

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Thursday, January 21, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Organizational meeting	

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew(Fuller)
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, January 21, 2021
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew (Fuller), Necochea, Toone
**ABSENT/
EXCUSED:** Representative(s) Kingsley, Wisniewski
GUESTS: None

Chairman Holtzclaw called the meeting to order at 1:31 PM.

Chairman Holtzclaw welcomed all new and returning members of the committee and had them introduce themselves. He also introduced the Secretary and Page before giving a brief explanation of the issues expected to come before the Committee. He also requested that Committee members familiarize themselves with the supplemental budget in preparation for meetings this session and reminded members that he would not be accepting legislation from any state agency without a sponsor from the Committee.

ADJOURN: There being no further business to come before the Committee the meeting was adjourned at 1:54 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AMENDED AGENDA #2
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Monday, January 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Dept. of Commerce 2021 Supplemental Appropriation	Paul Headlee, Division of Financial Management

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew(Fuller)
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Monday, January 25, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew (Hoy), Necochea, Toone

**ABSENT/
EXCUSED:** None

GUESTS: Jake Cluff, BB&A

Chairman Holtzclaw called the meeting to order at 1:30 PM.

MOTION: **Rep. Toone** made a motion to approve the minutes of the January 21, 2021 meeting. **Motion carried by voice vote.**

Chairman Holtzclaw welcomed all guests and presenters to the Committee and explained he felt some background "walking around knowledge" of the supplemental budgets both generally and for the Department of Commerce in the fiscal year 2021 would be highly useful to Committee members.

Paul Headlee, Division Manager, Division of Financial Management, defined the supplemental budget as an adjustment to the budget for the current year, which had been set by the legislature in the previous year. He further defined a supplemental budget as a response to an unforeseen circumstance which must include an emergency clause. A supplemental budget generally requests additional funds but may also subtract or reroute unused funds within an agency. Mr. Headlee stated the typical number of supplemental budget requests for a year is around 25-35 but this year the number of requests has increased to around 70. He introduced **Keith Bybee**, Deputy Division Manager, Division of Financial Management and explained that he is assigned to the Department of Commerce and would be better equipped to answer any questions pertaining specifically to agency.

In response to Committee questions **Mr. Headlee** confirmed budgets do become fixed once the legislature adjourns for the year and explained supplemental budgets allow agencies to respond more quickly to unforeseen and time sensitive issues.

In response to Committee questions about the disbursement of a surplus budget for the 2021 fiscal year **David Hahn**, Division of Financial Management, introduced himself and stated the Governor believes money appropriated for fiscal year 2021 should be used in 2021. This puts existing surplus money to work for the state immediately and provides a tangible use such as helping to provide access to broadband for rural areas of the state. Mr. Hahn also explained any specific funds may be designated as having carry over authority, meaning they do not have to be used by a specific date, and may be used until they are gone or the project they are used for is completed.

Alex Adams, Administrator, Division of Financial Management, introduced himself to the Committee to answer questions about the CARES Act. He explained the breakdown of the money currently leftover and explained the Governor's suggestion to use all \$75 million in this year's budget, stating all general fund dollars have effectively been replaced with federal dollars. Mr. Adams also addressed questions about Medicaid, explaining the amount of funding matched by the federal government and how this match works.

Chairman Holtzclaw closed the meeting by reiterating the goal for this meeting was an opportunity for the Committee members to familiarize themselves with the Department of Commerce's supplemental budget as well as supplemental budgets in general and opened the floor for any further questions.

ADJOURN: There being no further business to come before the Committee the meeting was adjourned at 1:54 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AMENDED AGENDA #1
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Wednesday, January 27, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	2021 Supplemental Appropriation	Tom Kealey, Department of Commerce

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew(Hoy)
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
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MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Wednesday, January 27, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew (Hoy), Necochea, Toone (Metzler-Fitzgerald)

**ABSENT/
EXCUSED:** Representative(s) Christensen

GUESTS: Tom Kealy, Idaho Department of Commerce; Eric Forsch, Idaho Department of Commerce; Jake Cluff, BB&A

Vice Chairman Syme called the meeting to order at 1:30 PM.

Tom Kealy, Director, Department of Commerce presented on the building Idaho's future supplemental appropriation for broadband. He opened by stating how serious of an issue broadband connectivity is for large numbers of Idahoans and how deeply **Governor Little** feels this needs to change. To that end \$37 million was allocated for this purpose the recommendation for this amount came as result of surveys done by the Connectivity Task Force which was created in 2018. He stated the main recommendations of this task force were to update the state broadband plan, establish a broadband office, and consider state funding options among others. He noted this existing plan did help the state efficiently deal with challenges posed due to Covid-19 and noted that Idaho is among the top of the list of states who most effectively used CARES Act funds. He gave more details about how the CARES Act money was disbursed as background for the supplemental appropriation. He explained that the money in this appropriation would largely be used to expand broadband infrastructure in areas that would serve rural and under served households. He also explained the benefit of appropriating this money as a supplemental, giving the department more flexibility. He noted that three percent of the money would be used for a mapping project to determine the areas with the most need, and another three percent will be used to help fund telehealth services.

In response to Committee questions **Director Kealy** reassured the Committee that the Department of Commerce is tracking whether applications for aid are granted or not as well as addressing service concerns in areas where they have successfully installed broadband using CARES Act money. He also assured the Committee that the Department is looking into cases where fiber optic cables have been hung but are not in use. He further explained that the public/private relationship for this project is one in which the private sector is paid to provide the infrastructure but the Department is determining where infrastructure is most needed.

Vice Chairman Syme turned the gavel over to **Chairman Holtzclaw** at 1:49 PM.

In response to further Committee questions **Director Kealy** explained that the Department has created an Office of Broadband which has so far been concentrating on distribution of CARES Act funds and will continue to monitor areas that need to be addressed. He detailed the rules the agency must follow, the criteria to determine which areas were most under served, and the estimated time necessary to complete the project. He then clarified that this supplemental budget would not be subsidizing the actual internet service, it would merely make sure that the necessary infrastructure is in place. The Committee voiced concern over the possibility of government controlled internet limiting freedom of speech. Director Kealy reassured them the infrastructure would be put in place but not monitored or regulated and internet services would still be provided by private companies. He went on to explain the need for the carry-over authorization, citing the agency's projection that only part of the appropriation will likely be used in the current fiscal year. He cautioned the Committee against significant slowing of progress which will likely occur without the flexibility provided by a carry-over authorization.

In response to Committee questions specifically concerning the origins of the supplemental appropriation **David Hahn**, Division of Financial Management, explained that the uniqueness of the situation. Citing transparency as a top priority, he explained how the amount for the appropriation was determined. He further stated the money appropriated for this program will be reabsorbed at the end of the fiscal year and would be better utilized for improvements to the state's infrastructure. He reiterated the importance of the carry-over authorization to provide continuity of funding to the project and acknowledged how unusual the carry-over request is. In response to Committee concerns regarding the authority of the Governor to re-purpose the money for this supplemental appropriation Mr. Hahn clarified the appropriation is simply a recommendation, rather than an approved budget. He further explained that the Governor chose to take action via a 5% hold back across the budget due to a highly uncertain economic forecast. He added that this action is only temporary until the legislature decides to uphold it or not.

