

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, February 12, 2015

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Tippetts, Vice Chairman Patrick, Senators Martin, Lakey, Heider, Lee, Schmidt and Ward-Engelking

ABSENT/ EXCUSED: Senator Cameron

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.

MINUTES APPROVAL: **Senator Lakey** moved to approve the Minutes of January 27, 2015. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

RS 23536: Relating to Correctional Industries. **Senator Hill** said this legislation clarifies that Idaho inmates working for private agricultural employers under contract with Idaho Correctional Industries are not entitled to workers' compensation or unemployment compensation. This has been the understanding and practice under such contracts and this change is intended to remove ambiguity in the current statute. Because this legislation simply clarifies the practice and intention of Idaho Correctional Industries, there is no significant fiscal impact to the State.

Senator Hill said that each prisoner who is engaged in productive work may receive compensation for his work as the Department of Corrections Board (Board) shall determine, to be paid out of any funds available in the Correctional Industries Betterment Account. Such compensation, if any, shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance. Compensation shall be credited to the account of the prisoner and paid from the Correctional Industries Betterment Account.

Nothing in this section or in this act is intended to restore, in whole or in part, the civil rights of any inmate. No inmate who is compensated under this act shall be considered to be an employee of or employed by the State, the Board of Corrections, or any private agricultural employer that is a party to a contract for inmate labor pursuant to Idaho Code § 20-413A. No inmate engaged in productive work as authorized by this chapter shall be entitled to workers' compensation under Idaho Code Chapter 4 or Chapter 13, Title 72, whether on behalf of himself or any other person.

MOTION: **Senator Lakey** moved to send **RS 23536** to print. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

RS 23385: **Relating to A Benefit Corporation Status.** **Senator Winder** said a benefit corporation is a new class of corporation that voluntarily meets higher standards of corporate purpose, accountability and transparency. Twenty-six states and the District of Columbia legally recognize benefit corporation status. Benefit corporation status does not affect a company's tax status, and a company does not have to receive certification to hold benefit corporation status.

He said the purpose of this legislation is to create the addition of a new chapter and title of Idaho Code to establish incorporation requirements for benefit corporations, to define benefit corporations, and to outline the process to adopt and terminate benefit corporation status. Standards of conduct and rules are outlined for directors, benefit directors, officers and benefit officers. This legislation also outlines the means to bring an action on behalf of a benefit corporation, requires an annual report of benefit corporations and makes that report available to certain persons and the public. There will be no fiscal impact to either the General Fund, or to county and local governments.

MOTION: **Senator Schmidt** moved to send **RS 23385** to print. **Senator Patrick** seconded the motion. The motion carried by **voice vote**.

RS 23483: **Relating to Death Certificates.** **Senator Schmidt** said the Association of Funeral Home Directors would like help. He said that currently in Idaho, if someone dies without directions for disposal of remains or with uncovered provisions in a prearranged funeral plan, Idaho Code § 39-270(b) does not acknowledge this person as having a "direct and tangible interest" for obtaining a death certificate. This amendment clarifies that the person with authority to designate disposition of remains should be considered a person with a "direct and tangible interest" and entitled to receive an official death certificate.

MOTION: **Senator Martin** moved to send **RS 23483** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 23511: **Relating to Mortgage Guarantee Insurance.** **Colby Cameron**, representing United States Mortgage Insurers, said the proposed legislation repeals Idaho Code § 41-2653(1), which requires that a mortgage guaranty insurer retain no more than 25 percent coverage of the borrower's indebtedness to the insured lender. The 25 percent coverage limitation contained in Idaho Code § 41-2653(1) never achieved its intended purpose to spread risk and draw new capital to the industry. The section is out of date. There is no fiscal impact. **Mr. Cameron** said he spoke with the Department of Insurance and other entities, and there was no opposition.

