

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 P.M.  
Room EW41  
Thursday, January 15, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Organizational Meeting	Chairman Barbieri
	Administrative Rules: Subcommittee Announcements	Vice Chairman Clow

COMMITTEE MEMBERS

Chairman Barbieri  
Vice Chairman Clow  
Rep Collins  
Rep Crane  
Rep Palmer  
Rep Thompson

Rep Batt  
Rep Hixon  
Rep Kauffman  
Rep Monks  
Rep Anderst  
Rep Beyeler

Rep DeMordaunt  
Rep Dixon  
Rep Troy  
Rep Smith  
Rep Rusche  
Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Thursday, January 15, 2015  
**TIME:** 1:30 P.M.  
**PLACE:** Room EW41  
**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan  
**ABSENT/  
EXCUSED:** Rep. Rusche  
**GUESTS:** None

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

**Chairman Barbieri** welcomed the committee and asked each to introduce themselves. He then introduced the new committee secretary, **Francoise Cleveland**, and House Page, **Phaeren Roby**. He assigned official committee proofreaders, **Rep. Beyeler**, representing the majority party, and **Rep. Jordan**, representing the minority party.

**Chairman Barbieri** handed the gavel over to **Vice Chairman Clow**.

**Rep. Clow** introduced **Dennis Stevenson**, State Administrative Rules Coordinator, who explained the responsibilities of the Legislature on reviewing administrative rules.

**Rep. Clow** said he assigned the rules to three subcommittees which are as follows:

**Rep. Kauffman** Subcommittee: **Rep. Palmer, Rep. Thompson, Rep. Dixon, Rep. Smith**

**Rep. Anderst** Subcommittee: **Rep. Crane, Rep. Batt, Rep. DeMordaunt, Rep. Troy, Rep. Rusche**

**Rep. Hixon** Subcommittee: **Rep. Collins, Rep. Monks, Rep. Beyeler, Rep. Jordan**

**Chairman Barbieri** asked each of the subcommittee chairman to meet next week and to report back to the full committee as soon as possible. **Rep. Clow** returned the gavel to **Chairman Barbieri**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:00 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

**AMENDED AGENDA #1**  
**HOUSE BUSINESS COMMITTEE**  
**ANDERST SUBCOMMITTEE**

Rules  
1:30 P.M.

Room EW41

Wednesday, January 21, 2015

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	<b>DIVISION OF BUILDING SAFETY</b>	John Nielsen Plumbing Program Manager
<a href="#">07-0204-1401</a>	Rules Governing Plumbing Safety Inspections	
<a href="#">07-0205-1401</a>	Rules Governing Plumbing Safety Licensing	
<a href="#">07-0206-1401</a>	Rules Concerning Idaho State Plumbing Code	
	<b>BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS</b>	Keith Simila, P.E. Executive Director
<a href="#">10-0101-1401</a>	Rules of Procedure	
<a href="#">10-0102-1401</a>	Rules of Professional Responsibility	
<a href="#">10-0103-1401</a>	Rules for Corner Perpetuation and Filing	
	<b>IDAHO REAL ESTATE COMMISSION</b>	Jeanne Jackson-Heim Executive Director
<a href="#">33-0101-1401</a>	Rules of the Idaho Real Estate Commission	
<a href="#">33-0102-1401</a>	Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Anderst  
Rep.Crane  
Rep.Batt  
Rep.DeMordaunt  
Rep.Troy  
Rep.Rusche

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: hbus@house.idaho.gov

MINUTES  
**HOUSE BUSINESS COMMITTEE  
ANDERST SUBCOMMITTEE**  
Anderst Rules

**DATE:** Wednesday, January 21, 2015  
**TIME:** 1:30 P.M.  
**PLACE:** Room EW41  
**MEMBERS:** Chairman Anderst, Representatives Crane, Batt, DeMordaunt, Troy, Rusche  
**ABSENT/  
EXCUSED:** Rep. Rusche  
**GUESTS:** Jim Szatkowski, IPELS, State of Idaho; John Nielsen; Kimberly Coster, IREC;  
Jeanne Hackson-Heim, IREC

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

**DOCKET NO.  
07-0204-1401:** **John Nielsen**, Plumbing Program Manager for the Division of Building Safety, presented **Docket No. 07-0204-1401**, the Pending Rule which updates the referenced edition of the "Cross Connection Control Manual." The 1995 edition is no longer generally available to the affected stakeholders and the 2012 edition is the generally-recognized industry standard. The cross connection manual lays out requirements for protecting drinking water systems from contamination from other sources and includes provisions for back flow prevention devices.

**MOTION:** **Rep. DeMordaunt** made a motion to recommend that the full committee approve **Docket No. 07-0204-1401. Motion carried by voice vote.**

**DOCKET NO.  
07-0205-1401:** **John Nielsen**, Plumbing Program Manager for the Division of Building Safety, presented **Docket No. 07-0205-1401**, the Pending Rule which defines the qualifications and requirements necessary to become a licensed plumber in Idaho. He said, this docket changes existing language to be consistent with statutory language and rulemaking guidelines. The proposal then clarifies the licensure requirements for plumbing journeymen and contractors to eliminate confusion particularly as it applies to applicants coming into Idaho from other states. The intent of the language is to make the baseline requirements for licensure clear and unambiguous, to be easily interpreted and applied, and to assure all applicants coming in from other jurisdictions have equivalent training to what is required for Idahoans applying for licensure.

In response to questions, **Mr. Nielson** said this rule was designed to align the requirements for those coming from out-of-state to the requirements of those licensed in the state, especially in regard to education. He further responded this would not impact those who start the process in Idaho. He said this rule references an Idaho Plumbing Board approved course so out-of-state individuals could have an equivalent course approved to achieve this requirement.

