

MINUTES
HOUSE BUSINESS COMMITTEE

DATE: Tuesday, February 27, 2018

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Monks, Dixon, Troy, Stevenson, Armstrong, DeMordaunt, Manwaring, Wagoner, Smith, Kloc (Tway), Toone

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Barbieri called the meeting to order at 1:30 p.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of the February 21, 2018, meeting. **Motion carried by voice vote.**

H 523: **Rich Hahn** presented **H 523** on behalf of Sun Surety and the American Bail Coalition. Mr. Hahn said current Idaho Code requires the clerk to provide written notice to the person posting bail within five days of order of forfeiture. This bill amends the code by adding the clerk shall also notify the surety insurance company. It also adds language to clarify that failure to provide notice will exonerate the bail.

MOTION: **Rep. Thompson** made a motion to send **H 523** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Thompson** will sponsor the bill on the floor.

H 527: **Pam Eaton**, representing Idaho Retailers' Association, presented **H 527**. This legislation codifies the traditional joint employer standard of "direct and immediate control" for purposes of state law and protects businesses from certain joint employment claims. The bill provides clarity to state agencies when they are presented with joint employment claims. Ms. Eaton stated this legislation simply makes clear a franchisee is the owner of the business and the ultimate employer of any individual who works in that business. A franchisee's employees are not employees of the franchisor.

MOTION: **Rep. Manwaring** made a motion to send **H 527** to the floor with a **DO PASS** recommendation. **Rep. Tway** invoked Rule 38 citing a possible conflict of interest. **Motion carried by voice vote.** **Rep. Malek** will sponsor the bill on the floor.

H 547: **Rep. Palmer** presented **H 547**. He said the intent of this legislation is to amend the Idaho Building Code Act to clarify that local jurisdictions are limited in their authority to adopt residential building codes different from building codes reviewed, amended, and adopted by the Idaho Building Code Board. The legislative intent of the Idaho Building Code Act is to provide uniformity and consistency of residential building codes across jurisdictions of the state. The bill more clearly defines the role of local jurisdictions in maintaining that intent.

Steve Martinez, Trade Winds Contracting and Building Code Collaborative spoke **in support** of the bill. In answer to committee questions, he said the Idaho Building Code Collaborative is a volunteer group who reviewed the 2009 International Building Code page by page to help create an Idaho State Residential Building Code. The Collaborative could not agree on adopting the 2015 code in its entirety so the cities and counties started developing their own codes.

Speaking **in opposition** to **H 547** were: **Jan Welch**, Stapely Engineering, member of Idaho Building Code Board; **Joe Levitch**, National Association of Remodeling Industry; **Sharon Grant**, member of Idaho Building Code Collaborative; **Jon Laux**, Idaho Association of Building Officials; **Bill Nichols**, City of McCall; **Pat Riley**, Idaho Fire Chiefs; **Andy Erstad**, Erstad Architects; **Patrick Sullivan**, City of Nampa; **Tyler Resnick**, City of Boise Building Code Board; **Leah McMillan**, Mill Creek Architecture; and **Jeff Easley**, Blaine County, expressed their concerns about the bill. They agreed local jurisdictions should be allowed to adapt the building code to specific local needs.

Speaking **in support** were **Dave Yorgason**, Building Contractors of Southwest Idaho; **Andrew Bick**, Idaho State Building Code Board; **Pat Minegar**, A-1 Heating Co.; **Roy Ellis**, building contractor. They said they look forward to more uniformity in the building code.

MOTION: **Rep. Monks** made a motion to send **H 547** to the floor with a **DO PASS** recommendation.

Rep. Monks spoke to the motion and said he would like to see more consistency in the building code for the benefit of builders. He voiced concerns relative to possible future changes in energy codes and reserved the right to vote **NAY** to this legislation on the floor.

Rep. Wagoner invoked **Rule 38** stating a possible conflict of interest. He said he would like to see further legislation to clear up existing confusion between the entities involved relative to the Residential Building Code.

Rep. Clow spoke to the motion. He said he feels the bill goes a step too far in regards to the lack of authority of local jurisdictions.

In his closing remarks, **Rep. Palmer** said the bill addresses the Residential Building Code only. The code book has chapter, page and reference numbers that give local jurisdictions the authority to adapt code to their needs.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Toone, Tway, Smith, Wagoner and Clow** requested they be recorded as voting **NAY**. **Rep. Palmer** will sponsor the bill on the floor.

S 1219: **Rep. Armstrong** presented **S 1219**. This bill amends Idaho Code relating to Joint Public Agency Self-Funded Health Care Plans. The purpose of the bill is to allow the Director of the Department of Insurance to waive the requirement for a joint agency self-funded health benefits plan to purchase aggregate stop loss insurance when certain conditions are met.

MOTION: **Rep. Smith** made a motion to send **S 1219** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Armstrong** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee the meeting adjourned at 4:12 p.m.

Representative Barbieri
Chair

Joyce McKenzie
Secretary