

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Monday, March 13, 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, Cornilles, Crane(12), Lanting, Petzke, Redman, Berch, Green, Rubel

**ABSENT/  
EXCUSED:** None

**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.

**HCR 8:** **Vice Chairman Ehlers** presented **HCR 8** to the committee explaining the legislation is a formality to adopt all fee and non-fee rules from the Department of Insurance during the 2023 Legislative Session which the committee previously approved.

**Chairman Clow** opened the legislation to public testimony. No one indicated their desire to testify.

**MOTION:** **Rep. Dixon(1)** made a motion to send **HCR 8** to the floor with a **DO PASS** recommendation. **Motioned carried by voice vote.** **Vice Chairman Ehlers** will sponsor the concurrent resolution on the floor.

**H 74aaS:** **Rep. Crane(13)** explained the Senate amendment was made to clarify the legislation does not include lawyers.

**MOTION:** **Rep. Crane(13)** made a motion to concur with amendments made in the Senate. **Motion carried by voice vote.** **Rep. Crane(13)** will sponsor the bill on the floor.

**H 116aaS:** **Rep. Mitchell** explained the Senate amendment to the legislation was made to exempt insurance companies since that industry is already regulated.

**MOTION:** **Rep. Mitchell** made a motion to concur with amendments made in the Senate. **Motion carried by voice vote.** **Rep. Shepherd** will sponsor the bill on the floor.

**H 287:** **Rep. Palmer** presented **H 287** to the committee, explaining the legislation amends the retroactivity clause of the Idaho Energy Conservation Code in order to clarify legislative intent. He shared there has been confusion in some jurisdictions regarding the grandfather clause as enacted. This legislation remedies the issue.

**Rep. Palmer** introduced **Ken Burgess** from Vertitas Advisors on behalf of Idaho Home Builders Association to explain the legislation further. He shared the legislation clarifies the retroactive date of implementation. He explained the history and duties of the building code board. He shared examples of jurisdictions which have implemented rules more stringent than Idaho code requirements: one enacted a climate mitigation fee for homes which utilize natural gas to heat a pool or hot tub, another is the requirement of all new garage constructions to include the wiring for EV charging stations. He explained these increase the building costs for consumers.

In response to committee questions, **Ken Burgess** shared he doesn't have information about the fiscal impact on local governments. He also explained consumer savings amounts would vary depending on the cost of the project.

**Chairman Clow** opened the legislation to public testimony.

Speaking **in opposition** to **H 287**, **Johnathon Oppenheimer** representing Idaho Conservation League shared his concern the legislation removes the legacy clause and goes beyond building codes and could eliminate the ability to have incentive programs and adopt energy-saving practices.

Speaking **in opposition** to **H 287**, **Brody Aston** representing Idaho Association of Building Officials shared the issue of jurisdictions having adopted more stringent policies than the 2020 Idaho Energy Code was not widespread. His understanding is the grandfather clause from previous legislation has held those jurisdictions from implementing further policies until the next code cycle. He explained car charging infrastructure rule is based on the electrical code and not energy conservation code. He also shared concerns about the language which goes into process, policy, and guidance.

Testifying **in opposition** to **H 287**, **Cathy Griesmeyer**, Government Affairs Director for City of Boise said the City, aside from three previous instances, has remained in compliance with Idaho Energy Conservation Code. Regarding the electrical outlet used for EV charging stations, she explained they fall under electrical code, not Energy Conservation Code. She further shared language concerns in the bill.

**Steve Martinez** from Tradewinds Homes spoke **in support** of **H 287**, explained the frustration in building in five different jurisdictions and having five different building codes in which to adhere. He shared contractors are still able to offer incentives for including energy-saving items which go above code. He explained his concerns about the mandate to put EV chargers into every new home build and shared his experience of having one malfunction in his personal home. Mr. Martinez also shared the cost savings from implementing the energy efficiency measures usually aren't realized until beyond the time when people remain in their homes.

In response to committee questions, **Steve Martinez** shared if given guidance by a jurisdiction, it's really a mandate. He also explained retrofitting something like an EV charging station will be more costly to the homeowner than installing during the original home build.

In response to committee questions, **Rep. Palmer** shared the legislation wouldn't preclude a jurisdiction from sharing brochures about energy saving ideas to their constituents.

In response to committee questions, **Jason Blais**, City of Boise building official shared building permit fees are based on values and work out to be approximately 1% of the homes value.

In closing, **Rep. Palmer** explained this bill is important to keep affordable housing by reigning in the mandating of costly energy-efficiency measures.

**MOTION:**

**Rep. Crane(13)** made a motion to send **H 287** to the floor with a **DO PASS** recommendation.

Speaking to the motion, **Rep. Rubel** shared how the discussion surrounding the legislation demonstrates the importance of local control and would like to see building and energy codes handled at the local level and encourages the committee to not send the legislation to the floor.

Speaking to the motion, **Rep. Berch** while agreeing some energy-saving measures should be optional, would like to see the bill language to be more specific to address the main concerns.

**VOTE ON MOTION:**

**Motion carried by voice vote.** **Reps. Rubel** and **Berch** requested they be recorded as voting **NAY**. **Rep. Palmer** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:40 p.m.

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Representative Clow  
Chair

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Michelle Anderson  
Secretary