**MOTION:** **Rep. Batt** made a motion to recommend that the full committee approve **Docket No. 07-0205-1401. Motion carried by voice vote.**

**DOCKET NO. 07-0206-1401:** **John Nielsen**, Plumbing Program Manager for the Division of Building Safety, presented **Docket No. 07-0206-1401**, the Pending Rule which deletes the requirement for testing shower receptors, as plumbers do not typically install the pans. The docket also deletes the requirement for thermostatic mixing valves in bathtubs and whirlpool bathtubs. This deletion was based on the additional costs involved with providing the protection. The proposal also recognizes the use of additional types of plastic pipe in plumbing systems. The additional types of pipe have been widely tested and proven for years in utility systems, and are being incorporated in the provisions of the latest editions of the plumbing codes.

**MOTION:** **Rep. Crane** made a motion to recommend that the full committee approve **Docket No. 07-0206-1401**. **Motion carried by voice vote.**

**DOCKET NO. 10-0101-1401:** **Keith Simila**, Executive Director of the Board of Professional Engineers and Professional Land Surveyors, presented **Docket No. 10-0101-1401**, the Pending Rule which improves the comity process the board uses to substantiate the educational requirements that must be met prior to assignment to examinations or granting a professional engineer license. He said it is difficult for the board to ascertain the applicant's educational course work when reviewing foreign education or nonaccredited applications.

**Mr. Simila** said, additionally, the board is changing the process to evaluate foreign applicants for comity licensure. The rule revision will separate the foreign applicant process from the interstate applicant process, and from those that are board-approved from those that are not or are unknown. For the non-approved or unknown foreign countries, the board will add a two-year U.S. experience requirement along with education and examination requirements similar to those required of U.S. engineers.

In response to a question, **Mr. Simila** said even though there is not a reciprocal agreement with Canada he does not believe this will impact Idaho's professional engineers because Canada is less restrictive.

**MOTION:** **Rep. DeMordaunt** made a motion to recommend that the full committee approve **Docket No. 10-0101-1401**. **Motion carried by voice vote.**

**DOCKET NO. 10-0102-1401:** **Keith Simila**, Executive Director of the Board of Professional Engineers and Professional Land Surveyors, presented **Docket No. 10-0102-1401**, the Pending Rule which corrects an incorrect citation to Idaho Code Section 67-2320 which is the law requiring public agencies to use qualification-based selection processes when soliciting engineering or land surveying services. The board intends all provisions of law be complied with, not just section (2)(a).

**MOTION:** **Rep. DeMordaunt** made a motion to recommend that the full committee approve **Docket No. 10-0102-1401**. **Motion carried by voice vote.**

**DOCKET NO. 10-0103-1401:** **Keith Simila**, Executive Director of the Board of Professional Engineers and Professional Land Surveyors, presented **Docket No. 10-0103-1401**, the Pending Rule to require surveyors to perpetuate historic corner record information on the corner perpetuation and filing forms filed or recorded in the county courthouse in lieu of listing all corner record instrument numbers on the record of survey map. He said the number of corner perpetuation and filing record filings are increasing, and there is insufficient room on the record of survey map to continue the practice of listing all corner record instrument numbers. A law change to be proposed later this session will remove the requirement for listing all corner record instrument numbers on the record of survey map. This rule will compliment this proposed law change.

In response to a question, **Mr. Simila** said if the law does not pass, this rule will require the instrument numbers to be shown in both places. If the law passes, only the current record number will be shown on the map and the history will be on the form. There is no harm in showing it in both places.

**Rep. Crane** said the correct process for rules and laws should be followed. Rule changes should take place after the legislation has passed; therefore even though he supports the change, he cannot recommend it to pass at this time.

**MOTION:** **Rep. Crane** made a motion to recommend that the full committee reject **Docket No. 10-0103-1401**.

**Rep. DeMordaunt** questioned if this rule could be revisited if the law passed. He does not want to create an undue burden on the individuals involved.

**SUBSTITUTE MOTION:** **Rep. DeMordaunt** made a substitute motion to recommend that the full committee hold **Docket No. 10-0103-1401**, subject to the call of the chair.

**Mr. Simila** said if the legislation passes without the supporting rule change then the historical corner record information would be lost. **Rep. Batt** responded the temporary rule process would be appropriate in this situation. **Rep. Crane** said it is the Representatives' responsibility to ensure the rules process is followed. He is concerned if they do not, future problems could occur.

**SUBSTITUTE MOTION WITHDRAWN:** **Rep. DeMordaunt** withdrew his substitute motion to recommend that the full committee hold **Docket No. 10-0103-1401**, subject to the call of the chair.

**VOTE ON ORIGINAL MOTION:** **The original motion carried by voice vote.**

**DOCKET NO. 33-0101-1401:** **Jeanne Jackson-Heim**, Executive Director of the Idaho Real Estate Commission, presented **Docket No. 33-0101-1401**, the Pending Rule to make a technical correction and delete obsolete references. She said the Commission undertook a thorough review of its administrative rules and identified a number of areas for cleanup. No substantive changes are being made. She said the first change removes a reference to nonresident and reciprocal licenses. The Commission no longer distinguishes between residents and nonresidents. The second change clarifies the number of days are "business" days. She continued that Rule 304 was deleted in its entirety because the Commission feels broker supervision requirements are adequately stated in Idaho Code. To the extent more clarification is needed, the Commission is working on a checklist for use by licensees and enforcement staff that will incorporate this information.

**MOTION:** **Rep. Batt** made a motion to recommend that the full committee approve **Docket No. 33-0101-1401**. **Motion carried by voice vote.**

**DOCKET NO. 33-0102-1401:** **Jeanne Jackson-Heim**, Executive Director of the Idaho Real Estate Commission, presented **Docket No. 33-0102-1401**, the Pending Rule to clarify the agency office hours, delete gender specific and obsolete terms that are unnecessary to the chapter, and provide for electronic service of process.

In response to a question, **Ms. Jackson-Heim** said they only use the U.S. mail option for delivery when they already have a relationship with an individual. Personal service is used for initial complaints and filings. She said they have a better response to regular mail than by certified mail. If a person is aggrieved, there is a process they can go through in which the court reviews whether they have followed the rules. Signed affidavits are part of this process to verify the mailings were sent. In response to a question about whether they have a policy in place to keep emails private, she continued they do not maintain a record of licensees' emails because individuals can request this private information in public information requests.