Chairman Holtzclaw opened discussion within the Committee, stating if the majority of the body decides the budget isn't worth funding an individual could write legislation to appropriate money specifically for the same purpose. **Rep. Horman** noted this is exactly JFAC's job. The Committee further discussed the possibility that writing this funding into the 2022 fiscal year would cause that budget to grow and take away the flexibility of the supplemental appropriation with the carryover clause. They noted that this may actually hurt constituents. Some Committee members questioned the addition of an emergency clause in any potential legislation to add this project to the 2022 fiscal year, to which others responded stating supplemental budgets are exactly the same thing. Committee members noted that they would like to see a specific line item in the budget for broadband and stated that at most creating new legislation to address broadband in the state might slow the project by just a few months. The Committee further noted the importance of internet in daily life, the inaccessibility for large numbers of Idahoans, and commented that they would like to see some actual progress being made on that front.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:59 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AMENDED AGENDA #1
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Monday, February 01, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
S 1004	Twenty-seventh Payroll Fund	Rep. Horman
RS28130	Relating to Employment Security Law	Rep. Syme
RS28089	Relating to Claims for Wages	Rep. Syme

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew(Hoy)
Rep Necochea
Rep Toone(Metzler-Fitzgerald)

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Monday, February 01, 2021
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew (Colwell), Necochea, Toone
ABSENT/EXCUSED: None
GUESTS: Jani Revier, Director, Idaho Department of Labor; Larry Ingram, Idaho Department of Labor; Josh Mckennna, Idaho Department of Labor
Chairman Holtzclaw called the meeting to order at 1:30 PM.
MOTION: **Rep. von Ehlinger** made a motion to approve the minutes of the January 25, 2021 meeting. **Motion carried by voice vote.**
S 1004: **Rep. Horman** presented the legislation stating its purpose would be to set up an account for the 27th payroll for the State in fiscal year 2022. Most years only have twenty-six payroll cycles but every eleven years there are twenty-seven. She explained the last time there was a twenty-seventh payroll cycle it caused some confusion and this legislation would prevent more confusion in the next fiscal year.
MOTION: **Rep. Weber** made a motion to send **S 1004** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Horman will sponsor on the floor.
RS 28130: **Jani Revier**, Director, Idaho Department of Labor presented **RS 28130** to the Committee, explaining each of the changes this proposed legislation would make to the Administrative Rules for the Department of Labor. She further stated this legislation would not have any impact on the General Fund as it only changes the wording of certain rules but makes no monetary changes.
In response to Committee questions **Ms. Revier** further defined the term "custom farming" as stated in the RS.
MOTION: **Rep. Syme** made a motion to introduce **RS 28130**. **Motion carried by voice vote.**
RS 28089: **Ms. Revier** presented **RS 28089** to the Committee, stating it would amend Idaho Code to clarify and extend the deadline by which employees may transmit a protest of appeal for unemployment insurance benefits. She added this proposed legislation would have no impact to the General Fund as unemployment insurance is not paid from the General Fund.
MOTION: **Rep. Syme** made a motion to introduce **RS 28089**. **Motion carried by voice vote.**
ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 1:38 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Wednesday, February 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Dept. of Labor Presentation	Jani Revier, Director, Idaho Dept. of Labor
Docket No. 09-0101-2001	Rules of Administrative Procedures	
Docket No. 09-0130-2002	Unemployment Insurance Benefits	
Docket No. 09-0160-2001	Complaint Procedures Under Workforce Innovation and Opportunity Act	

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew(Colwell)
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Wednesday, February 03, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew (Colwell), Necochea, Toone

**ABSENT/
EXCUSED:** None

GUESTS: Jani Revier, Idaho Department of Labor (IDOL); Josh McKenna, IDOL; Amy Hohnstein, IDOL; Larry Ingram, IDOL; Craig Shaw, IDOL

Chairman Holtzclaw called the meeting to order at 1:30 PM.

MOTION: **Rep. von Ehlinger** made a motion to approve the minutes of the January 27, 2021 meeting. **Motion carried by voice vote.**

Jani Revier, Director, IDOL, gave a brief overview of the programs overseen by the Department. She explained how unemployment insurance works, describing how eligibility is determined, how claimants may file, and how claims are vetted and paid out. She also explained the appeals process in the case where a claim is wrongfully denied and gave a brief explanation of how the department disbursed federal CARES Act and later Continued Assistance Act benefits in response to the Covid-19 pandemic. She stated 75% of last year's Unemployment Insurance claims were paid from federal assistance while the rest were regular Unemployment Insurance claims. Additionally she explained the rise in fraudulent claims and what is being done to combat these claims. Next she gave some economic updates from 2020 stating unemployment spiked in early stages of the pandemic but rebounded quickly as the state reopened helped largely by the growth Idaho has been experiencing for the last several years. This allowed Idaho to be one of the least impacted states in the nation in terms of job loss and unemployment. She concluded her presentation by acknowledging service sectors of the job market are still declining and are currently projected to continue to be challenged by unemployment for the foreseeable future.

In response to Committee questions **Ms. Revier** stated while unemployment insurance benefits are taxable income and there is an option to have federal taxes withheld, but no similar option with state taxes. She also introduced **Larry Ingram**, IDOL, to address Committee concerns about unemployment fraud. Mr. Ingram explained the steps the departments takes in cases of fraud, beginning with an investigation and ending with garnishment of an individual if necessary. He noted any time money is found to have been paid out in error it is required to be returned. Upon seeing no further questions members of the Committee complimented Ms. Revier and the Department of Labor on their handling of unemployment during the Covid-19 pandemic.

**DOCKET NO.
09-0101-2001:** **Amy Hohnstein**, Appeals Bureau Chief, IDOL, stated the changes to **Docket No. 09-0101-2001** are fairly minor. The changes are meant to streamline the appeals process and ensure consistency. The rule change would allow appeals to be filed by e-mail, and extend the deadline to file appeals from 5 PM to Midnight which would allow appeals sent by e-mail more flexibility as people do tend to send e-mails late into the night.

- MOTION:** Vice Chairman Syme made a motion to approve **Docket No. 09-0101-2001**. **Motion carried by voice vote.**
- DOCKET NO. 09-0130-2002:** Josh McKenna, Unemployment Insurance Bureau Chief, IDOL, stated **Docket No. 09-0130-2002** is mostly wording changes applying to immigrant workers who are applying for Unemployment Insurance. The updated wording applies mainly to sections where outdated references to the federal Immigration and Naturalization Service have been replaced with the department's current title, the Department of Homeland security. In other sections "Idaho Works" has been replaced with "American Job Centers". He reiterated there are no changes to the substance of the rules, merely the wording.
- MOTION:** Rep. Harris made a motion to approve **Docket No. 09-0130-2002**. **Motion carried by voice vote.** Rep. Giddings requested to be recorded as voting **NAY**.
- DOCKET NO. 09-0160-2001:** Amy Hohnstein, Equal Employment Officer, IDOL, explained **Docket No. 09-0160-2001** is being repealed entirely as all the policies it enacts are already present in department rules and procedures making it redundant.
- MOTION:** Rep. Weber made a motion to approve **Docket No. 09-0160-2001**. **Motion carried by voice vote.**
- MOTION:** Rep. Toone made a motion to approve the minutes of the February 1, 2021 meeting. **Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the Committee the meeting adjourned at 1:59 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AMENDED AGENDA #1
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Thursday, February 11, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28111	Public Works	Keith Reynolds, Dept. of Administration
RS28067C1	Department of Administration	Keith Reynolds
RS28120	Sick Leave	Susan Buxton, Dept. of Human Resources
RS28308	Medical Consumer Protection Act	Rep. Giddings
RS28457	Interagency Contracts	Rep. Troy
RS28552	Employment Security	Rep. Syme

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew(Colwell)
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, February 11, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew (Colwell), Necochea, Toone

**ABSENT/
EXCUSED:** Representative(s) von Ehlinger, Chew (Colwell)

GUESTS: Brody Aston, Westerberg and Associates

Chairman Holtzclaw called the meeting to order at 1:30 PM.

MOTION: **Rep. Toone** made a motion to approve the minutes of the February 3, 2021 meeting. **Motion carried by voice vote.**

RS 28552: **Rep. Syme** presented **RS 28552** to the Committee stating it was a re-drafting of **H 76** which had previously been before the Committee. He detailed the changes to bill, including a change in language from "not more than two weeks" to "not more than four weeks." He noted this will still save some money for the Department of Labor but not the previously quoted amount. The new version also retains a section of code which had been deleted in the previous version out of concern for job retention. He additionally stated this is something which could be addressed later in negotiated rule-making.

