeting and welcomed **Senator Ward-Engelking** to the Committee. He mentioned there would be no Committee meeting on January 16, 2014 because Senator Lodge had encouraged all to attend another meeting from 1:30-3:00 p.m. in the Lincoln Auditorium, to hear a presentation entitled, "Justice Reinvestment in Idaho". He mentioned there were many things to be done this session and said the Committee had a full agenda. He welcomed and thanked Committee Secretary, Linda Kambeitz.

**INTRODUCTIONS:** **Chairman Tippetts** said that if any member was going to be absent, there was a form that had to be filled out from the Secretary of the Senate. He said they have not done that in the past, but those were the instructions.

**Chairman Tippetts** introduced the new Page, Hunter Markus, and asked him to tell the Committee about himself. **Hunter Markus** said he came from a family of eight; he is a senior at Centennial High School; he plays basketball, does high jump and track, and he loves playing the piano. He said his family owns Sure Clean Car Wash in Eagle and that he works there on the weekends. He thanked all of the Senators and secretaries for giving him the opportunity to be a Page. He said he heard about the position when he was at Boys' State this past summer and at the beginning of his senior year in his Government class, he became very interested in the organization and function of government. He said being a Page was a lot of fun, and he thanked the Committee for having him. **Chairman Tippetts** said there were many benefits for students who become Pages, and he hoped the experience served them well throughout their lives.

**RS 22454**

**Relating to the Public Employee Retirement System (PERSI)** was presented by **Don Drum**, Executive Director of PERSI. He said the Routing Slip (RS) amended Idaho Code § 59-1306, to include additional references to the Internal Revenue Code (IRC), to remove an archaic reference to an effective date, to make technical corrections and to clarify that a marriage must be valid or must be recognized under the laws and constitution of the State of Idaho. He said that on November 20, 2012 PERSI received a determination letter from the Internal Revenue Service (IRS) for the PERSI Base Plan. A determination letter was the IRS's statement that the terms of the plan (PERSI's statutes and rules) were in accordance with applicable federal statutes to qualify the plan as a governmental pension plan under Section 401 (a) of the IRC. **Mr. Drum** said the determination letter was issued subject to PERSI making certain statutory and rule changes. This bill addresses the statutory changes.

He further stated that Idaho Code § 59-1306, states that the plan will be administered in accordance with certain enumerated subsections of § 401(a) of the IRC. This bill will add references to subsection (36) and subsection (37) of § 401(a) of the IRC. Subsection (36) was added to the IRC in 2006 and subsection (37) was added in 2008.

- Subsection (36) provides that a plan is not disqualified if it allows for a distribution to a person age 62 or older who is not separated from employment.
- Subsection (37) requires that the qualified plan treat a participant who dies while performing qualified military service as if he had resumed work and then died. The PERSI plan does that in Idaho Code § 59-1302(23) (definition of military service).

The bill will also add a statement that the plan shall be administered in accordance with the pre-Employee Retirement Income Security Act (ERISA) vesting requirements of § 411(e)f(2) of the Internal Revenue Code. That section requires 100 percent vesting upon a plan termination or upon complete termination of all employer contributions.

**Mr. Drum** explained that these sections of the IRC already apply to PERSI, as a qualified governmental retirement plan. The bill clarifies that by adding references to them.

The bill also adds a new subsection (2) to provide that for Idaho income tax purposes, a marriage must be one that is valid or recognized under § 28, article III of the Idaho Constitution and defined in Idaho Code § 32-201 or as recognized under Idaho Code § 32-209. Subsection (2) is not required by the determination letter.

The potential impact of the amendments to the General Fund and retirement system funds is considered negligible, he said.