**MOTION:** **Rep. DeMordaunt** made a motion to recommend that the full committee approve **Docket No. 33-0102-1401. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:25 PM.

---

Representative Anderst  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE  
KAUFFMAN SUBCOMMITTEE**  
Rules  
3:30 P.M.  
Room EW41  
Wednesday, January 21, 2015

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">01-0101-1401</a>	Idaho Accountancy Rules	Kent Absec Executive Director Idaho Board of Accountancy
<a href="#">01-0101-1402</a>	Idaho Accountancy Rules	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Kauffman  
Rep.Palmer  
Rep.Thompson  
Rep.Dixon  
Rep.Smith

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: hbus@house.idaho.gov



MINUTES  
**HOUSE BUSINESS COMMITTEE**  
**KAUFFMAN SUBCOMMITTEE**  
Rules

**DATE:** Wednesday, January 21, 2015  
**TIME:** 3:30 P.M.  
**PLACE:** Room EW41  
**MEMBERS:** Chairman Kauffman, Representatives Palmer, Thompson, Dixon, Smith  
**ABSENT/  
EXCUSED:** Rep. Smith  
**GUESTS:** None

**Chairman Kauffman** called the meeting to order at 3:30 PM.

**DOCKET NO. 01-0101-1401:** **Kent Absec**, Executive Director of the Idaho Board of Accountancy, presented **Docket No. 01-0101-1401**, the Pending Rule to reflect a new extension deadline date of April 30th each year for submission of a licensee's annual Continuing Professional Education (CPE) courses taken during the calendar year and any assessed penalty. This will help licensees who ask for an extension to have them completed, processed, and approved earlier in the process to help with timely renewals of their license which run from July 1st to June 30th. The current extension deadline is May 31st. He said one of the first items the board reviews when determining a licensee's eligibility for renewal is their completion of the prior period CPE requirement. Once an extension is submitted to the Board office, staff reviews the submitted report and certificates for the courses taken to verify the licensee has met the CPE requirement for the year in question. By changing the extension deadline to an earlier date, it will help the licensees be in a better position to find and take any additional courses, resubmit the needed information and renew their license in a timely manner.

**DOCKET NO. 01-0101-1402:** **Kent Absec**, Executive Director of the Idaho Board of Accountancy, presented **Docket No. 01-0101-1402**, the Pending Rule to amend Rule 606.01 to state only firms performing any of the services set out in Rule 602 need to annually register with the Board. He said this rule will be a reflection of the practices the board currently uses and bring it in unison with those firms that must participate in a peer review program as outlined in Rules 602 and 603. This change will make it easier for stakeholders to understand that if they are a firm who provides the services in Rule 602, they must both register their firm with the Idaho State Board of Accountancy and be a participant in the Peer Review program.

**MOTION:** **Rep. Thompson** made a motion to recommend the full committee approve **Docket Nos. 01-0101-1401 and 01-0101-1402. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 3:41 PM.

---

Representative Kauffman  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE  
KAUFFMAN SUBCOMMITTEE**

Rules

8:00 A.M.

Room EW42

Thursday, January 22, 2015

Please note room assignment.

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	<b>DIVISION OF BUILDING SAFETY</b>	Steve Keys Deputy Administrator Division of Building Safety
<a href="#">07-0103-1401</a>	Rules of Electrical Licensing and Registration - General	
<a href="#">07-0107-1401</a>	Rules Governing Continuing Education Requirements	
<a href="#">07-0111-1401</a>	Rules Governing Civil Penalties	
<a href="#">07-0301-1401</a>	Rules of Building Safety	
<a href="#">07-0301-1402</a>	Rules of Building Safety	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Kauffman

Rep.Palmer

Rep.Thompson

Rep.Dixon

Rep.Smith

COMMITTEE SECRETARY

Francoise Cleveland

Room: EW58

Phone: 332-1139

email: hbus@house.idaho.gov

MINUTES  
**HOUSE BUSINESS COMMITTEE**  
**KAUFFMAN SUBCOMMITTEE**  
Rules

- DATE:** Thursday, January 22, 2015
- TIME:** 8:00 A.M.
- PLACE:** Room EW42
- MEMBERS:** Chairman Kauffman, Representatives Palmer, Thompson, Dixon, Smith
- ABSENT/  
EXCUSED:** Rep. Palmer
- GUESTS:** Steve Keys, DBS; Arlan Smith, DBS; Dan Hunter, Canyon County; Jason Blais, City of Boise; Brad Hunt, O.A.R.C.
- Chairman Kauffman** called the meeting to order at 8:02 AM.
- DOCKET NO. 07-0103-1401:** **Steve Keys**, Deputy Administrator for the Division of Building Safety, presented **Docket No. 07-0103-1401** which reflects the decision of the Idaho Electrical Board to assure all workers registering as apprentices in Idaho are actually engaged in learning the electrical trade. He said historically there has been a problem with journeymen employed by out-of-state contractors coming into Idaho for a specific project and registering as apprentices to avoid taking the Idaho exam for licensure. This proposed rule closes that loophole by requiring all applicants for apprentice registration to disclose any previous journeyman or master electrician license they may have been granted.
- MOTION:** **Rep. Smith** made a motion to recommend the full committee approve **Docket No. 07-0103-1401. Motion carried by voice vote.**
- DOCKET NO. 07-0107-1401:** **Steve Keys**, Deputy Administrator for the Division of Building Safety, presented **Docket No. 07-0107-1401** which changes the requirements of a journeyman or master electrician to have twenty-four hours of continuing education to qualify for renewal of his or her license every three years. He said currently an applicant for renewal must provide proof of having completed 16 hours of code update training, and eight hours of industry-related training. This docket changes the requirement to eight hours of code update, eight hours of code-related, and retains the current eight hours of industry-related training. The genesis of the change is recognition that 16 hours of code update training may be excessive when the new edition of the code does not contain many changes; this change would, however, allow the applicant to apply an additional eight hours of code update training as code-related.
- MOTION:** **Rep. Dixon** made a motion to recommend the full committee approve **Docket No. 07-0107-1401. Motion carried by voice vote.**
- DOCKET NO. 07-0111-1401:** **Steve Keys**, Deputy Administrator for the Division of Building Safety, presented **Docket No. 07-0111-1401** which is patterned after a previously approved rule from the plumbing board to authorize the imposition of a civil penalty should an applicant for an electrical apprentice registration fail to disclose previous licensure as a journeyman or master electrician in another jurisdiction. He said the proposal was widely vetted at board meetings without a separate negotiated rulemaking process.
- MOTION:** **Rep. Smith** made a motion to recommend the full committee approve **Docket No. 07-0111-1401. Motion carried by voice vote.**