MOTION: **Rep. Necochea** made a motion to introduce **RS 28552**. **Motion carried by voice vote.**

RS 28111: **Keith Reynolds**, Director, Department of Administration, presented **RS 28111** to the Committee stating it would increase the delegated authority limit for state projects which come under the purview of the Permanent Building Fund Advisory Council. He explained the building fund is used if an agency has a project under \$150,000 and has the ability to handle the project themselves. In this case they can request delegated authority at the council's discretion. The \$150,000 threshold was applied in the 1996, when adjusted for inflation this amount becomes very nearly the \$300,000 stated in this legislation. He stated there have been discussions which favor raising the threshold to become \$500,000 if the Committee felt it appropriate.

MOTION: **Rep. Syme** made a motion to introduce **RS 28111** with the following changes: on line 40 changing the word three to five and on line 41 after the word dollars changing the 3 to 5. **Motion carried by voice vote.**

RS 28067C1: **Mr. Reynolds** presented **RS 28067C1** to the Committee stating it was part of the Red Tape Reduction Act. It would remove three pieces of code which deal with transfers for projects which happened a long time ago. He further stated these pieces of code looked more like session law rather than something which should be in statute.

In response to Committee questions **Mr. Reynolds** clarified no money is currently associated with these pieces of law as any unexpended appropriations from 1946 would have been used up decades ago.

MOTION: **Rep. Syme** made a motion to introduce **RS 28067C1**. **Motion carried by voice vote.**

RS 28120: **Susan Buxton**, Department of Human Resources presented **RS 28120** to the Committee stating it was a simple code modification which would allow state employees to donate accrued sick leave to other qualifying employees. The proposed change does not change the total amount of sick leave which can be accrued by an employee, it simply allows donation of unused leave similar to the current process for donation of vacation time. The measure would not have any fiscal impact nor any impact to the sick leave fund.

MOTION: **Rep. Horman** made a motion to introduce **RS 28120**. **Motion carried by voice vote.**

Chairman Holtzclaw turned the gavel over to **Vice Chairman Syme**.

RS 28457: **Rep. Troy** presented **RS 28457** to the Committee stating the proposed legislation would impact how state agencies interact with institutions of higher education. She explained state agencies currently do not have to put contracts out for bid if they are interagency contracts, this includes state universities. She stated in the 2019-2020 fiscal year there were thirty-two million dollars worth of contracts which had been granted to the state universities. She stated concerns about a lack of competition among universities for these contracts and the negative impact this could have on the ability of employees to gain tenure as well as concerns about transparency with the public in regards to spending. The proposed legislation would require any interagency contracts with institutions of higher education to be put out to bid and would require any requests for exemption to be submitted in writing to the Department of Administration.

The Committee detailed some grammatical concerns with **RS 28457** before being informed this was simply the result of new guidelines for the bill drafters.

MOTION: **Rep. Harris** made a motion to introduce **RS 28457**. **Motion carried by voice vote.**

RS 28308: **Rep. Giddings** presented **RS 28308** to the Committee stating it might be familiar to some as it is a redrafting of legislation from a previous session. She noted some changes had been made based on public input and shared the story of a constituent who's workplace mandated flu vaccines for employees. The constituent had an allergy to an ingredient contained in the vaccine as well as a doctor's note detailing her condition and asking for an exemption which was denied. This constituent was eventually fired due to her inability to receive a flu vaccine. The proposed legislation would address this situation as well as any similar situations. Rep. Giddings cited federal legislation surrounding vaccinations, statistics about childhood vaccines, and went on to detail how the vaccine compensation court is run. She stated vaccine trials do not require reporting of adverse reaction and detailed the ingredients of many approved vaccinations. She cited Idaho code allowing local municipalities to regulate vaccines then stated children are required by schools to be vaccinated and employees in schools are being fired for refusing vaccinations. She stated this legislation would add a chapter to the Idaho code which would keep state agencies as well as any companies which contract with the state from discriminating against employees based on their vaccination status.

MOTION: **Rep. Hanks** made a motion to introduce **RS 28308**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:08 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Monday, February 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28590	Taiwan-Idaho Relationship	Rep. Chew
H 75	Wage Claims	Jani Revier, Director, Idaho Dept. of Labor

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

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Rep Toone

COMMITTEE SECRETARY

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MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Monday, February 15, 2021
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representative(s) Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone
ABSENT/EXCUSED: Representative(s) Harris, Horman
GUESTS: Jani Revier, IDOL
Chairman Holtzclaw called the meeting to order at 2:01 PM.

RS 28590: **Rep. Chew** presented **RS 28590** to the Committee. She stated this resolution would commend Taiwan for their friendship and for their efforts to break down barriers to trade. She stated the sister statehood of Idaho and Taiwan has reached thirty-seven years and in 2019 Taiwan became Idaho's third largest export market as well as the largest import market. She stated this market deals largely in agricultural products as well as technology. Additionally in 2020 when there was a PPE shortage Taiwan gave 100,000 medical masks and other PPE to Idaho. She concluded with a statement praising Taiwan for breaking down barriers to the trading of animal products as well as for their consistent friendship.

MOTION: **Rep. Toone** made a motion to introduce **RS 28590** with the following changes; removal of "Republic of China" on lines 10, 38, and 39.
In discussion the Committee found another instance where "Republic of China" was found in the text.
Chairman Holtzclaw put the Committee at ease at 2:06 PM.
Chairman Holtzclaw called the meeting to order at 2:07 PM.

UNANIMOUS CONSENT REQUEST: **Rep. Toone** requested unanimous consent to withdraw her motion. There being no objection the request was granted.

MOTION: **Rep. Toone** made a motion to introduce **RS 28590** with the following changes; removal of "Republic of China" on lines 4, 10, 38, and 39.
In Committee discussion **Rep. Wisniewski** brought up difference between the Republic of China (Taiwan) and the People's Republic of China and questioned the need to change the language. He stated opposition to the motion and a preference for the original language and the differentiation it already contained. The Committee acknowledged the difference and discussed public perception, stating that Taiwan is more widely understood. **Rep. Chew** added she had checked with the Government of Taiwan and stated they were fine with dropping the "Republic of China" and being listed simply as Taiwan in this proposed Resolution.

SUBSTITUTE MOTION: **Rep. Wisniewski** made a motion to introduce **RS 28590** .
Chairman Holtzclaw put the committee at ease at 2:14 PM.
Chairman Holtzclaw called the meeting to order at 2:21 PM.

**VOTE ON
SUBSTITUTE
MOTION:**

Motion carried by voice vote.

H 75:

Jani Revier, Director, Idaho Department of Labor, presented **H 75** to the Committee stating the legislation clarifies the appeals process for denied wage claims. She further stated it would also allow appeals to be submitted electronically and extend the deadline from 5 PM until midnight. There would be no impact to the general fund.

MOTION:

Rep. Syme made a motion to send **H 75** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Syme** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee the meeting adjourned at 2:27 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Wednesday, February 17, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
H 141	Procurement, Universities	Rep. Troy
H 138	Repeal, Permanent Building Fund, Inventory	Keith Reynolds, Dept. of Administration
H 139	Sick Leave Donation	Susan Buxton, Idaho Division of Human Resources
H 142	Employment Security	Rep. Syme; Jani Revier, Idaho Dept. of Labor
H 140	Medical Consumer Protection	Rep. Giddings

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Holtzclaw	Rep Horman
Vice Chairman Syme	Rep Hanks
Rep Harris	Rep von Ehlinger
Rep Kingsley	Rep Weber
Rep Christensen	Rep Chew
Rep Giddings	Rep Necochea
Rep Wisniewski	Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Wednesday, February 17, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone

**ABSENT/
EXCUSED:** None

GUESTS: Sarah Clendenon; Rosa Martinez; Naomi Watson; Deanna France; Sabrina Napolitano; Valerie Charles; Dale Ann Barton; Craig Campbell; Eva Selleck; Jamie Neill, IMA; Robert Jones; Jani Revier, IDOL; Michael Johnson, IDOL; Josh McKenna, IDOL; David Pettinger; Audrey Heikkila; Toni Lawson, Idaho Hospital Assoc.

