

MINUTES

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, January 21, 2021

TIME: 1:15 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, 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) to order at 1:15 p.m.

MINUTES APPROVAL: **Chairman Patrick** announced the approval of the Minutes would be moved to later on the agenda.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Russell Barron, Division Administrator, Division of Occupational and Professional Licenses (DOPL)**, of Emmett, Idaho, term commencing September 1, 2020, and serving at the pleasure of the Governor. **Mr. Barron** gave a brief overview of his background and job history. **Mr. Barron** noted that he is Executive Director, Idaho Board of Nursing, Idaho Department of Health and Welfare and Division Administrator, DOPL. He related that with his education and experience working with state agencies and boards, he believes he can help successfully transition 11 agencies into one organization. The missions of the Idaho boards are important to the State of Idaho citizens and businesses. He would like the opportunity to help boards become more efficient and effective in serving customers, collaborating with stakeholders, and reducing red tape where needed.

DISCUSSION: **Senator Martin** and **Mr. Barron** discussed positive and deficit budget balances, and how to maintain functionality.

Chairman Patrick commented he hoped the boards would stay within budget. **Mr. Barron** indicated there was a lot to examine. He noted the former bureau had 28 boards with 4 in the red. One division could cover those costs, he said. His goal is to have all of them in the black.

Senator Lakey remarked there has been a significant effort in the last three years to scrutinize licensing requirements and regulations. He asked how **Mr. Barron** fit into that process and what role would he take. **Mr. Barron** responded his role was important. He would try to maintain a balance and keep the public safe. He would continue to look at regulations and if they are good for Idaho. He will be working with the boards and wants more consistency.

MOTION: **Senator Martin** moved to send the gubernatorial appointment of Russell Barron to the floor with the recommendation that he be confirmed. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Vice Chair Souza** moved to approve the Minutes of January 14, 2021. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Patrick passed the gavel to Vice Chair Souza.

DOCKET NO. 24-2801-2000F **Rules of the Barber and Cosmetology Services Licensing Board, Omnibus Rulemaking, Fee Rule**, p. 157. **Dawn Hall**, Section Chief, DOPL, reported the rules were previously approved and there were no substantive changes. She pointed out an application fee of \$25 was added, which was overlooked in the past. A renewal fee for makeup artists was added, which aligned with legislation from last year. Some wording was eliminated in order to streamline the rule.

MOTION: **Senator Martin** moved to approve **Docket No. 24-2801-2000F**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-3701-2000F **Rules of the Idaho Real Estate Commission, Omnibus Rulemaking, Fee Rule**, p. 223. **Michelle Bird**, Section Chief, DOPL, reported the rules were previously approved and there were no substantive changes. She noted two chapters were eliminated.

MOTION: **Senator Lakey** moved to approve **Docket No. 24-3701-2000F**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-3900-2000F **Rules of the Division of Occupational and Professional Licenses, Division of Building Safety and Its Constituency Boards, Omnibus Rulemaking, Fee Rule**, p. 230, **With the Exception of Docket Nos. 24-3930-2000F, 24-3950-2000F, and 29-3910-2000F** (held 1/12/21). **Ms. Bird** introduced Patrick Grace, Regional Manager, Division of Building Safety, who would be available to answer questions. **Ms. Bird** reported the rules were previously approved and there were no substantive changes. She stated all the small changes aligned with statute.

DISCUSSION: **Vice Chair Souza** explained the Committee held three of the dockets under the omnibus rule and will hear those at a later date.

MOTION: **Chairman Patrick** moved to approve **Docket No. 24-3900-2000F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

Chairman Patrick remarked it would be helpful if the changes for next year were redlined.

PASSED THE GAVEL: Vice Chair Souza passed the gavel to Chairman Patrick.

RS 28146 **Relating to the Division of Occupational and Professional Licenses - Centralize Hiring Authority**. **Mr. Barron** introduced Tim Frost, Regulatory Affairs Liaison, DOPL, who would be available to answer questions. He indicated this proposed legislation will centralize the hiring authority for certain management positions of the boards consolidated as a result of Executive Order No. 2020-10, with the DOPL.

Mr. Barron noted there is no impact to the General Fund nor the DOPL dedicated fund. The previously existing hiring authority and associated financial obligations are reassigned from the previously existing freestanding boards to the DOPL administrator.

DISCUSSION: **Senator Guthrie** expressed a concern about removing some staffing and decision-making from boards and queried if there was some opposition. **Mr. Barron** remarked there were no concerns. The administrator will take over Human Resources from the boards, which will save time and be in line with other agencies. **Senator Guthrie** remarked staffing needs may be compromised and asked for more information when this legislation was brought back as a bill.

Senator Burgoyne stated he was skeptical about what was happening in the marketplace for health care professionals. Licensing boards have more independence and he wanted to be assured the independence was not being undermined. He noted there are a number of licensing boards in the area of health care where professionals were having trouble finding people to serve. The boards will not be able to choose who they hire, which will make people feel the job will be easier or not have a lot of substance, which may be devalued. **Chairman Patrick** remarked he agreed.

MOTION: **Senator Martin** moved to send **RS 28146** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

RS 28161 **Relating to the Division of Occupational and Professional Licenses - Reorganization.** **Mr. Barron** indicated this proposed legislation will continue the reorganization of the DOPL. The proposal will merge the Division of Building Safety (DBS) into DOPL and assign duties of the DBS Administrator to the DOPL Administrator. The proposed legislation amends the licensing renewal and reinstatement provisions, to account for differences between licensing boards. Additionally, the proposed legislation will combine the accounts of the various boards consolidated in DOPL. The accounts will be combined with the existing dedicated fund account of DOPL.

Mr. Barron remarked there is no impact to the General Fund nor the DOPL dedicated fund. The centralization of the board funds will aid in accounting for the consolidated boards and the DOPL accounts. There will be more transparency and budgets will be viewable to the public through the Transparent Idaho Luma Project.

MOTION: **Senator Burgoyne** moved to send **RS 28161** to print. **Senator Ward-Engelking** seconded the motion.

DISCUSSION: **Vice Chair Souza** opined this RS seems to be the least controversial and asked if there were any concerns expressed about these changes. In the past the bureaus had separate funds but shared monies, which could be pooled. She remarked these changes keep the boards separate but allow for more accountability.

Senator Guthrie clarified it was his understanding boards were tracked separately. If a board fails, the pool could fill the gap. The sharing of revenues were tracked on their own merits because the pool bridges the gap.

Mr. Barron, in answer to questions from Vice Chair Souza and Senator Guthrie, explained expenses must be paid and everything is tracked separately. He would bring back more information for the bill hearing.

VOICE VOTE: The motion to send **RS 28161** to print carried by **voice vote**.

RS 28150

Relating to the Division of Occupational and Professional Licenses - Assignment of Boards. **Mr. Barron** indicated this proposed legislation will assign the listed boards outlined in the RS into the DOPL. Prior to Executive Order No. 2020-10, the boards were freestanding, part of the DOPL, contracting with the Idaho Bureau of Occupational Licenses (IBOL) or part of the DBS.

Mr. Barron stated there is no impact to the General Fund nor the DOPL dedicated fund. This legislation furthers the execution of the Executive Order by moving the previously freestanding boards, DBS, and IBOL under the authority of the DOPL.

MOTION:

Senator Guthrie moved to send **RS 28150** to print. **Vice Chair 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 2:01 p.m.

Senator Patrick
Chair

Linda Kambeitz
Secretary