**Chairman Tippetts** and **Mr. Drum** discussed line 26 of the RS and the idea that this section was not required by the IRS, but was requested by the Governor's office. **Mr. Drum** explained the intent of the Governor's office was to make this section comply with all sections of Idaho Code. They talked about a rule in the tax code that also deals with marriage, whether this statute was codifying what was already in rule as far as filing income taxes in the State of Idaho, and how marriage related to that. **Senator Goedde** said he was trying to figure out if we were dealing with the tax code, but why with PERSI? He said he understood dealing with a death benefit or pension rights for a spouse, but he didn't think either one dealt with taxes. **Joanna Guilfooy**, Deputy Attorney General, said she was not sure she had a better answer than Director Drum. She reiterated this was at the request of the Governor's office and it was not part of the determination letter. She said she could not see a direct immediate impact on the PERSI plan.

**Senator Cameron** said he did not think the RS was impacting the tax code, but he thought the impact was with the plan's conformity. He said he thought subsection (2) was a public policy decision as to whether or not benefits should be included based on the definition of marriage. He said it has been the standing policy of the State, and that is how we define marriage or marital benefits as it relates to the PERSI plan.

**MOTION:**

**Senator Cameron** moved to print **RS 22454**. **Senator Goedde** seconded the motion. The motion carried by **voice vote**.

**Relating to Clarification on the Definition and Implementation of Holiday Paid Leave** was presented by **David Fulkerson**, Interim Administrator, Division of Human Resources. He said that a legislative audit finding suggested an inconsistent application of holiday paid leave for State employees working a flexible schedule versus those working a traditional work schedule. Idaho Code provisions pertaining to holiday paid leave were written with a traditional work schedule in mind. There have been collaborative attempts by the State Controller's Office (SCO), Division of Financial Management (DFM), and the Division of Human Resources (DHR) to develop a consistent and equitable policy for non-traditional work schedules. However, to facilitate statewide consistency in paid holiday leave, an amendment to Idaho Code is recommended.

**Mr. Fulkerson** said this bill provides clarification on the definition and implementation of holiday paid leave for employees on a flexible schedule such as: agency-required work schedules, employee-requested work schedules, and for part-time employees. It also adds language specifically paying non-benefited exempt employees for hours worked on a holiday.

There will be a one-time cost in the fiscal year (FY) 2015 DHR budget of approximately \$12,000 for programming changes to the State's payroll system. It is expected that agencies will manage and pay holiday leave and holiday hours worked within their existing budgets.

**Mr. Fulkerson** said the proposed legislation addressed two main topics: (1) Paid holiday leave, which defines the amount of leave for full-time employees working flexible (non-traditional) schedules (for example, a four-day, ten-hour schedule work week), as well as differentiating between agency-required work schedules and employee-requested work schedules, and for part-time employees and; (2) the exception to the overtime definition for time worked on a holiday for non-benefited Fair Labor Standards Act (FLSA) exempt employees.

He talked about flexible schedules, which, he said, was the most important piece. DHR tried to differentiate between the agency-required work schedules and employee requested work schedules. Employees who work full-time flexible employer mandated schedules, (i.e., a four day, ten-hour schedule) and a holiday falls during that time, the holiday pay would be for the hours of their regular schedule (i.e., ten hours instead of eight). Employees on the four day, ten-hour schedule would have the choice of modifying their work schedule that week and work five eight-hour days or use some of their accrued vacation or compensatory time to make up the difference.

He gave some background information and said when benefitted exempt employees work on a holiday, there was no mechanism to pay them for working on the holiday. The definition of "overtime" excludes them from getting paid for the holiday. Employees are receiving compensatory time. If an employee had a 16-hour week and there were holiday hours during the same week, the employee was not getting paid for the holiday. This revision was an attempt to fix that issue.

In order to qualify for paid holiday leave, an employee must contribute to PERSI (Chapter 13, Title 59) or the optional retirement program (Chapter 1, Title 33). He said this was not new and is currently in § 59-1603(1) and § 67-5302(22) of Idaho Code. He referred to the agency-required work schedule and that a full-time employee would receive eight hours of paid holiday leave during the pay period in which the holiday falls. However, if the agency required the employee to regularly work more than eight hours on a day on which the holiday occurred, they would receive eight hours of paid holiday leave. An employee-requested work schedule is when a full-time employee requests a schedule other than

the standard schedule identified by the employer. An employee who regularly worked more than eight hours on a day on which a holiday occurred, will receive eight hours of paid holiday leave. To complete the normal workweek of 40 hours, the appointing authority may require employees to work an alternate schedule during the work week in which the holiday occurred or allow them to use accrued vacation or compensatory time.

