

MINUTES
HOUSE BUSINESS COMMITTEE
ANDERST SUBCOMMITTEE
Anderst Rules

DATE: Wednesday, January 21, 2015
TIME: 1:30 P.M.
PLACE: Room EW41
MEMBERS: Chairman Anderst, Representatives Crane, Batt, DeMordaunt, Troy, Rusche
**ABSENT/
EXCUSED:** Rep. Rusche
GUESTS: Jim Szatkowski, IPELS, State of Idaho; John Nielsen; Kimberly Coster, IREC;
Jeanne Hackson-Heim, IREC

Chairman Anderst called the meeting to order at 1:30 PM.

DOCKET NO. 07-0204-1401: **John Nielsen**, Plumbing Program Manager for the Division of Building Safety, presented **Docket No. 07-0204-1401**, the Pending Rule which updates the referenced edition of the "Cross Connection Control Manual." The 1995 edition is no longer generally available to the affected stakeholders and the 2012 edition is the generally-recognized industry standard. The cross connection manual lays out requirements for protecting drinking water systems from contamination from other sources and includes provisions for back flow prevention devices.

MOTION: **Rep. DeMordaunt** made a motion to recommend that the full committee approve **Docket No. 07-0204-1401. Motion carried by voice vote.**

DOCKET NO. 07-0205-1401: **John Nielsen**, Plumbing Program Manager for the Division of Building Safety, presented **Docket No. 07-0205-1401**, the Pending Rule which defines the qualifications and requirements necessary to become a licensed plumber in Idaho. He said, this docket changes existing language to be consistent with statutory language and rulemaking guidelines. The proposal then clarifies the licensure requirements for plumbing journeymen and contractors to eliminate confusion particularly as it applies to applicants coming into Idaho from other states. The intent of the language is to make the baseline requirements for licensure clear and unambiguous, to be easily interpreted and applied, and to assure all applicants coming in from other jurisdictions have equivalent training to what is required for Idahoans applying for licensure.

In response to questions, **Mr. Nielson** said this rule was designed to align the requirements for those coming from out-of-state to the requirements of those licensed in the state, especially in regard to education. He further responded this would not impact those who start the process in Idaho. He said this rule references an Idaho Plumbing Board approved course so out-of-state individuals could have an equivalent course approved to achieve this requirement.

MOTION: **Rep. Batt** made a motion to recommend that the full committee approve **Docket No. 07-0205-1401. Motion carried by voice vote.**

DOCKET NO. 07-0206-1401: **John Nielsen**, Plumbing Program Manager for the Division of Building Safety, presented **Docket No. 07-0206-1401**, the Pending Rule which deletes the requirement for testing shower receptors, as plumbers do not typically install the pans. The docket also deletes the requirement for thermostatic mixing valves in bathtubs and whirlpool bathtubs. This deletion was based on the additional costs involved with providing the protection. The proposal also recognizes the use of additional types of plastic pipe in plumbing systems. The additional types of pipe have been widely tested and proven for years in utility systems, and are being incorporated in the provisions of the latest editions of the plumbing codes.

MOTION: **Rep. Crane** made a motion to recommend that the full committee approve **Docket No. 07-0206-1401**. **Motion carried by voice vote.**

DOCKET NO. 10-0101-1401: **Keith Simila**, Executive Director of the Board of Professional Engineers and Professional Land Surveyors, presented **Docket No. 10-0101-1401**, the Pending Rule which improves the comity process the board uses to substantiate the educational requirements that must be met prior to assignment to examinations or granting a professional engineer license. He said it is difficult for the board to ascertain the applicant's educational course work when reviewing foreign education or nonaccredited applications.

Mr. Simila said, additionally, the board is changing the process to evaluate foreign applicants for comity licensure. The rule revision will separate the foreign applicant process from the interstate applicant process, and from those that are board-approved from those that are not or are unknown. For the non-approved or unknown foreign countries, the board will add a two-year U.S. experience requirement along with education and examination requirements similar to those required of U.S. engineers.

In response to a question, **Mr. Simila** said even though there is not a reciprocal agreement with Canada he does not believe this will impact Idaho's professional engineers because Canada is less restrictive.