Chairman Holtzclaw called the meeting to order at 1:30 PM.

H 141: **Rep. Troy** presented **H 141** to the Committee stating it would shine a light on what happens between our universities and agencies. It would require any state agency contracts with any Institute of Higher Education to be put out for a bid rather than automatically awarded. She explained there is some concern with language contained in this bill and requested this legislation be sent to the amending order.

MOTION: **Rep. Necochea** made a motion to send **H 141** to the General Orders. **Motion carried by voice vote. Rep. Troy** will sponsor the bill on the floor.

H 138: **Keith Reynolds**, Director, Department of Administration presented **H 138** to the Committee stating it would repeal outdated sections of Idaho Code as part of the Governor's Red Tape Reduction Act. It would remove three disused sections of code which were put in place in 1947 and look like session law, not anything which should be codified. Two of these sections deal with transfer of appropriations and the third deals with leftover proceeds from bond accounts. These funds were transferred to the permanent building fund and were spend many decades ago.

MOTION: **Rep. Syme** made a motion to send **H 138** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Syme** will sponsor the bill on the floor.

H 142: **Jani Revier**, Director, Idaho Department of Labor presented **H 142** to the Committee stating it would further define worker eligibility for unemployment insurance. There is no anticipated neutral impact on the Unemployment Insurance trust fund and no impact on the general fund as they are separate pools of money.

MOTION: **Rep. Syme** made a motion to send **H 142** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Syme** will sponsor the bill on the floor.

H 139: **Susan Buxton**, Administrator, Division of Human Resources presented **H 139** to the Committee stating it would allow state employees to donate unused sick leave to their colleagues. This would have no impact to any budgets or revenues because this is time which is already built in to the state payroll fund.

MOTION: **Rep. Horman** made a motion to send **H 139** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Horman** will sponsor the bill on the floor.

H 140:

Rep. Giddings presented **H 140** to the Committee stating it would add a section to code which would disallow state agencies from discriminating against unvaccinated persons.

Sarah Clendenon, Health Freedom Idaho; **Rosa Martinez**; **Naomi Watson**; **Deanna France**; **Sabrina Napolitano**; **Valerie Charles**; **Dale Ann Barton**; **Craig Campbell**; **Anya Stroup**; **Eva Selleck**; **Robert Jones**; **David Pettinger**; **Audrey Heikkila**; and **Carol Andrews** all gave testimony **in support** of **H 140**. They cited current Idaho Code which allows citizens health freedoms for themselves and their children as well as their constitutional rights. Many of them shared concerns about the possibility they may lose their jobs due to vaccination status and most shared a personal story of a vaccination injury among their family or friends. They stated vaccinations are not a one size fits all therapy and shared concerns about the lack of personalization of care in regards to vaccination. They shared concerns about privacy of medical information and Health Insurance Portability and Accountability Act (HIPAA) violations as well as the concern that a mandate could be a very slippery slope. Overwhelmingly they stated any medical procedure should be a personal choice and nobody should be discriminated against due to their choices.

In response to Committee questions, **Ms. Watson** confirmed that patients can contract diseases after exposure from their caretakers under the right circumstances. She also explained current standards in her workplace allowing staff to opt out of vaccination and requiring staff to wear surgical masks while on duty if they have refused vaccination.

Christine Pisani, Executive Director, Idaho Council of Development Disabilities; **Jamie Neil** Director of Government Affairs, Idaho Medical Association; and **Toni Lawson**, Idaho Hospital Association all testified **in opposition** to this legislation. They stated this legislation is unnecessary as there are already exemptions written into code which allow vaccine choice. They also cited code which allows Medicaid to cover in-home health care for some patients who are immunocompromised. They stated people with compromised immune systems have a right to access to the safest care possible, which in many cases means people who have been vaccinated for common illnesses like the flu. They further stated the disabled community is at a higher risk of contracting communicable diseases as well as developing complications to common diseases such as the flu. This legislation would take away this community's ability to take steps to protect themselves and their families. They stated this legislation would restrict physician's choice in hiring the best candidates for patient care and could easily become a blanket ban against all physicians who contract with Medicaid. They expressed concern for the future, stating there is no way to predict future pandemics and this legislation could interfere with medical progress. They explained no workplace or Hospital in Idaho currently has or supports a vaccine mandate and no employer in the state needs additional policy.

In response to Committee questions **Ms. Pisani** confirmed her organization does not ask employees to divulge if they contract any disease. **Mr. Neil** stated his clients all honor HIPAA and they are currently allowed to require proof of vaccination under federal mandates put in place by the previous administration. He also stated hospitals and physicians follow Centers for Disease Control (CDC) guidelines and safety standards in instances where employees are dealing with a chronic disease such as hepatitis. In response to other Committee questions **Ms. Lawson** stated there are currently a vast number of lawyers and labor groups involved with issues of privacy rights in the face of potential vaccine requirements. They all agreed this legislation is not only a safety issue for some sectors of the population, but also unnecessary due to the number of possible exemptions for employees.

MOTION: Rep. Christensen made a motion to send **H 140** the floor with a **DO PASS** recommendation.

Committee members questioned if individuals or families receiving home health care are able to inquire about vaccination status of any health care workers who come into their homes. They further questioned the impact this legislation would have if those workers are contracted through state providers such as Medicaid. Others stated in this case HIPAA would protect individual worker's rights to privacy in regards to their vaccination status. Committee members commented their respect for an individual's right to choose vaccination or not, but were concerned by wording in the legislation which would prohibit employers from reassigning unvaccinated workers in cases where they could be a potential danger to clients or patients with compromised immune systems. Other Committee members commented this legislation allows all state agencies to function normally and simply bars them from mandating vaccines. Individuals who choose not to be vaccinated may also choose to work in sectors away from people with compromised immune systems.

ROLL CALL VOTE ON MOTION: A roll call vote was requested on the motion. **Motion carried by a vote of 9 AYE, 4 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, and Holtzclaw. Voting in opposition to the motion: Reps. Syme, Chew, Necochea, and Toone. Rep. Harris was Absent/Excused. Rep. Giddings will sponsor this bill on the floor.**

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 3:08 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AMENDED AGENDA #1
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Tuesday, February 23, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
S 1041	Excessive Pricing	Rep. Palmer
Docket No. 59-0101-2001	Rules for the Public Employee Retirement System of Idaho	Don Drum, Executive Director, Public Employee Retirement System of Idaho
Docket No. 17-0000-2000F	Administrative Rules Industrial Commission Under the Worker's Compensation Law	Sonnet Robinson, Industrial Commission
Docket No. 21-0000-2000F	Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure; Rules Governing the Idaho Veterans Cemetery.	Kevin Wallior, Management Assistant Boise, ID 83702 Idaho Division of Veterans Services

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, February 23, 2021
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone
**ABSENT/
EXCUSED:** Representative(s) Christensen
GUESTS: Brett DeLange, Idaho Attorney General's Office; Russ Hendricks, Farm Bureau; Suzanne Budge, IPM & CSA

Chairman Holtzclaw called the meeting to order at 1:30 PM.

S 1041: **Rep. Palmer** introduced **S 1041** and **Jeremy Chou**, Petroleum Marketers, to give a more detailed description of the legislation. Mr. Chou stated in the last year an investigation was conducted by the Attorney General's office to see if gas companies were price gouging during the pandemic, despite gas prices statewide having gone down. He defined price gouging as knowingly taking advantage of people during an emergency then stated the Attorney General had interpreted a rise in the margin between wholesale and resale prices as price gouging. Mr. Chou quoted current Idaho Code stating "Excessive and unjustified price increases" are price gouging, but an increase in margins while prices drop is simply good business. He stated while Idaho Code allows the Attorney General's office to investigate instances of price gouging, nothing in code allows the Attorney General's office to police business margins. This legislation simply defines price gouging further by clarifying it only occurs when prices rise.

