

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, February 07, 2017

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Hartgen, Vice Chairman Anderson, Representatives Harris, Holtzclaw, Horman, Packer, Redman, Kingsley, Moon, Syme, Scott, King, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Jim Szatkowski, IPELS; Wesley W. Hoyt; Lisa Hettinger, Jennifer Hannah, Monica Young and Michelle Peugh, Department of Health and Welfare; Mark Lunders; Michael Johnson and Josh McKenna, Department of Labor; Dennis Stevenson, Rules Coordinator

Chairman Hartgen called the meeting to order at 1:30 pm.

MOTION: **Rep. King** made motions to approve the minutes of the January 31, 2017 and February 1, 2017, meetings. **Motions carried by voice vote.**

Chairman Hartgen reviewed **Joint Rule 18** with the Committee.

RS 25069: **Rep. Syme** presented **RS 25069**, a Concurrent Resolution to reject a portion of the Department of Labor rule, **Docket No. 09-0130-1601**. He noted the Department of Labor has developed language for a temporary rule to address Committee concerns and introduced **Ken Edmunds**, Director, Department of Labor, to discuss the temporary rule.

Director Edmunds stated that even though the language change in the rejected rule was minor, it had significant implications. The temporary rule will change all references to the "Boise Claims Office" to "Central Claims Office."

In response to Committee questions, **Director Edmunds** confirmed each "Boise Claims Office" reference in **Docket No. 09-0130-1601** will be changed, not only the instance in the rejected rule subsection. He noted Boise is where the unemployment claims center is located and local offices do not process unemployment claims, however the Department wants to make it clear that claimants can always call their local office first, even though the claimant will then be transferred to the Boise Claims Office.

MOTION: **Rep. Packer** made a motion to introduce **RS 25069**.

**SUBSTITUTE
MOTION:** **Rep. Redman** made a substitute motion to introduce **RS 25069** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.**

Rep. Syme will sponsor the bill on the floor.

H 84: **Jim Szatkowski**, Deputy Director, Board of Professional Engineers and Land Surveyors, presented **H 84**, which makes clear that claiming to be, or practicing as, a professional engineer or land surveyor is a violation of Idaho Code. The bill copies the language in the definition section and places it into the enforcement section.

In response to Committee questions, **Chairman Hartgen** stated any legislative action taken by the Committee or the House this session would not affect a current lawsuit relating to the IPELS Board. He reminded Committee members to focus their questions on the substance of **H 84** and not on concerns about the Board generally.

In response to Committee questions, **Mr. Szatkowski** explained Professional Engineers and Land Surveyors are not recognized nationally, so to call yourself a PE or Land Surveyor in Idaho, you must be licensed in Idaho. To bid on work it is standard to note which states you are licensed in, therefore to go after work an individual would have to represent themselves as licensed, the misrepresentation of such is what the bill aims to address.

Wesley Hoyt, an attorney from the Grangeville area, testified **in opposition to H 84**. Mr. Hoyt expressed concern the language of the bill was too broad because the definition of "practice" in Idaho includes those who consult or testify, so attorneys or others who bring in out of state professionals, who may not be licensed in Idaho, to offer an expert opinion, may be in violation of the law by employing an unlicensed practitioner. He felt this was important because the Board often fined licensed engineers or surveyors who criticized others or the Board, making it difficult to find someone willing to speak candidly in an expert testimony or other matter.

Mr. Szatkowski was invited to respond to these concerns. He stated the intent of the legislation was to clarify the illegality of offering engineering or surveying services without being licensed in Idaho. He stated if there was a problem it was unintentional and the Board would be happy to review the language and ensure those who come to consult or testify would not be in violation of Idaho Code.

Mark Lunders testified via phone **in opposition to H 84**. He expressed concern that if passed, the bill would make it impossible to hire an out-of-state expert on original government or Bureau of Land Management land surveys, unless the expert was licensed in Idaho. He stated the Board regularly persecutes people for indiscriminate criticism, so people are unwilling to speak candidly to discuss the Board's actions.

In response to Committee concerns about the accessibility of out-of-state experts who are licensed in Idaho, **Mr. Szatkowski** estimated that of approximately 10,000 Idaho-licensed engineers, only 4,000 live in Idaho, with similar percentages for surveyors.

MOTION: **Vice Chairman Anderson** made a motion to **HOLD H 84** in committee, pending the discretion of the chair. **Motion carried by voice vote.**

H 85: **Lisa Hettinger**, Deputy Director, Department of Health and Welfare, presented **H 85**, which would allow the Department to address recruitment and retention challenges by designating physicians employed by the Department as non-classified employees, with the potential to be paid closer to market rate. Physician job classifications have already received multiple pay line exceptions, but Ms. Hettinger stated the existing schedule remains insufficient and when Department physicians are not available, they must rely on locums, who are more expensive and may not be familiar with hospital procedures.

In response to Committee questions, **Ms. Hettinger** stated Department physicians are up to pay grade V, which is the highest classification.

MOTION: **Rep. King** made a motion to send **H 85** to the floor with a **DO PASS** recommendation.

In response to Committee questions, **Ms. Hettinger** asserted physicians offer a very specialized set of services and there were many reasons switching them to non-classified status made sense. She noted Health and Welfare is the only department to employ physicians directly and while they also employ other medical positions, they have not found a need to move those positions to non-classified status. She introduced **Monica Young** to answer specific questions about physician recruitment and retention.

Monica Young, Human Resources Manager, Department of Health and Welfare, stated the Department has eight physician positions, with two currently vacant. The Department has incurred 12 physician vacancies since 2010, demonstrating the high turnover rate.

In response to Committee questions, **Ms. Hettinger** said the Department is looking to increase physician salaries from \$88-92/hour to \$105/hour and medical director salaries from \$96-97/hour to \$120/hour and a budget request has been made to JFAC that would help them get to those rates.

VOTE ON MOTION:

Chairman Hartgen called for a vote on the motion to send **H 85** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Harris, Packer, Kingsley, Moon and Scott** requested to be recorded as voting **NAY**.

Megan Ronk, Director, Department of Commerce, presented on several programs the Department has a statutory responsibility to report on to the Committee. She discussed the Tax Reimbursement Incentive, Idaho Opportunity Fund, 2% lodging tax, the "Visit Idaho" tourism team and the Department's international program, which helps small and medium-sized companies establish export opportunities.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:05 pm.

Representative Hartgen
Chair

Erica McGinnis
Secretary