**DOCKET NO. 07-0301-1401:** **Steve Keys**, Deputy Administrator for the Division of Building Safety, presented **Docket No. 07-0301-1401** which addresses the deterioration of air quality in homes resulting from the improvements in the sealing of building envelopes to conform to energy code requirements. He said the Building Code Board and industry participants determined mechanical ventilation should be required in all dwellings where air changes an average of less than five air changes per hour. Over the last year, extensive testing determined the average new home changes air three and a half times per hour. This docket establishes a requirement for mechanical ventilation in all dwellings where the air infiltration rate is less than five air changes per hour. As a result, virtually all new dwellings will require mechanical ventilation to assure healthy indoor air quality. He said, there is also an incidental change in the elimination of a provision limiting the exemption from permitting a fence to fences of six feet in elevation, and restoring the base code language which exempts fences up to seven feet high.

**MOTION:** **Rep. Thompson** made a motion to recommend the full committee approve **Docket No. 07-0301-1401**. **Motion carried by voice vote.**

**DOCKET NO. 07-0301-1402:** **Steve Keys**, Deputy Administrator for the Division of Building Safety, presented **Docket No. 07-0301-1402** which corrects an error made in the adoption of the requirements for lodging houses in the rule adopted last year. The current language limits the maximum guest room count at three rooms, but was intended to limit the guest rooms to a maximum of five when applying an exemption from the installation of fire sprinklers. This docket replaces a temporary rule put in place following last year's session.

**MOTION:** **Rep. Smith** made a motion to recommend the full committee approve **Docket No. 07-0301-1402**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 8:13 AM.

---

Representative Kauffman  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE  
HIXON SUBCOMMITTEE**

Rules  
1:30 P.M.

Room EW41

Tuesday, January 27, 2015

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	<b>Rules of the Bureau of Occupational Licenses</b>	Roger Hales Administrative Attorney
<a href="#">24-0201-1401</a>	Rules of the Board of Barber Examiners	
<a href="#">24-0401-1401</a>	Rules of the Idaho Board of Cosmetology	
<a href="#">24-2501-1401</a>	Rules of the Idaho Driving Businesses Licensure Board	
	<b>Rules of the Shorthand Reporters Board</b>	
<a href="#">49-0101-1401</a>	Rules of Procedure of the Idaho Certified Shorthand Reporters Board	
	<b>Rules of the Department of Finance</b>	Michael Larsen Consumer Finance Bureau Chief Dept. of Finance
<a href="#">12-0110-1401</a>	Rules Pursuant to the Idaho Residential Mortgage Practices Act	
	<b>Rules of the Department of Insurance</b>	Tom Donovan Acting Director Dept. of Insurance
<a href="#">18-0146-1401</a>	Recognition of New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities and Pure Endowment Contracts	
<a href="#">18-0153-1401</a>	Continuing Education	
<a href="#">18-0144-1401</a>	Schedule of Fees, Licenses, and Miscellaneous Charges (Fee Rule)	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Hixon  
Rep.Collins  
Rep.Monks  
Rep.Beyeler  
Rep.Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: hbus@house.idaho.gov

MINUTES  
**HOUSE BUSINESS COMMITTEE**  
**HIXON SUBCOMMITTEE**  
Rules

**DATE:** Tuesday, January 27, 2015

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Hixon, Representatives Collins, Monks, Beyeler, Jordan

**ABSENT/  
EXCUSED:** None

**GUESTS:** Susan Gambee, Shorthand Reporters; Merrillyn Cleland, Cosmetology Board; Tana Cory, Occupational Licenses; Michael Larsen, ID Dept. of Finance; Holly Cook, City of Caldwell; Tom Donovan, DOI; Tony Smith, ID Cosmetology School Owners; Tyler Porter, Idaho Assn. Mortgage Professionals; Jason Shaw, Administrative Rules

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

**DOCKET NO. 24-0201-1401:** **Roger Hales**, Administrative Attorney on behalf of the Bureau of the Occupational Licenses, presented **Docket No. 24-0201-1401**, a Pending Rule for the Board of Barber Examiners which reduces regulation, simplifies the licensing of barber shops, and clarifies the sanitation rules. He said, in Idaho, an individual must possess a license to practice as a barber and, generally, must practice in a licensed shop for sanitation reasons. There are two types of shop licenses: primary and contiguous. A primary license is for the shop owner which allows the shop's employees to work in the shop without their own shop license. A contiguous shop license is for individuals who operate their own business and lease space in the shop from its owner. They are not employees but independent contractors who need their own shop license to comply with independent contractor laws.

**Mr. Hales** said the current rules requiring a contiguous license specifically describe the location of the contiguous work space. If a licensee moves their work space to the next station, they would need a new license. This proposal allows the contiguous shop to be located anywhere within the primary shop without filing new licensing paperwork. The proposed rules also clarify the inspection and sanitary rules of the Board.

In response to questions, **Mr. Hales** said those shops with living quarters will continue to require separation by a closing door. The additional language stating a primary license will not be issued for any location that is already licensed as a primary shop should not affect the transfer of ownerships. If needed, one license can be terminated and another instated on the same day. **Mr. Hale** said **Korinne Sword** brought this issue to the Board a year ago and has worked since then to provide flexibility to those working in a primary shop.

For the record, no one indicated their desire to testify.

**MOTION:** **Rep. Collins** made a motion to recommend the full committee approve **Docket No. 24-0201-1401**.

**SUBSTITUTE MOTION:** **Rep. Monks** made a substitute motion to send **Docket No. 24-0201-1401** to the full committee without recommendation for further discussion.

