

MINUTES
HOUSE BUSINESS COMMITTEE
AGIDIUS SUBCOMMITTEE
Administrative Rules - Agidius

DATE: Thursday, January 16, 2014
TIME: 3:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Agidius, Representatives Kauffman, Monks, Smith
**ABSENT/
EXCUSED:** None.
GUESTS: Dennis Stevenson, Administrative Rules Coordinator

Chairman Agidius called the meeting to order at 3:33 p.m.

DOCKET NO. 14-0101-1301: **Roger Hales**, Bureau of Occupational Licenses presented **Docket No. 14-0101-1301** relating to the Board of Registration for Professional Geologists. He said the Board is amending its rules to define the term 'responsible charge' and to clarify when a geologist can seal documents that someone else prepared in Section 100.07 (e). He said this is a clarification of the language and is consistent with the national approach and with that of other professions. He explained that Section 100.07 (f) is added to determine the procedure for transfer of professional responsibility for documents in the event the responsible charge must transfer from one geologist to another. An example would be when a registrant in charge of a project leaves employment, is transferred, is promoted, becomes incapacitated, dies or is otherwise not available to seal, sign and date final documents. He said an open notice of proposed rule changes occurred and was posted on the Board's website with no known opposition.

MOTION: **Rep. Kauffman** made a motion to recommend approval of **Docket No. 14-0101-1301** to the full Committee. **Motion carried by voice vote.**

DOCKET NO. 24-0201-1301: **Roger Hales**, Bureau of Occupational Licenses presented **Docket No. 24-0201-1301** relating to the Board of Barber Examiners. He said a reduction in regulation eliminates continuing education for licensed barber instructors as it is difficult to find, expensive and a burden. He said this change will not jeopardize public health and very little change in occurs for the profession. The Board is removing a grandfather provision, Section 300, that is no longer applicable. He said an open notice of proposed rule changes occurred and was posted on the Board's website with no known opposition.

Kevin Moriarty, Board of Barber Examiners, came to the podium for technical questions. He said 1,800 hours of instruction in a school setting are required for licensing.

MOTION: **Rep. Monks** made a motion to recommend approval of **Docket No. 24-0201-1301** to the full Committee. **Motion carried by voice vote.**

**DOCKET NO.
24-0801-1301:**

Roger Hales, Bureau of Occupational Licenses presented **Docket No. 24-0801-1301** relating to the Board of Morticians. He said the Board is updating rules to include a new technology for treating remains called alkaline hydrolysis as an approved cremation process. He said although this process is not currently available in Idaho, other states have approved this method. He described alkaline hydrolysis as a process involving the use of chemicals, heat, and pressure to reduce remains. He noted the process meets or exceeds United States Center for Disease Control (CDC) sanitary requirements and complies with all other Federal and State requirements. He said the common term for the process is 'retort'.

Mr. Hales said Section 455.01 has added the term 'funeral director' to the list of individuals who can sign records regarding burial, cremation and other disposition of human remains. He said the Board is updating its discipline rule to include Funeral Directors and is not adding any new licensing requirements. He noted this addition eliminates inconsistencies in the language of the law. He said an open notice of proposed rule changes occurred and was posted on the Board's website with no known opposition.

Jim Opdahl, Chairman, Board of Morticians, was introduced to stand for technical questions.

MOTION:

Rep. Smith made a motion to recommend approval of **Docket No. 24-0801-1301** to the full Committee. **Motion carried by voice vote.**

**DOCKET NO.
24-1801-1301:**

Roger Hales, Bureau of Occupational Licenses presented **Docket No. 24-1801-1301** relating to the Real Estate Appraiser Board. He said these rule changes result from a federal mandate and must be in place January 1, 2015. He said the definition of 'accredited' is added to Section 010 and an archaic definition is deleted as the referenced organization no longer exists. He said language in Section 250.01 is simplified to eliminate old dates and meet new requirements. He outlined the four types of professionals as Registered Trainee Real Estate Appraiser, Licensed Residential Real Estate Appraiser, Certified Residential Real Estate Appraiser, Certified General Real Estate Appraiser. He noted the federal mandate sets required education levels and course work for each type of professional. He noted a requirement of the Licensed Residential Real Estate Appraiser that licensees will hold an Associates Degree or higher from an accredited college or university and Certified General Real Estate Appraiser licensees to hold a bachelor's degree or higher from an accredited college or university on or after January 1, 2015 as well as other specific course work and training.

