

MINUTES
HOUSE BUSINESS COMMITTEE

DATE: Tuesday, March 01, 2022

TIME: 2:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Dixon, Vice Chairman Furniss, Representatives Crane, Palmer, Barbieri, Armstrong, DeMordaunt, Clow, Andrus, Nichols, Adams, Bundy, Ferch, Galloway, Mitchell, Shepherd, Berch, Green

**ABSENT/
EXCUSED:** Rep. Palmer

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

Chairman Dixon called the meeting to order at 2:30 p.m.

Chairman Dixon changed the order of the agenda.

H 703: **Rep. Troy** and **Rep. Green** presented **H 703**. This bill combines all Idaho Code related to Home Owners Associations (HOA) into a single new Chapter and Title. It provides for meetings and financial disclosures, and provides for legislative intent to protect the rights of current and future property owners within the HOA. It also addresses prohibited conduct and rental restrictions.

In response to questions, **Rep. Troy** said the only method of recourse for HOA enforcement is suing the board. She clarified weighted voting is not addressed in the bill. Property managers, HOA's, Idaho Realtor's Association and bankers were consulted. CC&R's, in conjunction with **H 703**, will provide sideboards and more stability for HOA's. They can have different processes of how they determine dues increases, open meetings and release of financial information.

Mr. Zazio, HOA President, **Brindee Collins**, Vice Chair Legislative Action Committee and **Bert Willie**, HOA attorney, spoke in support of **H 703**. A well functioning HOA should not have any opposition to what is included in this bill. It allows HOA's be to mindful that members may stand up and ask questions. It also helps get rid of problematic board members. **H 703** consolidates everything into one place, including unincorporated associations.

Rep. Green closed by saying **H 703** establishes thresholds and provides some control to property owners.

MOTION: **Rep. Berch** made a motion to send **H 703** to the floor with a **DO PASS** recommendation. In speaking to the motion, he said the bill brings professionalism to HOA's and not supporting this bill, would be a step backward.

During committee discussions, **Rep. DeMordaunt** stated she will support the motion. It addresses her long-time concern of the balance between HOA boards and homeowners. The bill provides both process and transparency and allows homeowners to interface with HOA's in a better way. **Rep. Nichols** stated she likes the streamlining this bill provides and will support the motion. Rep. Nichols and **Rep. Furniss** declared **Rule 80**.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Green** will sponsor the bill on the floor.

S 1232: **Rep. DeMordaunt** presented **S 1232**. The bill combines the Idaho Board of Architectural Examiners and the Idaho Board of Landscape Architects into a single board to regulate architects, architect interns, landscape architects, and landscape architects in training. This legislation will facilitate efficient licensing and oversight from the Division of Occupational and Professional Licenses. She stated the board would consist of four (4) architects, two (2) Landscape Architects and one (1) community member. There are currently 2,700 architects and 350 landscape architects in Idaho. Other states have combined these boards successfully.

In response to questions, **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses, said the combined board makeup will be a four (4) to two (2) balance, plus a member from the general public and is in line with the percentage from the two industries. Cost savings is anticipated to be at least \$10,000 was a consideration in combining the boards.

Ben Brocksome, Lobbyist, American Institute of Architecture, spoke **in support** of **S 1232**. He said many architects are appointed to both boards and attend both board meetings. Combining the boards will bring efficiencies.

MOTION: **Rep. Ferch** made a motion to send **S 1232** to the floor with a **DO PASS** recommendation.

Rep. Berch stated he will not support the motion but appreciates the intent and purpose behind the bill.

VOTE ON MOTION: **Motion carried by voice vote. Rep. DeMordaunt** will sponsor the bill on the floor.

S 1235: **Rep. Green** presented **S 1235**. This legislation relates to the Board of Professional Engineers and Professional Land Surveyors. It aligns several definitions to reduce confusion, provides alternative methods of signing documents, allows new options for a basis of bearings (directions) on surveys, and allows additional options for monuments used as references on plats and surveys. These new options will reduce repetitive work and lend stability to property boundaries.

Tom Judge, Lobbyist for Idaho Land Surveyors, spoke **in support** of **S 1299**. He stated stakeholders and community members gave input and strongly support **S 1235**. Terms of this legislation were negotiated over the past two to three years.

In response to questions, **Mr. Judge** said the engineers and land surveyors will still take the exam but the application process and the exam would now be separated.

MOTION: **Rep. Berch** made a motion to send **S 1235** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Green** will sponsor the bill on the floor.

S 1299: **Rep. Green** presented **S 1299**. This legislation will allow for the Board of Architect Examiners, under the Idaho Division of Occupational and Professional Licenses, to enter into a mutual recognition agreement with another state, territory, jurisdiction, or country. The legislation allows the State of Idaho to enter into a mutual licensure recognition agreement with Canada and have mutual recognition of both Idaho architect licensees working into Canada, and Canada architect licensees working into Idaho.

In response to questions, **Mr. Frost** said there are approximately 50 architects in North Idaho interested in a pathway for them to do work in Canada.

Ben Brocksome representing the American Institute of Architects, spoke **in support** of **S 1299** and said the expanded opportunities will be beneficial to the industry.

MOTION: **Rep. Berch** made a motion to send **S 1299** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Green** will sponsor the bill on the floor.

Chairman Dixon turned the gavel over to **Vice-Chair Furniss**.

H 614: **Rep. Dixon** introduced **H 614**. This legislation adopts the 2018 International Building Code, 2018 International Energy Conservation Code, 2017 National Electrical Code, 2015 Uniform Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, and parts V and VI of the 2018 International Residential Code in Idaho Code. The legislation adds all current adopted codes in Idaho Administrative Rule by the respective regulatory boards into Idaho Code. The bill does not adopt any new provisions of codes and does not change the rulemaking authority for the respective regulatory boards under the Division of Occupational and Professional Licenses (DOPL) to make amendments, revisions or modifications to the code adopted by the Idaho legislature. Similar to the Energy Conservation Code, this bill aligns the Code cycle.

Jonathan Oppenheimer, Idaho Conservation League, **Jason Hudson**, Lobbyist representing American Federation of Labor and Congress of Industrial Organizations, and **Mark Zaleski**, Licensed Journeyman, spoke **in opposition to H 614**. They said technology is changing at a rapid pace and the current system works. It makes sense for experts in the field to make decisions. There would be a higher hurdle to make amendments. They want to move the process forward through the negotiated Rule-making process and hope the industry's input will not be muted. Locking in Codes at the current level will stand in the way of adopting some of the new technologies.

In closing, **Rep. Dixon** said boards have the ability to recommend changes to DOPL through the Temporary Rules process to address industry changes. This legislation sets a floor or ceiling, depending on the view. Wholesale changes to the Rules should be made by the legislature, in a more deliberative process.

MOTION: **Rep. Shepherd** made a motion to send **H 614** to the floor with a **DO PASS** recommendation.

During committee discussion, **Rep. Dixon**, **Rep. Crane** and **Rep. Nichols** declared **Rule 80**.

Rep. Berch spoke to the motion saying he will not support the motion. He looks at the process for change. Nimbleness is required given the pace of technology advancements. He would rather err on the side of trust and flexibility, trusting board members with their knowledge.

VOTE ON MOTION: **Motion carried by voice vote.** **Rep. Armstrong** and **Rep. Berch** requested to be recorded as voting **NAY**. **Rep. Dixon** will sponsor the bill on the floor.

Vice-Chair Furniss turned the gavel over to **Chairman Dixon**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:11 p.m.

Representative Dixon
Chair

Kelly Staskey
Secretary