**ORIGINAL MOTION WITHDRAWN:** **Rep. Collins** withdrew his original motion to recommend the full committee approve **Docket No. 24-0201-1401**.

**Mr. Hales** informed the committee that **Rep. Crane** brought this rule change to the board on behalf of his constituent.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Hixon** called for a vote on the substitute motion to send **Docket No. 24-0201-1401** to the full committee without recommendation for further discussion. **Motion carried by voice vote.**

**DOCKET NO.  
24-0401-1401:**

**Roger Hales**, Administrative Attorney on behalf of the Bureau of Occupational Licenses, presented **Docket No. 24-0401-1401**, a Pending Rule of the Idaho Board of Cosmetology which reduces regulation by simplifying the licensing of cosmetology establishments. He said, this Pending Rule is similar to the Pending Rule for the Board of Barber Examiners. The current rules require a contiguous license specifically describe the location of the contiguous work space. If a licensee moves their work space to the next station, they would need a new license. This proposal allows the contiguous shop to be located anywhere within the primary shop. He said the Board sent postcards to more than 18,000 license holders advising them of the rule changes. No opposition was received.

**MOTION:**

**Rep. Beyeler** made a motion to recommend the full committee approve **Docket No. 24-0401-1401**.

**SUBSTITUTE  
MOTION:**

**Rep. Collins** made a substitute motion to send **Docket No. 24-0401-1401** to the full committee without recommendation for further discussion.

**ORIGINAL  
MOTION  
WITHDRAWN:**

**Rep. Beyeler** withdrew his original motion to recommend the full committee approve **Docket No. 24-0401-1401**.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Hixon** called for a vote on the substitute motion to send **Docket No. 24-0401-1401** to the full committee without recommendation for further discussion. **Motion carried by voice vote.**

**DOCKET NO.  
24-2501-1401:**

**Roger Hales**, Administrative Attorney on behalf of the Bureau of Occupational Licenses, presented **Docket No. 24-2501-1401**, a Pending Rule from the Idaho Driving Businesses Licensure Board. He said current law requires an individual to obtain certain classroom instruction and behind-the-wheel training hours in an approved apprenticeship program. Last year, the Legislature passed **H 359** which allows the Board to waive the apprenticeship requirement for those applicants that have the required training and experience, and for those who hold an equivalent license in another state. He said the proposed rule implements the new law. The rule allows a waiver of the apprentice training program if an individual holds a current active unrestricted license from another state, or an individual has held an active unrestricted public driver education instructor license from the Idaho Department of Education for two years.

For the record, no one indicated their desire to testify.

**MOTION:**

**Rep. Collins** made a motion to recommend the full committee approve **Docket No. 24-2501-1401**. **Motion carried by voice vote.**

**DOCKET NO.  
49-0101-1401:**

**Roger Hales**, Administrative Attorney on behalf of the Bureau of Occupational Licenses, presented **Docket No. 49-0101-1401**, the Pending Rule from the Idaho Certified Shorthand Reporters Board which clarifies the standards of the examination, its content, and qualifications for temporary permits. He said essentially the certified short hand reporters must possess certain skills. Through this rule, the Board is trying to provide measurable objectives for those skills. In addition, it provides clarification for those who apply for a temporary permit. In response to a question, Mr. Hales said there are currently 148 licensed shorthand reporters in Idaho and another 58 eligible to renew.

**MOTION:** **Rep. Monks** made a motion to recommend the full committee approve **Docket No. 49-0101-1401. Motion carried by voice vote.**

**DOCKET NO. 12-0110-1401:** **Michael Larsen**, Consumer Finance Bureau Chief for the Department of Finance, presented **Docket No. 12-0110-1401**, the Pending Rule which would promote consistent, uniform, and familiar industry standards in the marketplace by updating references to federal laws and regulations as amended through January 1, 2015. The pending rule also updates hyperlinks to referenced laws and regulations to provide the public with instant internet access in the Idaho Administrative Code to the referenced laws and regulations. He said updating these references is a regular undertaking by the Department to ensure against inconsistencies in federal and state requirements for individuals and businesses licensed under the Idaho Residential Mortgage Practices Act. In response to a question, Mr. Larsen said negotiated rule making was not used because this was a housekeeping issue meant to mirror federal law and regulations.

**Tyler Porter**, President of the Idaho Association of Mortgage Professionals, testified in support of **Docket No. 12-0110-1401.**

For the record, no one further indicated their desire to testify.

**MOTION:** **Rep. Collins** made a motion to recommend the full committee approve **Docket No. 12-0110-1401. Motion carried by voice vote.**

**DOCKET NO. 18-0146-1401:** **Tom Donovan**, Acting Director of the Department of Insurance, presented **Docket No. 18-0146-1401.** He said this Pending Rule tracks the National Association of Insurance Commissioners model regulation, developed by actuaries representing regulators and industry representatives, which allows companies to adjust reserves over time. Generally, the rule will result in higher reserves being held by companies. He said, there has been a national effort to make the changes set forth in this model widespread. Currently, 27 states have adopted these changes; five other states in addition to Idaho have the rule pending; and, it is believed another three states will adopt it this year.

For the record, no one indicated their desire to testify.

**MOTION:** **Rep. Collins** made a motion to recommend the full committee approve **Docket No. 18-0146-1401. Motion carried by voice vote.**

**DOCKET NO. 18-0153-1401** **Tom Donovan**, Acting Director of the Department of Insurance, presented **Docket No. 18-0153-1401.** He said the first substantive change was to add a new definition for licensee to include an individual licensed as one of three categories of licenses: producer, adjuster, and public adjuster. The producer, previously and generally referred to as an agent or broker, is someone who sells, solicits or negotiates insurance. The adjuster is one who adjusts insurance claims hired by and working for the insurance carrier as an independent contractor or for fee or commission. The public adjuster is one who, for compensation, acts on behalf of an insured in first-party claims on real or personal property. This rule also applies continuing education requirements to adjusters. Language added also clarifies that courses approved in the producer's subject areas should be used by producers and vice-versa. This recognizes that the existing language allows for classes in other topics than those listed if the licensee demonstrates they contribute to professional competence.