Brett DeLange, Deputy Attorney General, testified **in opposition to S 1041**. He questioned the timing of legislation to change the definition of price gouging during a pandemic and stated citizens have no recourse to address price gouging on their own. The Attorney General's office is their only avenue for addressing these issues. He stated Idaho Code addressing price gouging covers food, fuel, pharmaceuticals or water for human consumption. He gave a detailed description of the case which inspired this legislation; and concluded while retail prices did go down, the wholesale prices dropped nearly three times more which lead to a large increase in profit for the companies under investigation. He stated the Attorney General isn't trying to police margins or profit, they simply want to prevent price gouging and margins are an easily understood place to start looking. He also explained margins are something the Attorney General's office looks at in regards to price gouging because the current statute directs them to do so. He stated concern about circular logic contained in the legislation. He stated the Idaho supreme court upholds the law as written and so the law should be written as clearly as possible. Most of the time price gouging is in fact a price increase, but there are other methods of price gouging. This legislation would only make it easier for companies to price gouge in the future.

In response to Committee questions **Mr. DeLange** stated the Attorney General's office has a statutory responsibility to investigate cases of alleged price gouging as they are the only recourse for the public to address this concern. He also gave a more detailed explanation of the data the Attorney General's office investigates, stated the average turnaround time for a gallon of gas, and affirmed the lag is also taken into account during an investigation. He also addressed some concerns about legislative intent, stating the Attorney General's office respects legislative intent as well as the legislature's ability to make policy. He added legislative intent for current statute has nothing to do with price increases and directs the Attorney General's office to examine instances where prices become exorbitant as well as examine margins. In response to further questions he stated the case which inspired this legislation is not a typical case of price gouging because the supply of the product remained steady rather than going down. He expressed concern that the language proposed in this legislation would be too restrictive of the Attorney General's ability to investigate cases of alleged price gouging in the future, especially in cases where price margins remain steady. He also further clarified that the Attorney General's office did look into allegations of price gouging on other essential goods, but some goods were reported which are not defined essential such as canning jars or toilet paper. Without policy change these goods cannot be the subject of a price gouging investigation.

Russ Hendricks, Idaho Farm Bureau, and **Matt Berry**, President, Idaho Petroleum Marketers, testified in support of **S 1041**. Mr. Hendricks stated he was puzzled by an assertion made by the Attorney General's office stating the current price gouging statute is protecting farmers. He stated pricing changes are a signal to producers that they need to produce more as well as a signal to consumers to save up and use less. He stated empty shelves may have been a result of protections against price gouging. Prices were unable to adjust to availability and demand which may have led to the panic buying. He stated concern there is currently too much intervention in regards to price gouging and believes less intervention in the market in general is better for everyone. Mr. Berry stated gas stations are critical for communities, especially in very remote areas where they may also serve as the community grocery store. He detailed extra costs many businesses took on for staffing and protective equipment and stated gas sales plummeted at the beginning of the stay home order while business costs increased. He stated despite Idaho having historically low gas prices they were investigated for an increased margin and stated in his opinion this seems too close to price fixing. He stated **S 1041** maintains all the consumer protections currently in statute but adds protections for businesses and considers any additional prices they have to pay which allows the market to work as intended.

In response to Committee questions **Mr. Hendricks** stated farmers could be disproportionately affected by policing of margins as their margins fluctuate all the time. He also stated that farmers do not typically raise prices exorbitantly to begin with as they wouldn't be able to sell their products if they did.

Mr. Chou closed by stating nobody was caught price gouging because there was no price gouging. He addressed the situation which inspired this legislation stating it was a business consideration to spend money on price reductions for consumers rather than on litigation. Under the Consumer Protection Act the Attorney General has the authority to ask for a very large amount of information while conducting investigations and it would be overbearingly difficult and expensive to do this. He stated this bill takes into account the previous legislative intent as well as current intent and simply makes Idaho law consistent with other states.

MOTION:

Rep. von Ehlinger made a motion to send **S 1041** to the floor with a **DO PASS** recommendation.

In discussion of the motion Committee members urged their colleagues to look closely at the language contained in this legislation. Members stated concern with the assertion price gouging cannot exist if prices go down, especially in the case of pharmaceuticals. With this language in place the wholesale prices for medications could drop dramatically due to a variety of reasons but pharmacies couldn't be penalized if they refuse to lower their retail prices accordingly. Committee members stated the top priority should be how best to protect Idahoans, not companies which can afford lobbyists. Other Committee members stated they could only imagine the pain and heartache of trying to keep employees paid and keep doors open when demand is dramatically down. They also stated concern with the focus on business margins when prices for gas went down. They further reminded the Committee of the large difference between a limited commodity with a run on it and a small increase in business margins.

SUBSTITUTE MOTION:

Rep. Toone made a substitute motion to **HOLD S 1041** for a time certain of March 1, 2021 at 1:30 PM.

In discussion of the substitute motion Committee members commented this legislation has been available for reading for weeks, so additional time for consideration is not an issue.

VOTE ON SUBSTITUTE MOTION:

Substitute motion failed by voice vote.

VOTE ON ORIGINAL MOTION:

Motion carried by voice vote. Rep. Necochea requested to be recorded as voting **NAY. Rep. Palmer** will sponsor the bill on the floor.

DOCKET NO. 59-0101-2001:

Don Drum, Executive Director, PERSI, presented **Docket No. 59-0101-2001** to the Committee stating the purpose of the change is to delete sections which no longer apply and bring the state rules into alignment with federal rules. The adoption of a new section of code requires deletion of some sections of rule because the language in those sections is no longer used in code. He listed specific language which was changed or deleted and re-stated the last change is to come into alignment with Federal code.

MOTION:

Rep. Syme made a motion to approve **Docket No. 59-0101-2001. Motion carried by voice vote.**

DOCKET NO. 17-0000-2000F:

Sonnet Robinson, Industrial Commission, presented **Docket No. 17-0000-2000F** to the Committee stating one chapter in this omnibus rule was reviewed and changed consistent with Red Tape Reduction Act. There were no substantive changes to this chapter.

MOTION:

Rep. Harris made a motion to approve **Docket No. 17-0000-2000F. Motion carried by voice vote.**

DOCKET NO. 21-0000-2000F:

Kevin Wallior, Management Assistant, Idaho Division of Veterans Services, presented **Docket No. 21-0000-2000F** to the Committee stating it was an omnibus rule, and two chapters were reviewed and changed consistent with the Red Tape Reduction Act. This reduced redundancy and unnecessary requirements, but made no substantive changes.

In response to Committee questions **Mr. Wallior** explained the rule prohibiting the consumption of alcoholic beverages in the Idaho State Veterans Cemetery comes from a section of federal law regarding veteran cemeteries.

