

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, February 04, 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: **Chairman Patrick** announced the minutes approval would be moved to a later time on the agenda.

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

DOCKET NO. 07-0301-1901 **Rules of Building Safety**, p. 119. **Jeff Egan**, Building Program Manager, Idaho Division of Building Safety (IDBS), reported part of this docket addressed the International Energy Conservation Code (IECC). He referred to the information previously provided to the Committee (Attachment 1). Since this docket was held previously at the Call of the Chair, he would stand for questions.

MOTION: **Chairman Patrick** moved to approve **Docket No. 07-0301-1901** with the exception of subsection 004.04 starting on page 101 of the pending rule book. **Senator Lakey** seconded the motion.

DISCUSSION: **Chairman Patrick** remarked, in his opinion, the part of the docket addressing the IECC is not a building safety issue.

Senator Burgoyne stated he was interested in the opinion of the IDBS. He asked for clarification of what was being rejected in subsection .004 of the motion. **Chairman Patrick** noted that part of the docket would be rejected entirely.

A discussion ensued between **Senator Souza** and **Chairman Patrick** relating to new home buyers and if there could be a substitute temporary rule promulgated after sine die. **Senator Guthrie** remarked the feedback he has received is to keep the IECC in the docket.

SUBSTITUTE MOTION: **Senator Guthrie** moved to approve **Docket No. 07-0301-1901** as presented. **Senator Ward-Engelking** seconded the motion.

DISCUSSION: **Senator Burgoyne** stated he was in support of the substitute motion. If there is no IECC, new home buyers will not have the necessary information provided to them by the builder. **Senator Burgoyne** remarked by rejecting the IECC, it is unclear whether a local jurisdiction could adopt the code.

TESTIMONY: **Andrew Bick**, Idaho Building Code Board (IBCB) Chairman and architect, testified if this part of the rule was rejected, a lot of work by the IDBS would have to be done to make sure any references to the IECC was removed.

DISCUSSION: In response to a question by Senator Thayn, **Chairman Patrick** indicated he did not think building safety and the IECC should be together, but rather separate pieces of legislation.

Senator Lakey stated that he felt that the IECC was not appropriate as a mandate from the government. He affirmed that in the Attorney General's opinion, the cities could only adopt the IECC if it was adopted by the IBCB, which must be adopted by rule.

Senator Ward-Engelking commented that the ability for local entities to enforce consumer safety issues was removed. **Mr. Bick** pointed out the energy standards provide guidelines for proponents of safety when relating to water intrusion and mold, among other issues.

Senator Guthrie spoke to the substitute motion and reiterated the feedback he received was to leave the IECC in the building code. He remarked he would consider future legislation.

ROLL CALL VOTE: **Vice Chairman Agenbroad** called for a roll call vote on the substitute motion. **Senators Martin, Guthrie, Thayn, Souza, Ward-Engelking, and Burgoyne** voted aye. **Senators Lakey, Vice Chairman Agenbroad, and Chairman Patrick** voted nay. The motion carried.

DOCKET NO. 17-0000-1900F **Senator Lakey** requested unanimous consent that the Committee remove **Docket No. 07-0000-1900F** from the agenda. There were no objections. **Chairman Patrick** stated the reason for having this docket on the agenda was to reconsider this previously-approved Docket 07-0000-1900F if the motion in the prior Docket No. 07-0301-1901 to remove the IECC was approved.

DOCKET NO. 07-0701-1901 **Rules Governing Installation of Heating, Ventilation, and Air Conditioning (HVAC), Idaho Division of Building Safety (IDBS)**, p. 133. **John Nielsen**, Plumbing and HVAC Program Manager, IDBS, noted this docket had previously been held at the call of the chair until further information could be obtained. That information has been provided to the Committee (Attachment 2).

MOTION: **Senator Burgoyne** moved to approve **Docket No. 07-0701-1901**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Agenbroad passed the gavel back to Chairman Patrick.

MINUTES APPROVAL: **Senator Souza** moved to approve the Minutes of January 28, 2020. **Vice Chairman Agenbroad** seconded the motion. The motion carried by **voice vote**.