MOTION: **Senator Patrick** moved to send **RS 23511** to print. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

RS 23250C2: **Relating to Engineers and Land Surveyors.** **Keith Simila**, Executive Director, Department of Professional Engineers and Land Surveyors (Department), said this amendment corrects inconsistencies in platting and mapping requirements. Plats and Record of Survey (ROS) maps are required to have the same minimum features such as north arrow, graphic scale, and bearing and distances for better consistency. Plat and ROS map media requirements are updated and made consistent in all three sections of Idaho Code to remove outdated media specifications. Requirements are changed to list only the most current corner record on the ROS map to make it more concise. A technical correction ensures monuments set by Idaho licensed land surveyors are protected from defacement.

The amendment allows graduate and related science students to take the Fundamentals of Engineering (FE) examination prior to graduation, instead of

after graduation. It also simplifies the application process to make it easier for all students to take fundamentals of engineering or fundamentals of surveying examinations. Students will take the examination without first applying to the Board of Professional Engineers and Land Surveyors (Board). After passing the examination, they will apply to the Board for their intern certificates.

Executive Director Simila said this is the second print hearing for this bill. The bill was heard earlier by the Commerce and Human Resources Committee (Committee) on February 3, 2015. The Committee requested a minor change in one section to bring better clarity to the requirement of applying a protective coating to a plat prior to recording in a county courthouse. The phrase now clarifies the coating for archival permanence may be required "by the county where the plat is recorded."

There is no impact to the General Fund or to the dedicated funds.

Senator Heider thanked Executive Director Simila for making the minor changes.

MOTION:

Senator Heider moved to send **RS 23250C2** to print. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

RS 23461C1:

Relating to Genetic Counseling. **Jennifer Eichmeyer**, Genetic Counselor, St. Luke's, said this legislation creates a licensing system and licensing requirements for genetic counselors. The legislation provides a short title and definitions and defines the scope of practice for genetic counselors, which includes interpreting family and medical histories to assess risk of disease, educating families about inheritance, genetic testing, disease management and prevention, and ensuring that genetic information is used appropriately in the delivery of medical care. Recognizing that genetic counseling profoundly affects the lives of people of the State of Idaho, it is the purpose of this act to set standards of qualification, education, training and experience, and professional competence for those who engage in the practice of genetic counseling and to protect the public from unprofessional conduct by both unlicensed persons and persons licensed to practice genetic counseling.

There will be no fiscal impact on state or local funds.

Vice Chairman Patrick wanted to know how a genetic counselor would access medical records. **Ms. Eichmeyer** said there would be no access without permission from the patient. **Senator Martin**, **Ms. Eichmeyer** and **Chairman Tippets** had a conversation about the problems that were encountered last year with this proposed legislation. They discussed the change in the misdemeanor language, the number of genetic counselors in the State and alterations for fees. **Senator Schmidt** suggested that Ms. Eichmeyer speak with Tele-Health about genetic counseling. He remarked there have been significant issues with licensure. **Senator Martin** remarked he was on the task force and Tele-Health was an important issue.

MOTION:

Senator Ward-Engelking moved to send **RS 23461C1** to print. **Senator Lee** seconded the motion.

Senator Lakey asked what was changed in the misdemeanor language. **Ms. Eichmeyer** said the language was changed to follow the same language from other licensure bills. **Senator Martin** wanted to know if counseling was provided for reproductive services. **Ms. Eichmeyer** said genetic counselors do prenatal counseling and that information will be in the bill.

The motion carried by **voice vote**.

RS 23593: Relating to Self-Funded Health Plans for Higher Education Employees. **Joe Stegner**, University of Idaho, Special Assistant to the President for State Government Relations, said the purpose of this bill is to reinstate the previous reserve and surplus requirements applicable to the University of Idaho's self-funded health benefits plan prior to changes in 2013 legislation. He said this bill will have no negative impact on the General Fund. Passage will relieve a potential burden on university unrestricted reserves. He said he discussed these changes with the Department of Insurance and with key legislators. He knows of no opposition to this legislation.

Senator Heider wanted to know if it would be beneficial for the junior colleges to have a self-funded insurance plan. **Mr. Stegner** said it was entirely possible, but the value and benefit is predicated on size. He said community colleges are not anticipating having a similar plan, but may ask to be included at a later time.

MOTION: **Senator Lakey** moved to send **RS 23593** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Tippets** adjourned the meeting at 2:02 p.m.

Senator Tippets
Chair

Linda Kambeitz
Secretary