

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, January 23, 2020

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Patrick, Vice Chairman Agenbroad, Senators Martin, Lakey, Guthrie, Thayn, Souza, Ward-Engelking, and Burgoyne

ABSENT/ EXCUSED: None

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 Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Martin** moved to approve the Minutes of January 14, 2020. **Vice Chairman Agenbroad** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Guthrie** moved to approve the Minutes of January 16, 2020. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Patrick passed the gavel to Vice Chairman Agenbroad to introduce the presenters for the rules being heard.

DOCKET NO. 07-0101-1901 **Rules of the Idaho Electrical Board (New Chapter)**, p. 95. **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), outlined the rule and highlighted the changes. He noted this was included in the omnibus rule in error, but that error has been corrected and this rule stands as a fee rule.

DISCUSSION: **Senator Burgoyne** and **Mr. Wing** discussed the major changes regarding the changes in the rules relating to apprentices. **Mr. Wing** noted the Idaho House of Representatives (House) passed all of the rules with the exception of the number of apprentices a journeyman can supervise. **Mr. Wing** stated with the changes made by the House, a ratio could be whatever a contractor decides, but that industry is currently working with the IDBS to keep the ratios reasonable. However, with the ratios removed from rule, everything is tentative.

Senators Thayn, Lakey, Martin, Chairman Patrick, Vice Chairman Agenbroad, and Mr. Wing discussed why the House rejected part of the rule relating to ratios and what could be done about it, if anything.

TESTIMONY: **Colby Cameron**, Regulatory Analyst, Idaho Division of Financial Management (IDFM), explained it takes both the Senate and the House to authorize a full rule. If the House decided to eliminate a certain part of the rule, there would be a concurrent resolution that includes what the House eliminated.

DISCUSSION: **Senator Burgoyne** asked for an explanation of the fees. **Mr. Wing** noted fees are related to purchasing permits and fees that describe how much licenses cost, which has nothing to do with ratios. **Senator Burgoyne** asked for an explanation of what makes a docket a fee rule. **Colby Cameron**, IDFM, explained if a docket contains a fee, it is a fee rule.

Senator Lakey and **Mr. Wing** discussed the supervision by journeymen of apprentices by a ratio of 2:1, the idea that there must be a limited amount of apprentices, and the potential need for more journeymen.

TESTIMONY: **Chris Jensen**, Administrator, Idaho Division of Building Safety (IDBS), noted many contractors want to hire more journeymen, but can hire apprentices at a lower rate. He outlined ratio adjustment exemptions. The House removed the exemption and the 2:1 ratio, which leaves the IDBS with nothing. **Mr. Jensen** asked the House for a temporary rule. There will be three different rules and the IDBS will endorse one of the three rules.

DISCUSSION: **Senator Lakey** indicated there could be some room for adjustment and stated there should be some sort of a ratio. **Mr. Jensen** commented if a job was federally-authorized, the ratio is mandated at 1:1. He remarked with ratios in place, besides the book work, on-the-job training is imperative.

Senator Souza and **Mr. Jensen** discussed the journeyman-to-apprentice ratio and the changes made by the House to this rule. **Mr. Jensen** noted the statute requires constant supervision of apprentices. The House eliminated the ratio.

MOTION: **Senator Thayne** moved that **Docket No. 07-0101-1901** be held in Committee subject to the call of the Chair. **Senator Souza** seconded the motion.

Senator Burgoyne stated that he had a conflict of interest pursuant to Senate Rule 39H but intended to vote.

Senator Guthrie remarked that if the House does not approve this rule, a temporary rule will be put into place. He reassured Mr. Jensen the action by this Committee would be consistent with the House, with rejection of only part of the rule. **Senator Lakey** mentioned he supported the motion and it was appropriate to obtain more information relating to the ratios.

VOICE VOTE: The motion to hold **Docket No. 07-0101-1901** in Committee subject to the call of the Chair carried by **voice vote**.

DOCKET NO. 07-0501-1901 **Rules of the Public Works Contractors License Board**, p. 130. **Patrick Grace**, Regional Manager, Idaho Division of Building Safety (IDBS), outlined the rule and highlighted the changes. He noted this was included in the omnibus rule in error, but that error has been corrected and this rule stands as a fee rule. **Mr. Grace** explained revenues in the Public Works Construction Fund have been monitored and revenues are outpacing the needs of the program. The IDBS wanted to reduce renewal fees by 20 percent.