Part-time employees, he said, shall receive paid holiday leave equal to 20 percent of the employee's budgeted pay period hours divided by 2. They will receive a minimum of four hours, not to exceed eight hours of paid holiday leave. This is currently addressed in DHR Rule 073.04.c and 073.04.e. If this legislation is adopted, DHR would need to update these rules.

**Mr. Fulkerson** said employees who are eligible for paid holiday leave and who work on a holiday, receive both paid holiday leave and overtime compensation, pursuant to § 59-1607 and § 67-5328 of Idaho Code. If they work on either the designated or actual holiday, they will receive compensatory time or cash compensation for either day; provided, however, if they work both days, they shall only receive paid holiday leave and overtime compensation for one of the days. There is no change for executive employees. Non-benefited, non-exempt employees, who work on a designated or actual holiday, shall receive cash compensation or compensatory time at the rate of one-and-one-half hours for each hour worked. An employee who is required to work both days shall receive overtime compensation for one of the days.

**Mr. Fulkerson** referred to page 4, line 27 of the Routing Slip (RS) regarding the "overtime work" definition striking the words "and time worked on holidays". He said overtime work meant time worked in excess of 40 hours in a period of 168 consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by irregular shift work schedules, time worked in excess of 160 hours in a period of 28 consecutive days, shall constitute overtime work. Employees may be paid overtime for specific hours worked in addition to their normal schedules upon emergency declaration by the Governor or with the approval of the appointing authority and the Board of Examiners. Overtime work also means time worked on holidays. Employees who do not contribute to PERSI or to the optional retirement program are ineligible for paid holiday leave. These non-exempt employees, who work on a designated or actual holiday, will receive compensation or compensatory time at the rate of 1.5 hours for each hour worked. The State of Idaho is more generous than the Fair Labor Standards Act (FLSA) which requires that we include overtime as time worked on holidays. The State also provides compensatory time for exempt employees. **Mr. Fulkerson** said that exempt employees who do not contribute to PERSI or to the optional retirement system, who work on a designated or actual holiday, will receive compensatory time at the rate of one hour for each hour worked. This RS is an attempt to fix that problem.

He talked about flexible schedules, the differentiation between required work schedules for the good of the organization, those working full-time and employer-mandated schedules. He said this RS puts more clarity into the current law.

**Senator Guthrie** asked if this was done in a case where an employee worked on a recognized holiday. **Mr. Fulkerson** said employees were eligible for 10 days of holiday pay if the employee paid into the retirement plan. If one of these employees worked both holidays, the DHR wanted to make sure employees were not paid double. **Senator Guthrie** wanted to know how we paid employees in the past if the agency required certain working hours and the employee had been working 10 or 12 hours. **Mr. Fulkerson** said the agency gives employees eight or ten hours for the holiday and this provides clarity. He said we have five eight-hour working days and modified four ten-hour days. This is an attempt to make sure employees are treated consistently and fairly, so they don't have to modify their schedules.

**Senator Cameron** asked if Mr. Fulkerson could provide a little better answer to the fiscal impact this bill would have. What would the public policy change be and how would it impact each agency or the State? He commented it seemed it would cost more and he wanted to know how much more. **Mr. Fulkerson** said he got an estimate from the Idaho State Police of \$137,000 for a year and they said they would have enough, but it was hard to identify an actual number. In the past, full-time employees would get extra hours, then that would be extra compensatory time they would accrue. **Senator Cameron** said he wanted more details to be provided.

**Mr. Fulkerson** and **Senator Cameron** had a conversation about clarifying the idea that exempt employees were eligible for the holiday benefit even though they were salaried. They also talked about what was happening in practice and the attempt to clean up the language in the statute so consistency was applied. They discussed the definition of a non-exempt employee, what was included in that definition and how overtime was applied.