For the record, no one indicated their desire to testify.

**MOTION:** **Rep. Beyeler** made a motion to recommend the full committee approve **Docket No. 18-0153-1401. Motion carried by voice vote.**



**DOCKET NO. 18-0144-1401:** **Tom Donovan**, Acting Director of the Department of Insurance, presented **Docket No. 18-0144-1401**, a Pending Fee Rule. He said, in addition to minor technical changes eliminating surplus language, the pending rule expressly provides that the \$500 registration fee is applicable to self-funded student plans; provides that adjusters pay the same licensure fee as public adjusters; adds public adjuster to the fee provisions concerning taking an examination for licensure and for license renewal; and, changes the fee charged for an examination of someone seeking a producer, adjuster, or public adjuster license from a flat \$60 to an amount not to exceed \$80. The fee change, which has not changed in 13 years, follows a renegotiation of the contract for examination services and the changing market and allows for greater flexibility with a not to exceed amount.

In response to a question, **Mr. Donovan** said this proposed fee increase is to recognize that things change over time and get more expensive. The companies view the \$60 fee as an artificial ceiling that is not being accurately priced. There are at least two vendors that provide this service.

**MOTION:** **Rep. Hixon** made a motion to recommend the full committee reject **Docket No. 18-0144-1401**.

**Mr. Donovan** clarified that the competitive bidding process is not used in this circumstance because the government is not actually paying the fees nor do they receive any portion thereof. Discussion continued as to the purpose of this rule identifying the amount charged for the examination fee and whether this line should be recommended to be stricken from the rules.

For the record, no one indicated their desire to testify.

**Chairman Hixon** put the committee at ease at 2:53 PM. He reconvened the meeting at 2:56 PM.

**ROLL CALL VOTE:** Roll call vote was requested. The motion to recommend the full committee reject **Docket No. 18-0144-1401 failed by a vote of 2 AYE, 2 NAY, and 1 Absent/Excused. Voting in favor of the motion: Reps. Hixon and Monks. Voting in opposition to the motion: Reps. Beyeler and Jordan. Rep. Collins was absent/excused.** The motion will be sent to the full committee with no recommendation.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 3:09 PM.

---

Representative Hixon  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Thursday, January 29, 2015**

SUBJECT	DESCRIPTION	PRESENTER
	<b>Report from the Anderst Subcommittee on Rules</b> <i>Rules of the Division of Building Safety</i>	Rep. Anderst
Docket Nos.	<a href="#">07-0204-1401</a> , <a href="#">07-0205-1401</a> , and <a href="#">07-0206-1401</a> <i>Rules of the Professional Engineers and Professional Land Surveyors</i>	
Docket Nos.	<a href="#">10-0101-1401</a> , <a href="#">10-0102-1401</a> , and <a href="#">10-0103-1401</a> <i>Rules of the Idaho Real Estate Commission</i>	
Docket Nos.	<a href="#">33-0101-1401</a> and <a href="#">33-0102-1401</a>	
	<b>Report from the Kauffman Subcommittee on Rules</b> <i>Rules of the Idaho Accountancy Rules</i>	Rep. Kauffman
Docket Nos.	<a href="#">01-0101-1401</a> and <a href="#">01-0101-1402</a> <i>Rules of the Division of Building Safety</i>	
Dockets Nos.	<a href="#">07-0103-1401</a> , <a href="#">07-0107-1401</a> , <a href="#">07-0111-1401</a> , <a href="#">07-0301-1401</a> , and <a href="#">07-0301-1402</a>	
<a href="#">RS23234</a>	Plumber Certificate of Competency	Steve Keys Deputy Administrator Division of Building Safety
<a href="#">RS23228</a>	Division of Building Safety Administrative Authority	Steve Keys Deputy Administrator Division of Building Safety

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Thursday, January 29, 2015

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** Rep. DeMordaunt

**GUESTS:** Judy Thueson; Neils Thusson, Mayor of St. Anthony; Tom Jewell, Mayor City of Island Park; John Nielsen, DBS; Steve Keys, DBS; Jeanne Jackson-Heim, Real Estate Commission; Sue Lenon, Board of Accountancy; John Eaton, Realtors; Andrew Mitzel, Realtors; Jason Shaw, Administrative Rules

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

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of January 15, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Anderst** made a motion to approve the minutes for the Anderst Subcommittee of January 21, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Kauffman** made a motion to approve the minutes for the Kauffman Subcommittee of January 21, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Kauffman** made a motion to approve the minutes for the Kauffman Subcommittee of January 22, 2015. **Motion carried by voice vote.**

**Rep. Anderst** presented to the committee the report of the Anderst Subcommittee on Rules. He stated all dockets reviewed by the committee were recommended for approval except for **Docket No. 10-0103-1401** which is being recommended for rejection.

**MOTION:** **Rep. Crane** made a motion to approve the report of the Anderst Subcommittee on Rules with the exception of **Docket No. 10-0103-1401** which will be held in committee until the time certain date of February 19th, 2015.

**Rep. Crane** said he is recommending **Docket No. 10-0103-1401** be held until the corresponding legislation is approved. The agency did not follow proper protocol in submitting this rule change. Pending rules should be issued after law changes.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**Rep. Kauffman** presented to the committee the report of the Kauffman Subcommittee on Rules. He said the entire docket of rules were recommended for approval.

**MOTION:** **Rep. Kauffman** made a motion to accept the report of the Kauffman Subcommittee on rules. **Motion carried by voice vote.**

**RS 23234:** **Steve Keys**, Deputy Administrator for the Division of Building Safety, presented to the committee **RS 23234** which makes changes to statutory provisions governing the licensing of plumbers in Idaho. It would extend the revival period for renewing an expired certificate of competency from one year to two years. This doubles the time a licensee has to reinstate an expired certificate of competency without requiring the individual to retake the examination. The proposal would also establish an inactive status for contractor licenses, allowing a contractor not currently actively engaging in business to keep his license in place without maintaining the required license bond. He said, the proposal establishes a provision for a temporary plumbing contractor license that would only apply in the event a licensed plumbing contractor should die or become incapacitated. It would allow a licensed journeyman to act in a limited capacity to wind down business operations and complete existing projects. This is intended to mitigate the drastic impact on surviving family members and customers of the plumbing business when unforeseen tragedy strikes.