MOTION: **Senator Lakey** moved to approve **Docket No. 07-0501-1901**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 09-0000-1900 **Rules of the Idaho Department of Labor**, p. 187. **Jani Revier**, Director, Idaho Department of Labor (IDOL), outlined the rule and highlighted the changes. She indicated restrictive words were reduced by more than half. She noted there are no substantive changes.

MOTION: **Senator Thayne** moved to approve **Docket No. 09-0000-1900**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
09-0130-1902**

Unemployment Insurance Benefits Administration Rules, p. 244. **Josh McKenna**, Benefits Bureau Chief, Idaho Department of Labor (IDOL), outlined the rule and highlighted the changes. He indicated the IDOL became aware of individuals who were leaving the state and collecting unemployment insurance to attend approved training. The IDOL worked with the Idaho Attorney General's office, finding no exception to the law or rules to allow those individuals unemployment benefits when leaving the State of Idaho for training. More advanced training is not always available in the State of Idaho. A temporary rule was implemented in March 2019 to allow these workers to receive unemployment insurance benefits while attending training. **Mr. McKenna** explained approval of this rule will allow unemployment insurance claimants to leave the area to attend approved training when they cannot find it locally. Trade industry workers will be allowed to upgrade their skills to compete in an ever-evolving labor market.

Mr. McKenna described the second change in the rule relating to claimants leaving the country. He noted there is nothing in rule or statute preventing a claimant from temporarily leaving the country and still receiving unemployment benefits. Leaving the country is contrary to the goals of the United States (U.S.) economy, since the unemployment insurance program is set up for U.S. workers to support them during the time of job loss, and for U.S. employers to place workers back into the workforce when work begins again. He stated negotiated rulemaking was conducted for this rule.

MOTION:

Senator Martin moved to approve **Docket No. 09-0130-1902**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
09-0130-1903**

Unemployment Insurance Benefits Administration Rules, p. 249. **Josh McKenna**, Benefits Bureau Chief, Idaho Department of Labor (IDOL), outlined the rule and highlighted the changes. **Mr. McKenna** noted there was an incorrect Code of Federal Regulations (CFR) reference, the rule was poorly written, and updates to the American with Disabilities Act (ADA) made the rule outdated. This section was revamped which now requires medical documentation and allows other additional documents to prove a disability. **Mr. McKenna** stated the rule today places different criteria on individuals with disabilities compared to individuals without disabilities. This could be seen as discriminatory. Now added to the rule is that the claimant has the burden of proving their disability. This change matches existing rules of the ADA. He stated negotiated rulemaking was conducted for this rule.

DISCUSSION:

In response to questions from Senator Burgoyne, **Mr. McKenna** advised during negotiated rulemaking, there were three comments from disability organizations. **Senator Souza** asked for more explanation. **Mr. McKenna** responded that a ratio or equivalent of working full-time is applied in the formula for disabled claimants who apply for unemployment and who are not able to work full-time. The more consistent the wages, the more weeks of unemployment are awarded, for a maximum of 20 weeks. **Senator Souza** and **Mr. McKenna** discussed how the process was going to work by providing more flexibility with doctor's notes or other forms of documentation that would be deemed acceptable.

MOTION:

Senator Guthrie moved to approve **Docket No. 09-0130-1903**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Agenbroad passed the gavel back to Chairman Patrick.

RS 27429 **Relating to Injectable Cosmetics.** **Jesse Taylor**, Idaho Cosmetic Safety Association (ICSA), indicated this proposed legislation adds requirements that only medically-trained professionals, such as a registered nurse (RN), doctors, dentists, or medically-trained personnel, can inject cosmetics into the neck and face. This includes Botox and dermal fillers. Having someone properly trained is imperative in knowing where veins, nerves, and tissues are located. He remarked knowing how to reverse a bad injection is important.

DISCUSSION: **Senator Guthrie** suggested Mr. Taylor provide more information and rationale about the limited scope of this Routing Slip (RS).

MOTION: **Senator Guthrie** moved to send **RS 27429** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:31 p.m.

Senator Patrick
Chair

Linda Kambeitz
Secretary