

MINUTES
HOUSE BUSINESS COMMITTEE

DATE: Wednesday, February 15, 2017

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Hixon, Monks, Anderst, Dixon, Troy, Stevenson, Armstrong, DeMordaunt, Manwaring, Smith, Kloc, Toone

**ABSENT/
EXCUSED:** None

GUESTS: Warren Wing, John Nielsen, DBS; MiChell Bird, Melissa Ferguson, Real Estate Commission; Wayne Hammon, AGC; Jim Woodward; Daryl DeGrange, City of Boise; Dennis Stevenson, Rules Coordinator; Knute Sandahl, DOI; Spencer Humiston, LF John Eaton, Realtors

Chairman Barbieri called the meeting to order at 1:33 p.m.

Committee Page, **Katie Groves** was presented with a gift of appreciation for a job well done. Katie has been accepted to Washington State University. The committee wished her well.

Chairman Barbieri turned the gavel over to **Vice Chairman Clow** at 1:35 p.m.

Vice Chairman Clow stated the subcommittees had finished their assignments. He called for the reports of the Rep. Anderst and Rep. Dixon Subcommittees on Administrative Rules.

Rep. Anderst gave his subcommittee report, stating they recommend approval of all rules assigned to them with the exception of **Docket No. 18-0150-1601**, which was referred to the full committee for further discussion.

MOTION: **Rep. Hixon** made a motion to accept the report of the Rep. Anderst Subcommittee on Administrative Rules. **Motion carried by voice vote.**

MOTION: **Rep. DeMordaunt** made a motion to approve the minutes of the Rep. Dixon Subcommittee on Administrative Rules of January 23, 2017. **Motion carried by voice vote of the subcommittee.**

Rep. Dixon gave his subcommittee report, stating they recommend approval of all rules assigned to them.

MOTION: **Rep. Kloc** made a motion to accept the report of the Rep. Dixon Subcommittee on Administrative Rules. **Motion carried by voice vote.**

Vice Chairman Clow thanked the subcommittee chairmen and turned the gavel over to **Chairman Barbieri** at 1:41 p.m.

H 86: **Ron Whitney**, Division of Building Safety, presented **H 86**. This bill amends existing language regarding what constitutes "acting in the capacity of a construction manager". The bill provides clearer statutory language and moves existing authority from the board to the administrator in order to expedite and better address disputes that may be brought forward, without requiring formal board action.

Wayne Hammon, Idaho Associated General Contractors, spoke **in support of H 86**.

- MOTION:** **Rep. Thompson** made a motion to send **H 86** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Thompson** will sponsor the bill on the floor.
- H 87:** **Ron Whitney**, Division of Building Safety, presented **H 87**. He stated the bill deals with remuneration of plumbing board members and its negative impact on the retirement savings programs of some of the board members. The proposed legislation changes the compensation for board members of the Idaho Plumbing Board from a salary to an honorarium. Many part-time board members are self-employed and have their own retirement accounts. Participation in PERSI can have negative tax consequences on those private retirement plans.
- MOTION:** **Rep. Anderst** made a motion to send **H 87** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Anderst** will sponsor the bill on the floor.
- H 98:** **Michelle Bird**, Real Estate Commission, brought **H 98** before the committee. This legislation clarifies the Broker's licensed business name must be readily noticeable on licensee advertising. In answer to questions, Ms. Bird stated the Designated Broker is lawfully in charge of all real estate activity that takes place in that office by all agents. The enforcement department continually trains, warns, and investigates agents who violate this principle. The commission believes strongly in education before enforcement. With this legislation, they seek to clarify the law and protect consumers.
- John Eaton**, Government Affairs Director for the Idaho Realtors Association, spoke **in support** of **H 98**. In answer to questions, he stated this legislation was a collaborative effort between stake holders based on feedback received from licensees and consumers.
- MOTION:** **Rep. DeMordaunt** made a motion to send **H 98** to the floor with a **DO PASS** recommendation.
- Rep. Clow** spoke in **support** of the motion.
- VOTE ON MOTION:** **Chairman Barbieri** called for a vote on the motion to send **H 98** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. DeMordaunt** will sponsor the bill on the floor.
- H 99:** **Michelle Bird**, Real Estate Commission, presented **H 99**. The proposed legislation will allow out-of-state commercial real estate agents licensed in another state to work in Idaho in coordination with an Idaho Broker without needing to be licensed in Idaho. It establishes a cooperative license between an individual licensed in another jurisdiction and an Idaho broker for a single commercial real estate transaction. Ms. Bird respectfully requested the bill be sent to the amending order.
- MOTION:** **Rep. Troy** made a motion to send **H 99** to General Orders. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.
- DOCKET NO. 18-0150-1601:** **Dean Cameron**, Director, Idaho Department of Insurance, presented **Docket No. 18-0150-1601**. The docket deals with adoption of the 2015 International Fire Code with amended language addressing the subject of sky lanterns. The new language requires a permit for their release and authorizes the local fire jurisdiction to restrict or place conditions on their release.
- Knute Sandahl**, Idaho State Fire Marshall and **Spencer Humiston**, The Lantern Fest, spoke **in support** of **Docket No. 18-0150-1601**.
- Rep. Palmer** and **Rep. Crane** spoke **in opposition**.
- MOTION:** **Rep. Palmer** made a motion to reject **Docket No. 18-0150-1601**.

Rep. Crane declared Rule 38 stating the company he works for uses the fire code to install security systems. The code can be interpreted with the 2012 standard.

Rep. Clow and **Rep. Monks** spoke in **support** of the motion stating they feel it is more appropriate to adopt only those portions of the docket that are beneficial to the state.

Director Cameron pointed out the International Fire Code and the International Building Code, which has already been adopted, go hand in hand. It could cause confusion to adopt one and not the other.

Chairman Barbieri put the committee at ease at 3:05 p.m.

Chairman Barbieri resumed the meeting at 3:06 p.m.

**SUBSTITUTE
MOTION:**

Rep. Thompson made a substitute motion to approve **Docket No. 18-0150-1601**.

Rep. Anderst spoke in **support** of the substitute motion.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Barbieri called for a vote on the substitute motion to approve **Docket No. 18-0150-1601**. **Motion failed by voice vote**.

**VOTE ON
ORIGINAL
MOTION:**

Chairman Barbieri called for a vote on the original motion to reject **Docket No. 18-0150-1601**. **Motion carried by voice vote**. **Reps. Smith** and **Toone** requested to be recorded as voting **NAY**.

ADJOURN:

There being no further business to come before the committee the meeting adjourned at 3:10 p.m.

Representative Barbieri
Chair

Joyce McKenzie
Secretary