**MOTION:** **Rep. Rusche** made a motion to introduce **RS 23234**. **Motion carried by voice vote.**

**RS 23228:** **Steve Keys**, Deputy Administrator for the Division of Building Safety, presented to the committee **RS 23228**, which clarifies that the authority of the administrator extends to entering into agreements with vendors and contractors while also stipulating that the administrator has the authority to make expenditures and purchase goods and services in accordance with the normal governing provisions in Idaho Code. These changes were suggested by legal counsel in the course of the consideration of entering into a cooperative permitting initiative with an outside vendor.

In response to a question, **Mr. Keys** said a division of Home Depot was considering putting into effect a nationwide permitting network. The Division of Building Safety was approached to be a charter member. Legal counsel suggested they should have specific authority before entering into this agreement where in the past it has been inferred.

**MOTION:** **Rep. Thompson** made a motion to introduce **RS 23228**. **Motion carried by voice vote.**

**Rep. Rusche** asked **Mr. Keys** to be prepared to discuss how this legislation is needed in Idaho, how it will not disadvantage the local lumber yards and hardware stores, and how it follows the Purchasing Act.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:46 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Tuesday, February 03, 2015**

SUBJECT	DESCRIPTION	PRESENTER
	<b>Report of the Hixon Subcommittee on Rules</b> <i>Rules of the Bureau of Occupational Licenses</i>	Rep. Hixon
Docket Nos.	<a href="#">24-0201-1401</a> , <a href="#">24-0401-1401</a> , and <a href="#">24-2501-1401</a> <i>Rules of the Shorthand Reporters Board</i>	
Docket No.	<a href="#">49-0101-1401</a> <i>Rules of the Department of Finance</i>	
Docket No.	<a href="#">12-0110-1401</a> <i>Rules of the Department of Insurance</i>	
Docket Nos.	<a href="#">18-0146-1401</a> , <a href="#">18-0153-1401</a> , and <a href="#">18-0144-1401</a>	
<a href="#">RS23236</a>	Cosmetology Practice	Roger Hales Administrative Attorney
<a href="#">RS23227</a>	Professional Geologist Examinations	Roger Hales Administrative Attorney

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Tuesday, February 03, 2015

**TIME:** 1:30 PM

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** None

**GUESTS:** Marilyn Cleland, Cosmetology Board; Tana Cory, Occupational Licenses; Tom Donovan, DOI; Woody Richards, Insurance Companies; Angela Richards, Insurance Companies; Kristyn Kirschenman, Governor's Office

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

**MOTION:** **Rep. Hixon** made a motion to approve the minutes of the Hixon Subcommittee on Rules meeting of January 27, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of January 29, 2015. **Motion carried by voice vote.**

**Rep. Hixon** presented to the committee the report of the Hixon Subcommittee on Rules which looked at the dockets from the Bureau of Occupational Licenses, the Department of Finance, and the Department of Insurance. He said the subcommittee recommended approval of all but three dockets. He declared a Rule 38 stating he is a licensed insurance agent in the State of Idaho.

**MOTION:** **Rep. Hixon** made a motion to approve **Docket Numbers 24-2501-1401, 49-0101-1401, 12-0110-1401, 18-0146-1401, and 18-0153-1401.** **Motion carried by voice vote.**

**RS 23236:** **Roger Hales**, Administrative Attorney on behalf of the Bureau of Occupational Licenses, presented **RS 23236** to the committee which is intended to clarify and streamline the current statutory approach governing demonstration permits. He said due to sanitary concerns Idaho Code governs certain practice outside licensed establishments for the practice, demonstration, or teaching of cosmetology. An individual or school must file an application and then wait for the issuance of a permit. Occasionally, the Board must meet and approve the requested permit. He said the statute is not clear regarding the requirements or events allowed and does not address common events outside of a licensed establishment, such as weddings.

**Mr. Hales** said this proposal identifies certain practices where a licensee can demonstrate or teach outside of the shop. It will eliminate the permit requirement and, instead, provide for a registration. This way the applicant would not have to wait for a permit and will allow charitable and traditional events outside of a licensed shop. This proposal will allow the board to adopt rules concerning the practices of students or apprentices.

**MOTION:** **Rep. Rusche** made a motion to introduce **RS 23236.**

Concern was expressed as to whether there would be violations if a location was changed at the last minute or if a thank you gift would be considered compensation. Further concern was expressed as to the necessity of the registration or permitting process in general because the licensees are trained in their practice. **Mr. Hales** responded, saying licenses are required in part due to sanitation concerns and, to his knowledge, the rules for licensing are consistent throughout the United States.

**SUBSTITUTE MOTION:**

**Rep. Crane** made a substitute motion to return **RS 23236** to the sponsor.

In response to a question regarding whether fees would be attached in the future to the registration process, **Mr. Hales** said there used to be a fee associated with the permit but this fee has since been eliminated. He does not believe the Board has any intention of reinstating this fee. He also concluded the concerns addressed by the committee could be cleared up by rule.

**VOTE ON SUBSTITUTE MOTION:**

**Chairman Barbieri** called for a vote on the substitute motion to return **RS 23236** to the sponsor. A division was requested. **By a show of hands, the motion failed.**

**VOTE ON ORIGINAL MOTION:**

**Chairman Barbieri** called for a vote on the original motion to introduce **RS 23236**. **Motion carried by voice vote. Reps. Hixon and Crane** requested to be recorded as voting **NAY**.