MOTION:

Rep. Syme made a motion to approve **Docket No. 21-0000-2000F. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:51 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AMENDED AGENDA #1
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Thursday, February 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
S 1010	Worker's Compensation, Burial Expenses	Rep. Syme

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, February 25, 2021
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone
**ABSENT/
EXCUSED:** None
GUESTS: Jake Cluff, BB&A
Chairman Holtzclaw called the Committee to order at 1:30 PM.
MOTION: **Rep. Toone** made a motion to approve the minutes of the February 11, 2021 and February 15, 2021 meetings. **Motion carried by voice vote.**
S 1010: **Kamerron Slay**, Director, Idaho Industrial Commission presented **S 1010** to the Committee stating it makes no substantial changes to Idaho Code regarding worker's compensation and burial fees, but simply reduces outdated, contradictory, or duplicative language. This change would also move the existing language to a new section of code and is consistent with the Red Tape Reduction Act.
In response to Committee questions **Ms. Slay** clarified that this legislation makes no changes to the monetary limit for burial which was set in 1995 and is currently under review for future legislation.
MOTION: **Rep. Harris** made a motion to send **S 1010** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Syme** will sponsor the bill on the floor.
ADJOURN: There being no further business to come before the Committee the meeting was adjourned at 1:37 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Monday, March 01, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
S 1009	PERSI, fire marshal	Rep. Syme

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Monday, March 01, 2021
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone
**ABSENT/
EXCUSED:** None
GUESTS: Don Drum, PERSI; Knute Sandahl, DOI/SFM; Anja Sundali PFFI; Grant Hamilton, PFFI; Rob Shoplock, PFFI; Dean Cameron, DOI
Chairman Holtzclaw called the meeting to order at 1:30 PM.
S 1009: **Rep. Syme** presented **S 1009** to the Committee stating it would put the Fire Marshal under the definition of firefighter in code this would give them the same access to PERSI as firefighters as well. He stated this is necessary as Fire Marshals are exposed to most of the same dangers as firefighters and as such deserve the same benefits. This legislation also puts Fire Marshals under Rule of 80 like firefighters instead of Rule of 90 in regards to retirement age under PERSI. The impact to PERSI would be minimal as there are only a few fire marshals in Idaho.
MOTION: **Rep. Weber** made a motion to send **S 1009** to the floor with a **DO PASS** recommendation.
In response to Committee questions **Rep. Syme** explained there are about eight thousand firefighters covered by PERSI in Idaho and this legislation is seeking to add six fire marshals to the definition of firefighter. He stated the fire marshals are exposed to the same dangers and mental stress as firefighters and actually see more fatalities. This has lead to an issue of not being able to hire Idahoans for these critical jobs and the extension of benefits would help attract good employees. He stated there has been extensive research on the fiscal note and detailed exactly how the change would impact early retirement eligibility under the Rule of 80. He clarified the firefighters currently pay for the Rule of 80 themselves which lessens the impact to the general fund even further.
VOTE ON MOTION: **Motion carried by voice vote. Rep Syme** will sponsor the bill on the floor.
ADJOURN: There being no further business to come before the Committee the meeting adjourned at 1:39 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Wednesday, March 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28557	Homeowners Association Act	Rep. Troy
S 1096	Catastrophic injury, workers compensation	Rep. Holtzclaw
HR 3	Recognizing Taiwan	Rep. Chew

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Wednesday, March 03, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone

**ABSENT/
EXCUSED:** Representative(s) Necochea

GUESTS: Don Drum, PERSI; Rick Allen, ICOPA; Sheriff Kieran Donahue, Idaho Sheriff's Assoc; Cory Stambaugh; Mark Estess, ICOPA; Casey Baker, EAI; Margie Baker, EAI; Holly Rebholtz, IPAA; John Evans, AIC; Rob Shoplock PFFI; S. Jay Theiler, Agri Beef

Chairman Holtzclaw called the meeting to order at 1:30 PM.

MOTION: **Rep. Toone** made a motion to approve the minutes of the February 17, 2021 and February 25, 2021 meetings. **Motion carried by voice vote.**

RS 28557: **Rep. Troy** presented **RS 28557** stating it would consolidate all existing code relating to Home Owners Associations (HOA) into a single condensed chapter. It also has language which addresses legislative intent, acknowledges the rapid growth of the state, and clarifies the definition of property rights. Additionally there is new language in this proposed legislation which clarifies how and when notice of an HOA meeting must be given. Other languages is in regards to fees, solar panels, political signs, flags and other issues which have come before the legislation.

In response to Committee questions **Rep. Troy** reiterated the only new language in this legislation is in regards to the legislative intent and notice of an HOA meeting.

MOTION: **Rep. Harris** made a motion to introduce **RS 28557**. **Motion carried by voice vote.**

HR 3: **Rep. Chew** presented **HR 3** to the Committee stating it would commemorate the good relations between Taiwan and Idaho. She stated the official name of Taiwan is the Republic of China (Taiwan) and clarified the difference between it and the People's Republic of China which is mainland China. She spoke of her experiences as young child learning about her heritage, as well as the values which are shared between Idaho and Taiwan. She stated Taiwan is also a democratic republic and values freedom in the same way as the US. She went into detail about the robust trade between Taiwan and Idaho, stating it is one of the largest trade partners with the state in agricultural products like wheat and beef as well as technology. She also spoke about Taiwan's participation in global diplomacy projects and the World Health Organization. She stated Taiwan and Idaho have been sister states for 37 years and praised Taiwan for the donation of ten thousand face masks to Idaho when the state was facing a personal protective equipment shortage in 2020.

Jay Theiler, Vice President of Marketing and Strategy, Agri Beef, spoke in support of **HR 3**. He listed the amount of cattle and beef produced by their partners and stated Taiwan is one of the strongest trade partners the company has. Idaho exports around twenty-two million dollars worth of beef overseas to Taiwan and Taiwan is the second largest trade partner with Idaho in regards to beef. He also noted some recent policy changes in Taiwan which have reduced regulation and increased the trade in beef. This increased trade has led to an increase in sales for Idaho ranchers and beef producers. He stated Idaho has never wavered in their support of Taiwan and this legislation affirms their support.

Casey Baker and **Margie Baker** both testified in opposition to **HR 3**. They were concerned by the involvement of foreign powers in the state's agricultural production. They stated Idaho farmers should be allowed to trade where and how they wish, but a trade relationship with China should not be codified.

MOTION: **Rep. von Ehlinger** made a motion to send **HR 3** to the floor with a **DO PASS** recommendation.

Rep. von Ehlinger spoke to his motion and offered a further clarification between Taiwan and the People's Republic of China. **Rep. Wisniewski** made a statement about his personal experiences while traveling to Taiwan as well as the close ties and shared values between Idaho and Taiwan.

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

Chairman Holtzclaw turned the gavel over to **Vice Chairman Syme** at 2:04 PM.

S 1096: **Rep. Holtzclaw** presented **S 1096** stating it provides a new clarification of what constitutes a "catastrophic on the job injury" for police officers and fire fighters. He defined these injuries as those which lead to a permanent disability. He also listed inability to hold necessary certifications and medical approval by the retirement board as the qualifications for eligibility to receive the benefits outlined in this legislation. Examples of these types of injury are permanent loss of use in ears, eyes, limbs or other similarly serious injury. He stated the people covered by this bill risk life and limb and should be supported when they do lose life or limb. Finally he stated there will be no fiscal impact to the general fund as the firefighters and police departments are going to self fund the benefits outlined in this legislation. **Rep. Holtzclaw** introduced **Chief Rick Allen**, ICOPA, to give more detail on **S 1096**.

Chief Allen stated he has been a police officer for 27 years and at the beginning of his career he had the impression he and his family would be cared for if the worst should happen while he was on the job. He stated during his career he has seen at least seven first responders go to work one day only to have their entire lives changed by a catastrophic injury. He cited examples of cities which were able to keep these first responders on the payroll as well as examples of first responders who have yet to receive any compensation, disability benefits, or a disability hearing even years after their injuries. He stated this bill would allow these first responders to receive a sustainable compensation and give them a secure future. He reiterated this effort would be entirely self funded and stated the police and firefighters would just like the opportunity to take care of their own.

In response to Committee questions about current practices, **Chief Allen** explained after a serious injury occurs, immediate medical expenses are covered then a hearing is held to determine and rate the level of disability experienced by the injured party. He further explained the disability hearings can be held up for long amounts of time, citing a specific case where the disability hearing has been held up for years.

MOTION: **Rep. Christensen** made a motion to send **S 1096** to the floor with a **DO PASS** recommendation.

