

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Thursday, January 19, 2023

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman Clow, Vice Chairman Ehlers, Representatives Crane(13), Palmer, Barbieri, Dixon(1), Andrus, Furniss, Mitchell, Monks, Cornilles, Crane(12), Lanting, Petzke, Redman, Berch, Green (Lesmeister), Rubel

**ABSENT/  
EXCUSED:** Barbieri, Monks

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

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

**Chairman Clow** asked committee members to introduce themselves.

**MOTION:** **Rep. Berch** made a motion to approve the minutes of January 17, 2023. **Motion carried by voice vote.**

**RS 29938C1:** **Tim Frost**, Deputy Administrator at Division of Occupational and Professional Licenses (DOPL) presented **RS 29938C1** explaining it's purpose is to change code references to align the reference terms of the former Division of Building Safety into the Idaho Division of Occupational and Professional Licenses and the reference terms of the administrator of Division of Building Safety to be the administrator of the Division of Occupational and Professional Licenses. Mr. Frost explained **RS 29938C1** is the final bill of three clean-up bills.

**MOTION:** **Rep. Furniss** made a motion to introduce **RS 29938C1**. **Motion carried by voice vote.**

**Chairman Clow** called on **Vice Chair Ehlers** to share with the committee what they would be seeing with rules this year. **Chairman Clow** turned the gavel over to **Vice Chair Ehlers**.

**Vice Chair Ehlers** gave an introduction about the rules process and how last year's rule making has impacted this year's process. He further explained since there are so few rules and they are all related to one department, the committee will address them as a whole committee at a future meeting.

**Vice Chair Ehlers** also explained the Business Committee was erroneously sent **Docket No. 24-0000-2201F** meant for the Health and Welfare Committee and suggested the committee forward them to Health and Welfare. **Rep. Crane (13)** and **Rep. Dixon (1)** expressed their preference to see the docket before voting to forward the rule to Health and Welfare. **Rep. Rubel** assured members that as a member of the Health and Welfare Committee, the rules will be thoroughly reviewed.

**Vice Chair Ehlers** turned the gavel over to **Chairman Clow**.

**MOTION:** **Rep. Crane (13)** made a motion to delay voting on forwarding **Docket No. 24-0000-2201F** to Health and Welfare until a later meeting. **Motion carried by voice vote.**

**Josh Scholer**, Legislative and Regulatory Affairs Bureau Chief, gave an overview of the administrative rules and legislative review process.

In response to committee questions, **Mr. Scholer** further clarified the process for creating rules including the circumstance when rules are brought back to the legislature after being rejected in previous sessions. He also explained the difference between rules and law and how statutes trump rules. Mr. Scholer shared that he is unaware of any agency without statutory rule-making authority that makes rules. Specifically, he said the Electrical Board believes they have been given statutory authority by the legislature to promulgate the rules, but the legislature has repeatedly rejected the rules regarding ratios. Mr. Scholer position is that the simplest way to resolve this issue would be for the legislature to pass a statute stating there should be no ratio. **Chairman Clow** shared a similar experience on the Education Committee which resulted in the legislature codifying standards to resolve the issue. Mr. Scholer further explained in Idaho law it says non-fee rules go into effect upon sine die and fee rules must be approved by concurrent resolution.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 2:25 p.m.

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Representative Clow  
Chair

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Michelle Anderson  
Secretary