MOTION: **Rep. DeMordaunt** made a motion to recommend that the full committee approve **Docket No. 10-0101-1401**. **Motion carried by voice vote.**

DOCKET NO. 10-0102-1401: **Keith Simila**, Executive Director of the Board of Professional Engineers and Professional Land Surveyors, presented **Docket No. 10-0102-1401**, the Pending Rule which corrects an incorrect citation to Idaho Code Section 67-2320 which is the law requiring public agencies to use qualification-based selection processes when soliciting engineering or land surveying services. The board intends all provisions of law be complied with, not just section (2)(a).

MOTION: **Rep. DeMordaunt** made a motion to recommend that the full committee approve **Docket No. 10-0102-1401**. **Motion carried by voice vote.**

DOCKET NO. 10-0103-1401: **Keith Simila**, Executive Director of the Board of Professional Engineers and Professional Land Surveyors, presented **Docket No. 10-0103-1401**, the Pending Rule to require surveyors to perpetuate historic corner record information on the corner perpetuation and filing forms filed or recorded in the county courthouse in lieu of listing all corner record instrument numbers on the record of survey map. He said the number of corner perpetuation and filing record filings are increasing, and there is insufficient room on the record of survey map to continue the practice of listing all corner record instrument numbers. A law change to be proposed later this session will remove the requirement for listing all corner record instrument numbers on the record of survey map. This rule will compliment this proposed law change.

In response to a question, **Mr. Simila** said if the law does not pass, this rule will require the instrument numbers to be shown in both places. If the law passes, only the current record number will be shown on the map and the history will be on the form. There is no harm in showing it in both places.

Rep. Crane said the correct process for rules and laws should be followed. Rule changes should take place after the legislation has passed; therefore even though he supports the change, he cannot recommend it to pass at this time.

MOTION: **Rep. Crane** made a motion to recommend that the full committee reject **Docket No. 10-0103-1401**.

Rep. DeMordaunt questioned if this rule could be revisited if the law passed. He does not want to create an undue burden on the individuals involved.

SUBSTITUTE MOTION: **Rep. DeMordaunt** made a substitute motion to recommend that the full committee hold **Docket No. 10-0103-1401**, subject to the call of the chair.

Mr. Simila said if the legislation passes without the supporting rule change then the historical corner record information would be lost. **Rep. Batt** responded the temporary rule process would be appropriate in this situation. **Rep. Crane** said it is the Representatives' responsibility to ensure the rules process is followed. He is concerned if they do not, future problems could occur.

SUBSTITUTE MOTION WITHDRAWN: **Rep. DeMordaunt** withdrew his substitute motion to recommend that the full committee hold **Docket No. 10-0103-1401**, subject to the call of the chair.

VOTE ON ORIGINAL MOTION: **The original motion carried by voice vote.**

DOCKET NO. 33-0101-1401: **Jeanne Jackson-Heim**, Executive Director of the Idaho Real Estate Commission, presented **Docket No. 33-0101-1401**, the Pending Rule to make a technical correction and delete obsolete references. She said the Commission undertook a thorough review of its administrative rules and identified a number of areas for cleanup. No substantive changes are being made. She said the first change removes a reference to nonresident and reciprocal licenses. The Commission no longer distinguishes between residents and nonresidents. The second change clarifies the number of days are "business" days. She continued that Rule 304 was deleted in its entirety because the Commission feels broker supervision requirements are adequately stated in Idaho Code. To the extent more clarification is needed, the Commission is working on a checklist for use by licensees and enforcement staff that will incorporate this information.

MOTION: **Rep. Batt** made a motion to recommend that the full committee approve **Docket No. 33-0101-1401**. **Motion carried by voice vote.**

DOCKET NO. 33-0102-1401: **Jeanne Jackson-Heim**, Executive Director of the Idaho Real Estate Commission, presented **Docket No. 33-0102-1401**, the Pending Rule to clarify the agency office hours, delete gender specific and obsolete terms that are unnecessary to the chapter, and provide for electronic service of process.

In response to a question, **Ms. Jackson-Heim** said they only use the U.S. mail option for delivery when they already have a relationship with an individual. Personal service is used for initial complaints and filings. She said they have a better response to regular mail than by certified mail. If a person is aggrieved, there is a process they can go through in which the court reviews whether they have followed the rules. Signed affidavits are part of this process to verify the mailings were sent. In response to a question about whether they have a policy in place to keep emails private, she continued they do not maintain a record of licensees' emails because individuals can request this private information in public information requests.

MOTION: **Rep. DeMordaunt** made a motion to recommend that the full committee approve **Docket No. 33-0102-1401. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:25 PM.

Representative Anderst
Chair

Francoise Cleveland
Secretary