Sheriff Kieran Donahue, Idaho Sheriffs Association; **Brian Lovell**, President of FOP; **John Evans**, IAC; **Rob Shoplock**, firefighters; **Don Drum**, PERSI, testified **in support** of **S 1096**. They stated this legislation will allow police officers and firefighters who are catastrophically injured a chance to regain some independence as well as providing financial security. They stated under current statute if a disabled person who is receiving PERSI benefits finds new employment in a different field they will lose their disability status, effectively penalizing them for attempting to find some normalcy and purpose in life. They stated the importance of feeling self worth for the people affected by this legislation. They expressed the likelihood this legislation would even reduce workers compensation rates for police officers and firefighters and stated there has been nothing but overwhelming support from all interested parties. They each asked the Committee to support them in their efforts to take care of their own.

In response to Committee questions **Sheriff Donahue** stated narrow scope of the legislation was intentional, as they did not want to cause any confusion about the difference between a catastrophic injury and one which can be rehabilitated and is recoverable. He also clarified the language regarding working, stating the definition of a catastrophic injury is one which will bar the recipient from returning to their previous duties. However if recipients want to do something different such as public speaking they should be allowed to do so without losing their benefits.

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

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:34 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Tuesday, March 09, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
S 1082	State Insurance Fund	Rep. Gestrin, Rick Ferguson, Executive Director, State Insurance Fund
H 287	Homeowner's associations	Rep. Troy

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, March 09, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone

**ABSENT/
EXCUSED:** Vice Chairman Syme, Representative(s) Horman

GUESTS: Burt Wille, Idaho Chapter of Community Association Institute (CAI); Brindee Collins, Idaho CAI; Brandi Pearson, Idaho CAI; Patrick Galloway, Idaho CAI; Carson Tester, Westerberg & Associates

Chairman Holtzclaw called the meeting to order at 1:30 PM.

MOTION: **Rep. Toone** made a motion to approve the minutes of the February 23, 2021 and March 1, 2021 meetings. **Motion carried by voice vote.**

S 1082: **Rick Ferguson**, CEO, Idaho State Insurance Fund (SIF), introduced **S 1082** to the Committee. He gave a brief overview of SIF stating their main objective is workers compensation. He stated most of their clientele is typically small businesses; often businesses which are harder to underwrite, such as tree trimmers or very rural businesses. In 1998 the legislature modified SIF to no longer be a government agency, instead they are now semi-private. The Department of Labor oversees SIF and it is governed by a board with two legislators serving as board members. He also stated SIF has an auditor with direct oversight, most assets are held by endowment fund, and the board must provide written approval if they want to liquidate more than five percent of these assets. **S 1082** would allow SIF to bank directly rather than through the Treasurer's office. This would also allow them to pay employees directly rather than through the State Controllers office. They would like to be able to manage payroll directly as it gives them more flexibility and more working days. This legislation would allow them to work more independently and operate more like a private business than a government agency. He concluded by stating there is no opposition from other state agencies.

In response to Committee questions **Mr. Ferguson** clarified employees of SIF are not state employees but are enrolled in the Public Employee Retirement System of Idaho (PERSI). He stated this legislation would not be a move towards privatization of SIF, it would simply be a means to help them more easily meet their mission and be sure their loyalties lay with Idahoans first rather than a government entity. He also clarified SIF's inability to bank directly has a negative impact on their flexibility in regards to payment methods for beneficiaries and other clients. In response to questions about transparency and scrutiny Mr. Ferguson stated SIF is highly regulated just like private insurance companies and undergoes an independent audit every five years. This legislation simply allows them to operate in a more businesslike way, this transition would also remove the obligation to report salary structures to Transparent Idaho. He stated the December deadline to transition away from the state mandated sick leave program was chosen as they wanted time to coordinate with the State Controllers Office and felt they wouldn't be able to meet the traditional July date. He further clarified SIF currently does not budget through the Treasure's office or the state and this legislation would not change their budgeting process. He explained the benefits of operating as a quasi-governmental

agency rather than a completely private or public agency. He stated in areas where workers compensation is public it becomes a monopoly, while in areas where it is privatized the loyalty of insurance companies lies with the policy holders, under the current system SIF's main loyalty is to Idaho and Idahoans. He also stated his belief this allows them to carry out their mission in the best way possible. In response to questions about the logistics of this transition to new policy Mr. Ferguson stated employees would remain enrolled in PERSI and new employees would be hired under a paid time off model. He also stated currently SIF employees are required to take twenty-five percent more holidays off than their competitors and this legislation would allow them to implement a holiday pay schedule and allow employees to work those days.

Chairman Holtzclaw put the Committee at ease and called them back to order at 1:53 PM.

MOTION: **Rep. Necochea** made a motion to send **S 1082** to the floor with a **DO PASS** recommendation.

Committee members commented on their unease at the removal of transparency contained in this legislation as well as the removal of constitutional officers such as the State Treasurer and State Controller.

ROLL CALL VOTE: A roll call vote was requested on the motion. **Motion failed by a vote of 3 AYE, 9 NAY, 2 Absent/Excused. Voting in favor** of the motion: **Reps. Weber, Necochea, and Toone. Voting in opposition** to the motion: **Reps. Harris, Kingsley, Christensen, Giddings, Wisniewski, Hanks, von Ehlinger, Chew, and Holtzclaw. Reps. Syme and Horman** were Absent/Excused.

H 287: **Rep. Troy** presented **H 287** to the Committee stating it would simply bring all existing code regarding Home Owners Associations (HOAs) to be consolidated into a single chapter. She stated some concern about wanting to do more, but felt it was too late in the session to do so. She also shared some concern from constituents about the language providing legislative intent being not positive enough, but stated the language concerning homeowners rights is the most important part of this legislation. The only other new language in this bill concerns how and when notice of HOA meetings will be given.

In response to Committee questions **Rep. Troy** explained language allowing meeting notifications to be delivered electronically really only concerns more urban areas as this is where HOAs tend to be located. This language allows for electronic notice, but homeowners without the ability to receive electronic notice would still need to be given notice in another form.

MOTION: **Rep. Harris** made a motion to send **H 287** to the floor with a **DO PASS** recommendation.

Burt Willie, Idaho CAI; **Brindee Collins**, Idaho CAI; and **Patrick Galloway**, Idaho CAI, testified **in opposition** to **H 287**. They praised the effort to consolidate all Idaho statutes concerning HOAs into a single chapter but expressed concern for both the new section concerning open meeting laws and the legislative intent language. They stated the new open meeting language would take away any ability for HOAs to convene in executive session as well as the ability to keep any private issues of homeowners from becoming public. They stated this would lead to excessive litigation and animosity among communities. They stated HOA's are created by developers as a result of zoning and land use laws and take up concerns which would otherwise be considered city infrastructure. Additionally they stated the language contained within the legislation was often contradictory and unclear. They stated the language contained in the open meeting section was restrictive and requiring more open meetings may very well go against the wishes

of many homeowners. Finally they stated the intent of this legislation is good but some missteps indicate HOAs need to be involved in the bill drafting process.

In response to Committee questions **Mr. Willie** stated the unclear open meeting language will likely lead to an overwhelming amount of litigation as HOAs attempt to use only electronic means of delivery and homeowners do not receive meeting notifications. He also stated the main issue with the legislative intent language was due to the argumentative and excessive nature of it. He stated most HOAs do not have a problem of overstepping and the control should be left to more local entities as all cities have different requirements and expectations. **Ms. Collins** echoed the criticism of the legislative intent language and added it only fuels the existing bias against HOAs.

Rep. Troy reiterated this legislation exists mainly to pull all statute regarding HOAs into a single condensed chapter. She also stated there is nothing in the legislation which would bar HOAs from holding executive sessions.

Committee members expressed concern that the legislation could be changed for the better with input from representatives of Idaho HOAs. Other Committee members expressed concern about the amount of time left in the current session and questioned the necessity of advancing legislation which might be improved.

SUBSTITUTE MOTION:

Rep. Weber made a substitute motion to **HOLD H 287** in Committee.

Rep. Toone mentioned the current plan to go into general orders in the near future and stated there would be plenty of time to amend the legislation if necessary.

