

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Wednesday, January 29, 2014

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Henderson, Vice Chairman Thompson, Representatives Collins, Crane, Palmer, Barbieri, Batt, Agidius, Clow, Hixon, Kauffman, Monks, Morse, Stevenson, Youngblood, Smith, Rusche, Gannon

**ABSENT/  
EXCUSED:** Reps. Collins, Youngblood

**GUESTS:** Hannah Pirc; Caleb Pirc; Jodi Pirc; Tyler Mallard, IBCA; Robert Pilote, Idaho Contractor's Board; Rian Van Leuven, AFL-CIO; Steve Keys, Division of Building Safety; Bill Deal, Department of Insurance; Dennis Stevenson, Administrative Rules Coordinator

**Chairman Henderson** called the meeting to order at 1:35 p.m.

**MOTION:** **Rep. Hixon** made a motion to approve the minutes of January 23, 2014. **Motion carried by voice vote.**

**MOTION:** **Rep. Hixon** made a motion to approve the minutes of January 27, 2014. **Motion carried by voice vote.**

**H 415:** **Chairman Henderson** placed **H 415** properly before the Committee.

**MOTION:** **Rep. Thompson** made a motion to **HOLD H 415**. **Motion carried by voice vote.**

**RS 22548:** **Phil Hardy**, Strategies 360, presented **RS 22548** relating to licensing of elevator contractors, mechanics and trainees. He said this addresses confusion regarding licensing requirements which are currently outlined in the Division of Building Safety Rules for electrical licensing rather than residing within the Elevator Safety Act. He said the Electrical Code requirements are not specific to the elevator industry and are too broad to adequately address the complexity of the elevator industry. He said no new safety or standards board would be created as the Division of Building Safety would retain authority for issuing licenses. He said new language to be adopted conforms to other national requirements commonly found in the profession and approved by the industry. He said this language more fully defines basic elevator maintenance; the occupations of elevator contractors, mechanics and trainees; the process of applying for licenses; license requirements; the role of the Division of Building Safety in issuing licenses and rulemaking authority; and the ability for the Administrator of the Division of Building Safety to issue temporary licenses in the event of an emergency. He explained all existing license holders will be offered grandfather protections under the terms of this legislation. He said under the provisions of the current act, building owners are largely responsible for maintenance of elevators and require elevator mechanics and electricians who are fully licensed to perform these services. He said the Building Owners and Managers Association (BOMA) supports **RS 22548** and there is no known opposition.

**Dennis Stevenson**, Administrative Rules Coordinator, who assisted with the changes to legislation, was introduced for technical questions. He said currently elevator mechanics are licensed as electricians with a speciality certification for elevators. He said Administrative Rules specifically addressing the change from the Electrical Code to the Elevator Safety Act will be created. He said the Division of Building Safety will modify those Administrative Rules and draft new rules specifically addressing these changes. He said he expects the process of negotiated rulemaking to occur.

**Steve Keys**, Division of Building Safety, came to the podium for technical questions. He said new licenses are created here specifically for elevator apprentices, elevator contractor and elevator mechanics. He said the fee structure will probably remain the same, the licensing requirements will not change and creation of a new board is not anticipated. He said licensing fees will be transferred from the Electrical Code to the Elevator Safety Act. He said the slight increase in fees will offset the administrative work necessary to make these changes occur. He said changes in fees will affect 9 elevator contractors, 110 specialty electricians, and 12 trainees. Mr. Keys said fees are currently in line with statutory limits and the increase is expected to pay for costs of training and software. He said, although there is no database of occurrence, there have been numerous instances where individuals who do not have the specialty certification have attempted to repair elevators and left those devices in worse condition. He said the Division of Building Safety currently administers the licensing of electricians and those with specialty certifications. He said the Division of Building Safety governs licensing of professionals both by Administrative Rule and by Idaho Code, depending upon the particular Board overseeing the licensing and when it was established. He said the Elevator Stakeholders group, sponsors of **RS 22548**, want it put into effect as soon as possible, with the knowledge that temporary rulemaking will then occur.

**Mr. Keys** said **Section 39-8630** relates to general liability insurance coverage of at least one million dollars for injury or death and five hundred thousand dollars for property damage and proof of worker's compensation insurance coverage which contractors are currently required to carry. He said the coverage levels remain the same.

**Mr. Keys** said **Section 39-8603.26** refers not to a specific intent to do away with language regarding a requirement that elevator inspectors be employed by or under contract to the Division of Building Safety, rather there are other bodies that now certify elevator inspectors.

**MOTION:** **Rep. Thompson** made a motion to introduce **RS 22548**.

**Reps. Crane, Gannon, Clow, and Batt** spoke in support of the motion.

**SUBSTITUTE MOTION:** **Rep. Batt** made a substitute motion to return **RS 22548** to the sponsor. She said there is a mistake in the bill.

**Rep. Barbieri** spoke in support of the substitute motion saying he has reservations regarding expansion of the law and introduction of new requirements.

**Rep. Clow** spoke in opposition to the substitute motion. He said he sees no issue with allowing properly licensed independent inspectors to perform elevator inspections.

**Rep. Crane** spoke to the Committee regarding the current practice of elevator inspectors as employees of or contracted to the Division of Building Safety.

**Rep. Rusche** spoke in opposition to the substitute motion. He said the job of the Committee at this stage is to introduce **RS 22548** for printing so that it can be debated more fully as a House Bill.

**Rep. Palmer** spoke in support of the substitute motion. He said this is a complex piece of legislation that requires additional refining.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Henderson** requested a roll call vote. **Substitute Motion passed by a vote of 10 AYE and 6 NAY with 2 Absent/Excused. Voting in favor** of the substitute motion: **Reps. Palmer, Barbieri, Batt, Agidius, Clow, Hixon, Kauffman, Monks, Stevenson, Henderson. Voting in opposition** to the substitute motion: **Reps. Thompson, Crane, Morse, Smith, Rusche, Gannon.**

**ADJOURN:**

There being no further business to come before the Committee, the meeting was adjourned at 2:16 p.m.

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Representative Henderson  
Chair

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Catherine Costner  
Secretary