**Senator Guthrie** asked if there was an additional cost, and if Mr. Fulkerson thought the fiscal amount of \$12,000 was fair. He indicated he was struggling with the credibility of the \$12,000 in the fiscal note in the Statement of Purpose (SOP). **Mr. Fulkerson** said there was additional coding on the State Controller's System for these costs.

**Chairman Tippets** stated that if the RS was introduced by the Committee, the note could be amended for the cost to agencies on the list. **Mr. Fulkerson** said that information could be updated if that was the desire of the Committee. At some point, he said, the employer would be liable to pay an employee if the employee decided to leave.

**MOTION:**

**Vice-Chairman Patrick** moved to print **RS 22372**. **Senator Schmidt** seconded the motion. **Senator Cameron** stated he was wondering if the maker of the motion was desirous of suggesting that there be an improved fiscal note that would include more detail as to the cost. Both **Senators Patrick** and **Schmidt** agreed. The Committee would introduce the RS with a fiscal note. The motion carried by **voice vote**.

**RS 22367**

**Relating to Rights and Privileges of Veterans and the State Employee Personnel System** was presented by **Donna Weast**, Division of Human Resources. She explained that this legislation was to provide clarity for the application of veterans' preference points added to the passing score of an examination for veterans applying for classified positions. Preference for veterans is given by awarding five points (for veterans who have been discharged or released under honorable conditions and have served on active duty a minimum of 180 consecutive days) or 10 points (for disabled veterans who separated under honorable conditions and have served on active duty in the armed forces and have a current service-connected disability of 10 percent or more or are receiving compensation related to a service-connected disability) to the final passing exam score. The term "percentage" before the word "points" creates a lower outcome if the total possible exam score is less than 100 points. There is no fiscal impact.

**Senator Lakey** asked if a percentage and the application of points would be the same regardless of how many questions were on the test. **Ms. Weast** said the questions varied and the value varied with the test that was given. She said it did not matter how many questions were on the test, as most exams added up to 100 points. **Senator Schmidt** asked if functional ability was used to determine the disability of a veteran. He asked if the disability was usually a medical determination if the veteran shared the information. **Joe Weber**, Human Resources Specialist with the Division of Human Resources, said a vet would self-refer. **Senator Schmidt** asked for a clarification of the statute that referenced a marriage valid in the State of Idaho. **Ms. Weast** said this was not something they were going to change or address.

**MOTION:**

**Senator Guthrie** moved to print **RS 22367**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**RS 22399**

**Relating to Idaho Real Estate License Law** was presented by **Jeanne Jackson-Heim**, Real Estate Commission. She indicated this was housekeeping legislation that added a definition for "regular employee", modified the definition of "state or jurisdiction" to include the District of Columbia, and clarified references to day and time. There was no impact to the General Fund, the agency's Special Real Estate Account, or to any state or local political subdivision.

A discussion ensued with **Ms. Jackson-Heim** and **Senators Goedde** and **Lakey** about paying a regular employee a commission and the definition of a regular employee. They talked about how most real estate agents receive a commission and not an hourly wage. **Ms. Jackson-Heim** said the exemption would be if an owner of a property wanted to sell and they happened to be a Limited Liability Corporation (LLC) or a corporation who owned the property. If they had an employee who worked for them who was helping to market the property, that person would not be required to have a real estate license. They also discussed the differences between written and oral contracts. **Ms. Jackson-Heim** said the Real Estate Commission wanted to clarify that they were using the tax definition to define "regular employee".

**MOTION:**

**Senator Goedde** moved to print **RS 22399**. **Senator Cameron** seconded the motion. The motion carried by **voice vote**.

**RS 22406**

**Relating to Idaho Real Estate License Law** was presented by **Jeanne Jackson-Heim**, Real Estate Commission (Commission). She said this legislation would enhance the quality and relevance of continuing education coursework required to renew a real estate license. Actively licensed brokers and salespersons would be required to complete the Commission Core Course every year, instead of once every two years. The additional Core Course requirement would be offset by a reduction in the required number of continuing education hours.

Additionally, all new salespersons would be required to complete the Commission's "Post License Course" before renewing the license on active status. The new salesperson Post License Course requirement would be in lieu of the continuing elective education requirement. This would complement the education that would be taken prior to becoming licensed and would reinforce such topics as preparing the contract forms, ethics and professionalism, and agency law.

The Commission proposes eliminating obsolete references to challenge exams for continuing education, since the challenge exams have not been used for a number of years.

She said this legislation also added a training requirement for course providers, making the certification program consistent for both certified instructors and certified providers.

Finally, **Ms. Jackson-Heim** said, the legislation expands the types of real estate education for which the Commission may use civil penalty fine money. The license law specified how funds could be spent and presently, they are restricted to education purposes for existing Idaho licensees. The Commission proposes expanding the use very slightly so the funds can also be used for pre-license education for potential licensees. There would be no fiscal impact to the General Fund, the agency's Special Real Estate Account, or to any state or local political subdivision.

**MOTION:**

**Senator Goedde** moved to print **RS 22406**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.**  
**07-0106-1301**

**National Electrical Code (NEC) Rules** was presented by **Steve Keys**, Deputy Administrator, Division of Building Safety (DBS). He said the NEC has served as the backbone for the enforcement of electrical safety requirements in Idaho since the formation of the Idaho Electrical Board (Board) and the electrical program in 1947. Since that time, the adoption of newer versions of the NEC has been accomplished on a relatively routine basis up until the last few versions. During the last hearing before this Committee, the 2011 NEC was not adopted due to a lack of a demonstrated consensus among affected parties. He said this docket reflects the decision of the Board to adopt the 2014 version of the NEC.

He said he was pleased to be able to inform this Committee that the DBS, the Board, and the electrical industry took that failure to heart, and have worked tirelessly through the negotiated rulemaking process to produce a docket that was widely supported and represented a "consensus" document. The NEC Board and DBS took the lead in attempting to notify all concerned parties that the Board chose to undertake the adoption of the 2014 NEC and invited all interested parties and groups to participate in public meetings to gather input that would result in a "consensus" result.

**Mr. Keys** said the group became known as the "Electrical Code Collaborative",

and met many times in the DBS Meridian office with videoconferencing links to offices in Pocatello and Coeur d'Alene, allowing for wide geographic participation. Ultimately, at least 55 participants in the process became regulars and were considered "members" of the collaborative. These members represented all facets of the electrical industry, the homebuilding industry, regulatory authorities, realtors, and members of the Idaho Legislature. He said he believed the end result spoke for itself, and represented the "collaborative consensus" envisioned by the Legislature when the negotiated rulemaking process was established. In the end, nobody got everything they wanted in the new code, but all involved felt the end result in adopting the 2014 NEC with significant amendments, mitigated the cost impacts on residential construction and was the best path for the State of Idaho.

**Mr. Keys** said he wanted to acknowledge the National Fire Protection Association (NFPA), the code's publisher, for their support of the collaborative process, and their reinforced support for the training of inspectors statewide who were expected to enforce its provisions.

**Mr. Keys**, clarified for the benefit of the Committee and at the request of **Chairman Tippetts**, the deletion of information referenced in the electrical code on page 7 of the rules. **Chairman Tippetts** questioned page 8 of the rules dealing with Arc Fault Circuit Interruptor (AFCI) protection. As he understood the history, they were exempt from being installed in many rooms, except the bedrooms. He said he expected to see something that said the other areas of the building would be exempt. He asked if there was some other place in the rules that showed the rest of the residence was exempt from arc fault interrupters. **Mr. Keys** said there was a list of exemptions that was existing language and only limited to outlets in bedrooms, which reflected the consensus of the group. **Mr. Keys** said this requirement went back to the 2005 Code.