AMENDED SUBSTITUTE MOTION:

Rep. Toone made an amended substitute motion to send **H 287** to **GENERAL ORDERS**.

Committee members felt there was some consensus on the potential issues in this legislation and expressed concern that public input isn't necessary for amendments when public input is what brought these issues to light in the first place.

ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION:

A roll call vote on the amended substitute motion was requested. **Motion failed by a vote of 2 AYE, 9 NAY, 3 Absent/Excused. Voting in favor of the motion: Reps. Christensen and Toone. Voting in opposition to the amended substitute motion: Reps. Kingsley, Giddings, Wisniewski, Hanks, von Ehlinger, Weber, Chew, Necochea, and Holtzclaw. Reps. Syme, Harris, and Horman were Absent/Excused.**

ROLL CALL VOTE ON SUBSTITUTE MOTION:

A roll call vote on the substitute motion was requested. **Motion carried by a vote of 11 AYE, 0 NAY, 3 Absent/Excused. Voting in favor of the motion: Reps. Kingsley, Christensen, Giddings, Wisniewski, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone, and Holtzclaw. Reps. Syme, Harris, and Horman were Absent/Excused.**

ADJOURN:

There being no further business to come before the Committee the meeting adjourned at 2:29 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Wednesday, March 17, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
S 1095	PERSI board member compensation	Don Drum, PERSI

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Wednesday, March 17, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone

**ABSENT/
EXCUSED:** Representative(s) Horman, Chew, Necochea, Toone

GUESTS: Don Drum, PERSI

Chairman Holtzclaw called the meeting to order at 1:30 PM.

MOTION: **Rep. von Ehlinger** made a motion to approve the minutes of the March 3, 2021 and March 9, 2021 meetings. **Motion carried by voice vote.**

S 1095: **Don Drum**, Executive Director, PERSI (Public Employee Retirement System of Idaho) introduced **S 1095** to the Committee stating it would make only one change to existing code. This change would allow the PERSI board members to receive an honorarium rather than a wage. He stated many boards are making this change as receiving a wage can interfere with receipt of retirement benefits for members. This would also help to streamline the process of finding new board members and allow members to retire but remain on the board until a replacement is found. This enables the PERSI board to better serve the people of Idaho by allowing more continuity of membership and ensuring the minimum number of seats required for an executive session are always filled. The honorarium would be \$100 per meeting and this change would have a very minimal impact on the General Fund.

MOTION: **Rep. Syme** made a motion to send **S 1095** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Giddings** requested to be recorded as voting **NAY.** **Rep. Syme** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 1:35 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room EW05
Tuesday, April 13, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
S 1051	Personnel system, report	Sen. Guthrie, Rep. Moyle

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, April 13, 2021

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone

**ABSENT/
EXCUSED:** Representative(s) Giddings, Chew

GUESTS: Sharon Duncan, Division of Human Resources (DHR); Haley Westenskow, DHR; Susan Buxton, DHR; Scott Smith, State Controller's Office (SCO); Josh Whitworth, SCO

Chairman Holtzclaw called the meeting to order at 1:30 P.M.

S 1051: **Rep. Moyle** presented **S 1051**, stating it would require the Division of Human Resources to do an audit of any money budgeted for salaries. The report would detail how much of this money is not spent on salaries to get an idea of what salary savings exist, what can be improved upon, and where the money is spent.

Susan Buxton, Director, Idaho DHR, stated knowing where state agency budgets are spent is important. She stated the legislation would require a level of detail in the report requiring added staff or man-hours which is not reflected in the fiscal note.

In response to Committee questions **Ms. Buxton** generating this report becomes more difficult when the number of statewide positions and vacancies are considered. Some positions which appear unfilled for over a year are impacted by turnover or multiple positions under the same job description. Personnel cost funds can be used to fix equipment to enable staff to continue working. A formal definition for "salary savings" is also necessary to generate the requested report but does not appear in code or the legislation. Additionally, most of the necessary data would need to be tracked on an individual level to address long term and new hire differences in salaries which would most likely be redistributed among other employee salaries. Instances where starting wages need to be increased to attract job applicants is another difficulty posed by the detailed accounting required by this bill.

In response to further Committee questions **Josh Whitworth**, SCO, further defined personnel costs. Based on reports of previous salaries, the current year's salaries are appropriated and the difference is usually called salary savings. The SCO can show the actual transfer of money saved on payroll and used for operations costs; but the SCO does not record where the money is spent. There is also no tagging of these expenditures as money transferred from salary savings. Although agencies track changes in personnel cost funds use the use of left over funds are up to agency interpretation. There is no existing statewide system for comparison of the personnel cost appropriation to the actual payroll expenditure. The data is tracked only by individual agencies. The SCO would require large amounts of time and money to generate the report required by this legislation.

Rep. Moyle stated the \$100 million salary allocation to the state agencies should be spent on salaries with a record of any deviations. The current system incentivizes agencies to request money for positions they have no intention of filling to gain extra funds. This legislation requests reporting of data that either already exists or should be tracked. For this reason the cost to generate this report should be low.

Sen. Guthrie stated he has served on the Committee for Employee Compensation for ten years and has asked for this report for each of those years. This report is not asking for overly detailed information, it is simply requesting an aggregate number of fund expenditures and the reverted amount. If the state departments cannot delineate how they spend this money, the state has a much larger problem. Nobody is questioning the integrity of the state agencies, they are simply asking for more transparency.

In response to a Committee question, **Sen. Guthrie** stated this legislation would require the report of requested information for future, not past, expenditures.

MOTION:

Rep. Harris made a motion to send **S 1051** to the floor with a **DO PASS** recommendation.

Rep. Syme stated concern with the fiscal note as aggregate numbers are generated from many smaller numbers. He stated generating this report will take state employees away from their regular duties and time costs translate to monetary costs. He requested a better fiscal note and plan to develop this report without taking employees away from their normal duties.

SUBSTITUTE MOTION:

Rep. Syme made a substitute motion to send **S 1051** to General Orders.

Committee members commenting in support of the original motion stated concern for time due to the late date. They were also unsure how an amendment could possibly fix any perceived issues with this legislation and stated that any allocated money for salaries spent elsewhere should be reported.

Committee members commenting in support of the substitute motion stated they would also like to see how this money is being spent, but could not support legislation that creates greater expenses and burdens on already busy employees.

VOTE ON SUBSTITUTE MOTION:

Substitute motion failed by voice vote.

VOTE ON ORIGINAL MOTION:

Motion carried by voice vote. Rep. Moyle will sponsor the bill on the floor.

MOTION:

Rep. Toone made a motion to approve the minutes of the March 17th, 2021 meeting. **Motion carried by voice vote.**

Chairman Holtzclaw thanked the page **Bella O'Neil** for her service to the committee.

ADJOURN:

There being no further business to come before the Committee the meeting adjourned at 2:20 P.M.

Representative Holtzclaw
Chair

Emma Wall
Secretary

AGENDA
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE
Upon Adjournment
Room EW05
Wednesday, April 21, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes	

COMMITTEE MEMBERS

Chairman Holtzclaw
Vice Chairman Syme
Rep Harris
Rep Kingsley
Rep Christensen
Rep Giddings
Rep Wisniewski

Rep Horman
Rep Hanks
Rep von Ehlinger
Rep Weber
Rep Chew
Rep Necochea
Rep Toone

COMMITTEE SECRETARY

Emma Wall
Room: EW08
Phone: 332-1149
Email: hcom@house.idaho.gov

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Wednesday, April 21, 2021
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone
**ABSENT/
EXCUSED:** Representative(s) Christensen, Giddings, von Ehlinger, Weber, Chew
GUESTS: None
MOTION: **Chairman Holtzclaw** called the meeting to order at 1:30 PM.
Rep. Toone made a motion to approve the minutes of the April 13, 2021 meeting.
Motion carried by voice vote.
ADJOURN: There being no further business to come before the Committee the meeting was adjourned at 1:31 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary