

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, January 16, 2020

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Patrick, Vice Chairman Agenbroad, Senators Martin, Lakey, Guthrie, Thayn, Souza, Ward-Engelking, and Burgoyne

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Burgoyne** moved to approve the Minutes of January 9, 2020. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

Chairman Patrick announced there would be a change in the agenda and that **Docket No. 07-0801-1901** would be moved to the second slot on the agenda.

PASSED THE GAVEL: Chairman Patrick passed the gavel to Vice Chairman Agenbroad to introduce the presenters for the rules being heard.

DOCKET NO. 07-0000-1900 **Rules of the Division of Building Safety**, p. 5. **Patrick Grace**, Regional Manager, Idaho Division of Building Safety (IDBS), outlined all of the changes and explained there were no substantive changes except for the Logging Safety Chapter. He referred to the document entitled, "Substantive Changes to Reauthorized Logging Safety Rules" (Attachment 1).

MOTION: **Chairman Patrick** moved to approve **Docket No. 07-0000-1900**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 07-0801-1901 **Idaho Minimum Safety Standards and Practices for Logging**, p. 144. **Larry Jeffres**, Region 1 Manager, Idaho Division of Building Safety (IDBS), outlined the changes in the rules. He emphasized that safety training was a priority and was a common theme throughout the rules.

DISCUSSION: **Chairman Patrick**, **Senator Souza**, and **Mr. Jeffres** discussed how to prevent injuries and the positive effect of the addition of visual illustrations to the rule.

Senator Guthrie asked for an explanation of "any person performing work associated with the logging operation." **Mr. Jeffres** indicated the new language in the rule was to encompass those on site actually performing the work, which also included truck drivers. The intent was to provide training that would be life-saving.

MOTION: **Senator Souza** moved to approve **Docket No. 07-0801-1901**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
07-0000-1900F**

Rules of the Division of Building Safety - Fee Rules, p. 21. **Patrick Grace**, Regional Manager, Idaho Division of Building Safety (IDBS), indicated this docket was similar to the previous docket, but this was a fee rule. The substantive changes were in the plumbing rules where a fee table was inserted and a fee of \$65 was established for modular buildings. Another item was amended addressing expired certificates. **Mr. Grace** reported there was no electrical code in this docket or in the first docket since those rules were moved into an existing docket due to the consolidation of the rules.

MOTION:

Senator Guthrie moved to approve **Docket No. 07-0000-1900F**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
07-0501-1901**

Rules of the Idaho Public Works Contractors License Board (IPWCL), p. 130. **Patrick Grace**, Regional Manager, Idaho Division of Building Safety (IDBS), outlined the accomplishments of the IPWCL and the IDBS, including a 20 percent reduction in IPWCL renewal license fees across all classes of licenses.

DISCUSSION:

Vice Chairman Agenbroad queried why this was not a fee rule and **Mr. Grace** stated there was no fee added.

Senator Martin and **Mr. Grace** discussed any possible negative fiscal impact on the dedicated funds over the next year represented by the reduction in fees.

Chairman Patrick queried why this was not a fee rule. **Dennis Stevenson**, State Administrative Rules Coordinator, Office of the Administrative Rules Coordinator, Idaho Department of Administration (IDOA), reported this was included in the omnibus fee rule and adjustments could be made to treat this rule like a fee docket. A concurrent resolution would be needed. He suggested the Committee hold any action on this rule until adjustments could be made, stating this rule had not yet been handled by the House.

MOTION:

Senator Lakey moved that **Docket No. 07-0501-1901** be held in Committee subject to the Call of the Chair. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
07-1101-1901**

Rules of the Division of Building Safety (New Chapter) (IDBS), p. 183. **Patrick Grace**, Regional Manager, IDBS, gave a brief background relating to certain members of the armed forces, including recently separated members and national guard members, veterans, and spouses in regards to applications for professional licensing in Idaho. **Mr. Grace** outlined the accomplishments of the rulemaking.

MOTION:

Senator Lakey moved to approve **Docket No. 07-1101-1901**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
07-0101-1901**

Rules of the Idaho Electrical Board (New Chapter), p. 95. **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), noted there were various amendments to eliminate barriers to retaining or renewing an apprentice registration. He outlined the changes. **Mr. Wing** indicated this rulemaking also incorporated the omnibus reauthorized rulemaking provisions in which ten chapters of electrical rules were consolidated into one chapter, with Red Tape Reduction amendments included.