**Senator Lakey** stated he had heard from a constituent in his district who felt that the proposed adoption of the 2014 version of the Code was not positive. He asked Mr. Keys how many other states still used the 2008 Code. **Mr. Keys** said he did not have an exact number, but, he said, a significant number of states have adopted the 2011 codes. He said multiple states, including Washington and Oregon that restricted language in the 2011 Code requiring additional AFCIs, have since allowed those exemptions to expire. **Senator Lakey** asked when the 2014 version was finalized. **Mr. Keys** said the 2014 Code was published last August and it was the consensus of the Board that they would rather work on the 2014 Code instead of the 2011 Code. **Senator Lakey** said that his constituent went to a meeting and wanted a copy of the draft version. Mr. Keys said at the time those meetings were going on, the final version was not available, but the pre-print version was available and everyone who participated had access to the changes.

**Senator Goedde** asked Mr. Keys if there was anything that he could provide for the Committee that would have an overview of the differences in the 2008 Code compared to the 2014 Code that was being proposed. **Mr. Keys** responded by saying that the bulk of the 2011 Code was devoted to reorganizing where everything was located in the Code. There were not a lot of technical changes. Most of the technical changes and the objections that were brought forward revolved around changes that either existed in the 2008 Code and that were exempted or changes that were reflected in the 2014 Code related to additional AFCIs and additional Ground Fault Circuit Interruptor (GFCI) requirements in kitchens and garages.



**PASSING OF  
GAVEL:**

**Chairman Tippetts** passed the gavel to Vice Chairman Patrick, who had just returned from another meeting.

**Senator Goedde** again asked if there was a document that compared the 2008 Code to the 2014 Code, so one did not have to read and compare the two. **Mr. Keys** said he had a document that highlighted the changes from the 2008 to the 2011 Code. **Senator Goedde** said the Committee was having a problem with skipping over a code edition. **Mr. Keys** said they were looking at training inspectors to make sure they understood all of the changes. He said he hoped the Committee would consider where they were in the 2011 Code situation last year and all that the Board did to build consensus. He said he relied upon the fact that there was not a lot of opposition saying the transition was a problem.

**Senator Guthrie** offered information that there were 32 states who were operating under the 2011 Code and 11 states under the 2008 Code. There was another state under the 2005 Code, and Washington, D.C. also operated under the 2005 Code. Local adoption was present in six states. He said it appeared no other state had adopted the 2014 Code according to the map on the internet that depicts which code each state has adopted. **Mr. Keys** said he did not think that information was correct. He said Iowa and Wyoming adopt the new version of the Code as soon as it is published and is in place. He further stated that traditionally Idaho is one of the first states to adopt new code. One advantage was that the Board, industry and everyone related, looked at everything in the Code. **Senator Guthrie** said he refuted the information supplied by Mr. Keys and that the information map on the internet was provided by the Legislative Services Office (LSO). **Vice-Chairman Patrick** asked what other states were adopting the 2014 Code. **Mr. Keys** said that Wyoming, Oregon and Washington would be adopting the Code. He said Nevada did not have a state electrical code.

**Vice-Chairman Patrick** said that as he understood it, the Code would be in effect July 1, 2014 and **Mr. Keys** said, "yes".

**TESTIMONY:**

**Bob Scott**, Chairman of the Idaho Electrical Board, said he has had experience in the field during the 1970s and that he was on the Board of Directors of the National Electrical Board. He said he was quite disappointed they could not get the 2011 Code passed, but they worked diligently on the 2014 Code. He said the draft form was available on-line prior to the hearings. For the most part, they had come to a conclusion that would meet the interests of all concerned parties. It was a unanimous vote of the Collaborative Committee to support the changes to the 2014 Code. He said the Collaborative Committee realized that it was more important to get the Code passed with amendments so they could move forward and get everyone trained.

**Jeff Fitzlaw**, Chapter Secretary, International Board of Electrical Inspectors, said he also sat on the committee in Oregon and Washington. He indicated Utah was associated with the building code and used an imbedded part. Montana will be working on the Code, and Alaska was working on the Code in August.

