

MINUTES
HOUSE BUSINESS COMMITTEE
MORSE SUBCOMMITTEE
Administrative Rules

DATE: Wednesday, January 15, 2014
TIME: 1:30 P.M.
PLACE: Room EW41
MEMBERS: Chairman Morse, Representatives Clow, Stevenson, Gannon
**ABSENT/
EXCUSED:** None
GUESTS: Keith Simila, Idaho Board of Professional Engineers and Land Surveyors; Kim Coster, Real Estate Commission; Jeanne Jackson-Heim, Real Estate Commission; Michell Bird, Real Estate Commission; Mark Larson, State Fire Marshall; Rich McAllister, DFM; John Eaton, Realtor; Tom Donovan, Idaho Department of Insurance; Brad Hunt, Office of Administrative Rules; Bill Deal, Department of Insurance; Miguel Legarreta, Realtor; Jason Vial, House Majority Intern; Jesse Taylor, PBAI; Don Gelsomino, Senate Majority Caucus

Chairman Morse called the meeting to order at 1:32 p.m.

DOCKET NO. 10-0101-1301: **Keith Simila**, Board of Professional Engineers and Land Surveyors presented **Docket No. 10-0101-1301**. He said this relates to the Board's Rules of Procedure. This rule has the support of professional engineering and land surveying societies and associations in Idaho. The National Council of Examiners for Engineering and Surveying (NCEES) has adopted national standards for surveyors to be eligible as Surveyor Interns. This rule modifies the college courses required to be eligible for the Fundamentals of Surveying Examination or be licensed by comity with another state. He said this requirement aligns with Idaho State University's (ISU) curriculum for a four-year degree in surveying. The ISU program is Board approved and the standard to which other survey degree programs are compared. He said the effective date is July 1, 2014.

Brad Hunt, Administrative Rules Coordinator, came to the podium to clarify grammar and marking conventions of rules.

In response to questions, **Mr. Simila** said there is no national credentialing organization for land surveyors at present. He said that these education requirements do not increase the number of required courses, rather that minimum course work for math and science are included and that ISU's curriculum requirements currently exceed these minimums. He said that a later date of implementation has not been considered as Idaho students undertaking the bachelor's degree program in surveying must currently take these specified courses in order to graduate. He said students are not caught between two courses of curriculum. He said North Idaho College does not offer survey technician classes, however Lewis-Clark College is developing a four-year degree program to be offered some time in the future. He said the proposed rule has less prescriptive education requirements and more general education requirements. He defined the Washington Accord as a consortium of countries that have agreed to recognize one other's credentialing systems and standards. He said the core standards address students enrolled in foreign institutions where general education core curriculum is not on par with that of United States institutions granting four-year degrees.

- MOTION:** **Rep. Clow** made a motion to recommend approval of **Docket 10-0101-1301** to the full Committee with the exception of **Section 017.02 (c)**.
- SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to recommend approval of **Docket 10-0101-1301** to the full committee with exception of **Section 017.02(c)** which shall be amended to a date of July 1, 2015.
- MOTION WITHDRAWN:** **Rep. Gannon** withdrew his substitute motion to recommend approval of **Docket 10-0101-1301** to the full committee with exception of **Section 017.02(c)** which shall be amended to a date of July 1, 2015.
- VOTE ON MOTION:** **Motion carried by voice vote.**
- DOCKET NO. 10-0102-1301:** **Keith Simila**, Board of Professional Engineers and Land Surveyors presented **Docket No. 10-0102-1301** relating to the Board's Rules of Professional Responsibility. He said this rule has the support of professional engineering and surveying societies and associations in Idaho. He said the rule defines the types of engineering and land surveying positions in a business entity that are subject to these provisions. He said, in addition, the Board is proposing a rule which requires all licensees to adhere to the Ethics in Government Act, 59-701, Idaho Code. He explained that a violation of that law is a violation of the Rules of Professional Responsibility.
- MOTION:** **Rep. Clow** made a motion to recommend approval of **Docket No. 10-0102-1301** to the full Committee. **Motion carried by voice vote.**
- DOCKET NO. 10-0104-1301:** **Keith Simila**, Board of Professional Engineers and Land Surveyors, presented **Docket No. 10-0104-1301** relating to continuing professional development. He said the rule has the support of professional engineering and surveying societies and associations in Idaho. He explained the rule corrects an error which inadvertently places an attendance requirement in the wrong section.
- MOTION:** **Rep. Clow** made a motion to recommend approval of **Docket No. 10-0104-1301** to the full committee. **Motion carried by voice vote.**
- DOCKET NO. 18-0104-1301:** **Tom Donovan**, Department of Insurance, presented **Docket No. 18-0104-1301** relating to bail agents. He said the Department of Insurance followed procedures of negotiated rule making and published a notice of intent followed by a July 17, 2013 public hearing which yielded no attendance. He said this rulemaking will delete Section 016 from Rule 18.01.04 to conform with a 2013 Idaho Supreme Court ruling interpreting Section 41-1042, Idaho Code.
- MOTION:** **Rep. Gannon** made a motion to recommend approval of **Docket No. 18-0104-1301** to the full Committee. **Motion carried by voice vote.**
- DOCKET NO. 18-0123-1301:** **Tom Donovan**, Department of Insurance, presented **Docket No. 18-0123-1301** relating to the Idaho Insurance Holding Company System Regulatory Act. He said this updates the existing rule consistent with changes made to Title 41, Chapter 38 of the Idaho Code following the 2013 legislative passage of House Bill 197. He said the process for negotiated rulemaking took place and a public hearing was held on July 17, 2013 and attended by one person. There is no known opposition. He said the rule cleans up references to prior code sections, updates legal authority and references, moves definitions to a new section and requires a new Form (F) - Risk Enterprise Report as required by **H 197**. He added that Section 13 adds a request for extension when an insurance company is required to file a form but cannot meet the deadline. He said the proposed changes create consistency with the National Association of Insurance Commissioners (NAIC) model, but are not substantive in meaning.

- MOTION:** **Rep. Stevenson** made a motion to recommend approval of **Docket No. 18-0123-1301** to the full Committee. **Motion carried by voice vote.**
- DOCKET NO. 18-0150-1301:** **Mark Larson**, State Fire Marshall, presented **Docket No. 18-0150-1301** relating to adoption of the International Fire Code. He said this rule adopts the 2012 Edition of the International Fire Code. He said a process of negotiated rulemaking took place; a notice of public hearing was given, however no one appeared. He said there is no known opposition.
- MOTION:** **Rep. Gannon** made a motion to recommend approval of **Docket No. 18-0150-1301** to the full Committee. **Motion carried by voice vote.**
- DOCKET NO. 33-0101-1301:** **Jeanne Jackson-Heim**, Idaho Real Estate Commission, presented **Docket No. 33-0101-1301** relating to continuing education. She said the Commission formed a work group of industry representatives to review the addition of approved topics for continuing education to include those which promote the professionalism and business proficiency of the licensee. She noted that no one appeared at the public hearing held on August 27, 2013 and there is no known opposition.
- Rep. Morse** invoked **Rule 38** disclosing that he has an inactive Real Estate Brokers license and that he intends to vote.
- MOTION:** **Rep. Clow** made a motion to recommend **Docket No. 33-0101-1301** 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 2:40 p.m.

Representative Morse
Chair

Catherine Costner
Secretary