RS 27448 **Relating to Barber and Cosmetology Services. Representative Clow** reported this proposed legislation amends Idaho Code § 54-5821. He gave a brief history of the merging of the Cosmetology and Barber Boards. He noted during that process, the inadvertent late payment of a cosmetology or barber school was not addressed.

Representative Clow reported in keeping with the U. S. Department of Education requirement that these schools maintain a continuous license, this amendment provides the Idaho Barber and Cosmetology Services Licensing Board (IBCSLB) the authority to approve reinstatement retroactive to the date of expiration. **Representative Clow** noted the school must have paid the renewal fee within 90 days of the failure to renew, there must be no other cause for the school's license to have been cancelled, and all costs and penalties related to the renewal must be paid. The students of these schools would be assured that an inadvertent clerical error would not impact their financial aid or continuity of their education.

Representative Clow stated this amendment requires a change in administrative

procedures and will have no impact on the General Fund. The required fees, penalties, and costs will offset any costs to the IBCSLB. This is also expected to be a rare situation.

DISCUSSION: **Senator Souza** spoke in support of the proposed legislation.

MOTION: **Senator Souza** moved to send **RS 27448** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

S 1259 **Relating to Plumbers, Certificate of Competency.** **John Nielsen**, Plumbing and Heating, Ventilation, and Air Conditioning (HVAC) Plumbing Manager, Idaho Division of Building Safety (IDBS), indicated this bill would eliminate barriers to licensure and the need for a license. **Mr. Nielsen** stated this proposed legislation provides an exception from plumbing licensing requirements for installers of manufactured or mobile homes to make connections and allows installers to obtain permits to make connections. He noted because installers must make connections in accordance with the same standards as plumbing licensees, there is no need to require installers to obtain a plumbing or specialty license to make connections.

Mr. Nielsen advised there is no fiscal impact to the General Fund. There will be a negative impact of approximately \$1,100 over the course of a fiscal year on the HVAC Board's dedicated fund, due to the elimination of revenue generated by fees for the specialty license.

MOTION: **Senator Guthrie** moved to send **S 1259** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

S 1260 **Relating to Heating, Ventilation, and Air Conditioning (HVAC) Registration Period and Fee.** **John Nielsen**, Plumbing and HVAC Manager, Idaho Division of Building Safety (IDBS), indicated the HVAC Board is proposing a rule to allow an HVAC apprentice to renew registration and continue working as an apprentice by showing completion of eight hours of continuing education for each year of the prior registration period, instead of showing enrollment in or successful completion of schooling. **Mr. Nielsen** explained this proposed legislation changes the apprentice registration period from five years to one year and the fee from \$50 to \$10, which will make tracking continuing education easier for the apprentice and the IDBS. There is no negative impact to the General Fund or the HVAC Board's dedicated fund because the registration fee per year will not change.

DISCUSSION: **Senator Souza** asked if there had been any opposition to the changes in the apprenticeship licensing. **Mr. Nielsen** said there was none.

MOTION: **Senator Thayn** moved to send **S 1260** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion.

TESTIMONY: **Judy VanCleave**, HVAC Board member, testified in support of the bill.

VOTE ON MOTION: The motion to send **S 1260** to the floor with a **do pass** recommendation carried by **voice vote**.

S 1263

Relating to Workers' Compensation - Amending Existing Law for Occupational Diseases - Sunset Clause. **Rob Shoplock**, Professional Firefighters of Idaho, gave a brief overview of H 554, passed in 2016, which dealt with occupational diseases associated with firefighting within the workers' compensation system. **Mr. Shoplock** noted in the fiscal note of H 554, there was a statement from the National Council on Compensation Insurance (NCCI) with the expectation that the enactment of legislation would result in increases in workers' compensation, but the extent of these increases was difficult to estimate due to significant data limitations. A sunset clause was added to the bill. **Mr. Shoplock** noted the NCCI has recently reported that workers' compensation premiums have dropped 18 percent since the passage of that legislation. He stated this proposed legislation removes the sunset clause in Idaho Code § 72-438, making this statute permanent. There is no fiscal impact to the General Fund as there was none in the original bill.

MOTION:

Senator Souza moved to send **S 1263** to the floor with a **do pass** recommendation. **Vice Chairman Agenbroad** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:17 p.m.

Senator Patrick
Chair

Linda Kambeitz
Secretary