He said Section 401.02 (b) is added to include on-line and distance learning options for continuing education.

He said the Board is eliminating the limitation of reciprocity for individuals licensed in other states in Section 450 by striking out 450.03 in its entirety. He clarified that other state real estate appraiser licenses will be recognized in Idaho. **Mr. Hales** said Section 526 regarding Real Estate Appraisers providing opinions in court proceedings has been added. He said an open notice of proposed rule changes occurred and was posted on the Board's website, as well as post cards sent out to all licensees, with no known opposition.

In response to questions from the Subcommittee, **Mr. Hales** said that reciprocity is common as all states must comply with the provisions of the federal program known as the Dodd-Frank Act. He said no objection has been raised to the start date of January 1, 2015 for changes to education requirements.

Brad Janoush, Chairman of the Board was introduced for technical questions.

MOTION:

Rep. Kauffman made a motion to recommend approval of **Docket No. 24-1801-1301** to the full Committee. **Motion carried by voice vote.**

DOCKET NO. 24-2501-1301: **Roger Hales**, Bureau of Occupational Licenses presented **Docket No. 24-2501-1301** relating to Idaho Driving Licensure Board. He said H 127 passed in 2013 which allows the Board to collect fees from applicants for criminal background checks prior to granting the license. This rule change allows the Board to collect and send associated fees to the Idaho State Police as agency in charge.

He said Section 275.03 Instructor Apprenticeship Training Program clarifies language that relates to an apprenticeship permit. He said this allows businesses to hire apprentices and know that the permit requirements have been met. He added the change removes a burden from the businesses and places it with the Board. He said an open notice of proposed rule changes occurred and was posted on the Board's website with no known opposition.

Mike Dillon, Member of the Board, was introduced for technical questions.

MOTION: **Rep. Smith** made a motion to recommend approval of **Docket No. 24-2501-1301** to the full Committee. **Motion carried by voice vote.**

DOCKET NO. 24-0401-1301: **Roger Hales**, Bureau of Occupational Licenses presented **Docket No. 24-0401-1301** relating to Idaho Board of Cosmetology. He said Rule 010 is amended to add a definition for 'clinical services', Rule 125 is amended to reduce all fees; Rule 500 is amended to clarify the inspection process for new schools of cosmetology; Rule 575 is amended to clarify when a student can provide clinical services; Rule 800 is amended to clarify those rules which schools and establishments must post. He said an open notice of proposed rule changes occurred and was posted on the Board's website with no known opposition.

He said Section 010.17 defines the term 'clinical services'. He described a reduction of all fees for permits, licenses and annual renewals of individuals, establishments, makeover or glamour photography businesses, schools of cosmetology, apprentices, instructors and endorsements in Section 125.01 (a) - 125.01 (p). He noted the Idaho system of housing professional boards under the Bureau of Occupational Licenses results in efficiencies for all the of professional boards. He said this allows the Board to decrease fees and yet remain self-supporting.

Mr. Hales said Section 500.01 (a) is amended to simply language so that the timing for the inspection of new schools can be done after new construction is finalized rather than the time limit 'not to exceed thirty (30) days after receipt of application. He said this makes is possible for the school to tender the application well in advance of completion of any construction.

He said changes to Section 800.12 clarifies that only the sanitary rules must be displayed in the work areas.

MOTION: **Rep. Monks** made a motion to recommend approval of **Docket No. 24-0401-1301** to the full Committee. **Motion carried by voice vote.**

DOCKET NO. 24-0701-1301: **Roger Hales**, Bureau of Occupational Licenses presented **Docket No. 24-0701-1301** relating to Idaho State Board of Landscape Architects. He said Rule 300.1 is amended to clarify a passing score of the examination. He said Rule 400 is amended to remove the processing fee for the examination as the Board no longer conducts the examination, rather it is a national exam. He said the Board reserves the right to approve other examinations however scoring is performed by the National Organization. He said these changes arose from a comment by a member, a notice of proposed rule changes occurred and was posted on the Board's website with no known opposition.

Jon Breckon, Board member was introduced to answer technical questions.

MOTION: **Rep. Smith** made a motion to recommend approval of **Docket No. 24-0701-1301** 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 4:32 p.m.

Representative Agidius
Chair

Catherine Costner
Secretary