Mr. Wing described the licensure history for licensed journeymen and apprentices. He affirmed there were language reductions because there is an online application process.

- DISCUSSION:** **Senator Souza** and **Mr. Wing** discussed details about the reciprocity of licenses and education requirements.
- In response to a question about fees from Senator Agenbroad, **Mr. Wing** indicated he was not sure if this was a fee rule because the language is in the existing fee rules. **Dennis Stevenson**, State Administrative Rules Coordinator, Office of the Administrative Rules Coordinator, Idaho Department of Administration (IDOA), indicated this rule should have been included in the fee book as part of the omnibus rules.
- MOTION:** **Chairman Patrick** moved that **Docket No. 07-0101-1901** be held in Committee subject to the Call of the Chair. **Senator Thayne** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 07-0301-1901** **Rules of Building Safety**, p. 119. **Jeff Egan**, Building Program Manager, Idaho Division of Building Safety (IDBS), outlined the changes in the rule, indicating the 2018 editions of the International Building Code (IBC), International Existing Building Code (IEBC), the International Energy Code (IEC), and the 2012 Idaho Residential Code (IRC) provide revisions and clarifications that streamlined the codes and made them easier to understand and apply. He noted the 2018 editions of these codes also provide enhanced building safety requirements and address emerging building technologies, while reducing building requirements and expanding building options. **Mr. Egan** stated by adoption of the 2018 editions of these codes Idaho will be up-to-date with the latest industry building standards.
- DISCUSSION:** **Senator Lakey** requested Mr. Egan provide a summary of the revisions, including major changes between 2015 to 2018. **Senator Lakey** noted the code is all about safety and he did not see the IEC promoting safety. He questioned whether that code should be adopted.
- TESTIMONY:** **Jason Blase**, President, Idaho Association of Building Officials (IABO) and Board member of the Idaho State Building Code Board (ISBCB), reported the ISBCB has a summary of the significant changes. The Energy Code was addressed during the review of the rules and included in the 2018 revisions.
- DISCUSSION:** **Senator Burgoyne** and **Mr. Blase** discussed whether safety issues were addressed in the IEC, which covers building thermal envelope, lighting, mechanical systems, and water heating systems. **Mr. Blase** stated all of those have a safety component. There could be issues if these items are not installed properly.
- MOTION:** **Senator Burgoyne** moved that **Docket No. 07-0301-1901** be held in Committee subject to the Call of the Chair. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 07-0701-1901** **Rules Governing Installation of Heating, Ventilation, and Air Conditioning (HVAC)**, Idaho Division of Building Safety (IDBS), p. 133. **John Nielsen**, Plumbing Program and HVAC Manager, IDBS, outlined the changes and adoptions in the rule, indicating some items were eliminated and simplified in the rules. He mentioned the changes retain Idaho amendments to the 2012 IRC Code.
- MOTION:** **Senator Martin** moved to approve **Docket No. 07-0701-1901**. **Chairman Patrick** seconded the motion.
- DISCUSSION:** **Senator Lakey** indicated that since the new code had significant changes, he wanted to hold the docket for further review. **Senator Martin** withdrew his motion. **Chairman Patrick** withdrew his second.

MOTION: **Senator Lakey** moved that **Docket No. 07-0701-1901** be held in Committee subject to the Call of the Chair. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 07-0701-1902 **Rules Governing Installation of Heating, Ventilation, and Air Conditioning (HVAC)**, p. 114 (Fee Rule). **John Nielsen**, Plumbing Program and HVAC Manager, Idaho Division of Building Safety (IDBS), outlined the changes and adoptions in the rule, and indicated some items were eliminated and simplified in the rules. He pointed out this proposed rulemaking would calculate fees based on the number of systems, fixtures, appliances, zones, outlets, or ducts instead of being based on square footage.

DISCUSSION: A discussion ensued among the Committee and Dennis Stevenson, State Administrative Rules Coordinator, Office of the Administrative Rules Coordinator, Idaho Department of Administration (IDOA), on whether this docket was a fee rule and whether the Committee could proceed. **Mr. Stevenson** assured the Committee this was not a fee rule and clarified that only an omnibus rule would have an "F" if it was a fee rule.

MOTION: **Senator Guthrie** moved to approve **Docket No. 07-0701-1902**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

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

Chairman Patrick stated the Department of Insurance Dockets would be continued at the next regular meeting of the Committee.

ADJOURNED: There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:56 p.m.

Senator Patrick
Chair

Linda Kambeitz
Secretary