**Senator Guthrie** asked what the cost would be for updated code books. **Mr. Fitzlaw** said the cost through the supply houses was approximately \$89 and that his association offered them for over \$95 due to shipping costs.

**Bill Hatch**, Public Information Officer, Idaho Division of Building Safety, said he had visited the LSO website today, and the Electrical Code Coalition said there were 15 states in the process of adopting the 2014 Code.

**Senator Guthrie** asked if "in the process" meant the Code had been adopted. **Mr. Hatch** read the information from the website. **Senator Guthrie** said the only point he wanted to make was that he had not heard of any states that had officially adopted the 2014 Code. **Mr. Hatch** concurred.

**Kelly Curry**, representing himself, wanted to know why the Code had to be updated through the government because the Code should be standard. He shared his thoughts that electricity was standard in homes and he wondered if the changes were because of new products. **Vice Chairman Patrick** indicated the Code had to be updated because of new safety standards and new products. **Mr. Curry** wanted to know if there was a problem with safety in 2014 and stated that it seemed to him safety issues would have been corrected already. **Vice Chairman Patrick** reassured Mr. Curry that we have to be continually updating Code due to safety concerns.

**MOTION:**

**Senator Schmidt** moved to adopt **Docket No. 07-0106-1301**. He said the Committee had listened to a lot of testimony and was impressed with what had been accomplished. **Senator Goedde** seconded the motion. The motion carried by **voice vote**.

**DOCKET No.  
07-0311-1301**

**Rules Governing Manufactured Mobile Home Industry Licensure** was presented by **Steve Keys**, Deputy Administrator of the Division of Building Safety (DBS). He said this docket was a follow-up to legislation from last session that eliminated the license requirement for manufactured/mobile home service companies. He said other changes were made to the definitions to align with definitions already contained in the governing statute and federal regulations. There were no questions from the Committee.

**MOTION:**

**Senator Goedde** moved to adopt **Docket No. 07-0311-1301**. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**.

**Docket No.  
07-0501-1301**

**Rules of Public Works Contractor's Licensure Board** was presented by **Steve Keys**, Deputy Administrator of Building Safety (DBS). He said this docket addressed changes in the administrative rule required to accommodate the submission of applications in a digital format. Previously, submissions in digital formats other than facsimile were banned by the rule. DBS, he commented, was constantly working to refine their application process to streamline data entry and facilitate quicker consideration of the applications, and they believe this change would enhance their process. The other changes in the rule were housekeeping in nature, except for those reflected in Section 03 on page 65. That change corrected language that could be misinterpreted to say that a licensee could operate indefinitely on an extension of time until a license was actually issued.

**MOTION:** **Chairman Tippetts** moved to adopt **Docket No. 07-0501-1301**. **Senator Goedde** seconded the motion. The motion carried by **voice vote**.

**Senator Cameron** referred to the first docket, Docket No. 07-0106-1301, National Electrical Code, and said he wished to have his vote recorded. **Senators Cameron, Lakey** and **Guthrie** concurred and all were recorded as voting **nay**. **Senator Guthrie**, said for the record, that it appeared to him that LSOs data had been called into question earlier, and the point he was trying to make was that as of today no one was showing him a state that had adopted the 2014 Code, so he believed their data was correct.

**Senator Martin** wanted to recognize Director Kelly Pierce in the meeting room today. He said he had experience working with Judge Pierce on the Youth Advisory Committee nearly 50 years ago when he was a high school senior. He said because of Director Pierce, he was sitting in this chair today as a Senator.

**PASSING OF GAVEL:** Vice Chairman Patrick passed the gavel back to Chairman Tippetts. **Chairman Tippetts** reminded the Committee there was no meeting on Thursday, January 16, 2014.

**ADJOURNED:** There being no further business, **Chairman Tippetts** adjourned the meeting at 2:55 p.m.

---

Senator Tippetts  
Chair

---

Linda Kambeitz  
Secretary