**RS 23227:**

**Roger Hales**, Administrative Attorney on behalf of the Bureau of Occupational Licenses, presented to the committee **RS 23227** which will allow the Idaho Board of Registration for Professional Geologists to clarify by rule its examination process. He said this proposed legislation would make changes allowing a geology student to take one of the two required examinations while still in college. Currently, an individual is not qualified to take the examinations until they have obtained their degree. It will allow the Board to designate by rule the approved examination, an applicant's passing score, and an applicant's eligibility to take the examinations. The student can take the first exam which relates to the subjects they took in school. The second exam relates to the professional practice. Students cannot take this exam until more experience is gained.

**MOTION:**

**Rep. Rusche** made a motion to introduce **RS 23227**. **Motion carried by voice vote.**

**DOCKET NO. 24-0201-1401:**

**Rep. Hixon** explained that the Hixon Subcommittee on Rules forwarded the Board of Barber Examiners Pending Rule, **Docket No. 24-0201-1401**, to the full committee without recommendation. He said the subcommittee had concerns and felt the full committee should look at this rule closer. He invited **Roger Hales** to come before the committee and explain the rule.

**Roger Hales**, Administrative Attorney on behalf of the Bureau of Occupational Licenses, offered background and context on **Docket No. 24-0201-1401**. He said the Board of Barber Examiners and the Board of Cosmetology made this rule and **Docket No. 24-0401-1401** to accomplish the same goal of making things more simple and flexible in licensing a contiguous shop. A barber must have a license and must, with few exceptions, practice within a licensed shop. He said there are two types of shop licenses: primary and contiguous. A primary shop license allows all the employees of that shop to work without their own primary license. A contiguous license is required by laws governing independent contractor relationships. For the contiguous shop license each work space's location has to be designated and, if moved, new paperwork had to be filed. This is the barber's approach for streamlining the licensing of contiguous shops, now the licensee only needs to identify where the contiguous shop is located and the primary address of the shop can be used. He said **Rep. Crane** brought this to the Bureau's and Boards' attention indicating the rule was burdensome and difficult.

**Mr. Hales** said there was an additional concern from the subcommittee dealing with the requirement of a substantial partial partition of not less than seven feet for establishments that have a business in addition to a barber or cosmetology shop. Previously a solid or unmovable wall needed to be in place. He continued that this language is consistent with the cosmetology rules so if a barber and cosmetologist is working in the same place they would be working under the same rules. He said there also were minor changes in regard to sanitary practices and service animals.

**MOTION:** **Rep. Hixon** made a motion to approve **Docket No. 24-0201-1401**. **Motion carried by voice vote.**

**DOCKET NO. 24-0401-1401:** **Roger Hales**, Administrative Attorney on behalf of the Bureau of Occupational Licenses, explained that **Docket No. 24-0401-1401**, a Pending Rule for the Board of Cosmetology, is very similar to the one from the Board of Barber Examiners as it simplifies and makes more flexible the licensing by allowing the contiguous shop to be located anywhere within the primary shop without filing new licensing paperwork.

**MOTION:** **Rep. Hixon** made a motion to approve **Docket No. 24-0401-1401**.

**Rep. Crane** complimented the Board, saying they did a fantastic job reaching out to his constituents and coming up with a reasonable solution to the problem presented.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**DOCKET NO. 18-0144-1401:** **Rep. Hixon** explained the Hixon Subcommittee on Rules had concerns regarding the Department of Insurance Pending Fee Rule and asked the full committee to review the docket.

**Tom Donovan**, Acting Director for the Department of Insurance, said the focus of the concern was the language change to allow flexibility in a fee charge for an examination from \$60 to "not to exceed eighty dollars." He said the \$60 fee has been in place at least 22 years. The fee for the examinations are collected and retained by a third party vendor. He said there was discussion regarding eliminating the fee language entirely; however, he believes this would take away the oversight and confidence the Department of Insurance has with the test. He said the increase in the fees allows the Department of Insurance the flexibility to contract with vendors who could provide better customer service.

**MOTION:** **Rep. Hixon** made a motion to reject **Docket No. 18-0144-1401**.

**Rep. Hixon** indicated this fee increase can be requested in the future if a need is more apparent. In response to a question, **Mr. Donovan** said that the addition of public adjustors to the rule and the striking of employee from the rule was made due to a recent statutory change. **Rep. Batt** expressed concern over the post secondary educational institutions and the self-funded health plans language.

**SUBSTITUTE MOTION:** **Rep. Clow** made a substitute motion to approve **Docket No. 18-0144-1401**.

In support of this motion, **Rep. Clow** said he supported this fee rule change because he believed this fee increase was not extraordinary and it allowed for the vendor to provide better customer service. In response to why this Fee Rule change was needed now, **Mr. Donovan** said in general he would not recommend Temporary Fee Rules; therefore, because of the length of the rule process, the problem was identified and they have taken steps to solve it now. Plus they had the staff and resources to take care of it this year. Concern was voiced that by increasing the ceiling to \$80, the fee would most likely be increased to the applicant.

**Woody Richards**, on behalf of the insurance companies he represents, testified in support of **Docket No. 18-0144-1401**.



**AMENDED  
SUBSTITUTE  
MOTION:**

**Rep. Beyeler** made an amended substitute motion to reject **Section 030.02.a** from **Docket No. 18-0144-1401**.

**AMENDED  
SUBSTITUTE  
MOTION  
WITHDRAWN:**

**Rep. Beyeler** withdrew his amended substitute motion.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Barbieri** called for a vote on the substitute motion to approve **Docket No. 18-0144-1401**. A division was requested. **By a show of hands, the motion failed.**

**VOTE ON  
ORIGINAL  
MOTION:**

**Chairman Barbieri** called for a vote on the original motion to reject **Docket No. 18-0144-1401**. A division was requested. **By a show of hands, the motion carried.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:58 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 P.M.  
Room EW41  
Thursday, February 05, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS23404</a>	Liquefied Petroleum Gas Containers	Rep. Shepherd
<a href="#">RS23265C1</a>	Amendments to the Uniform Fraudulent Transfer Act	Mike Brassey, Uniform Law Commissioner

COMMITTEE MEMBERS

Chairman Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Thursday, February 05, 2015  
**TIME:** 1:30 P.M.  
**PLACE:** Room EW41  
**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan  
**ABSENT/  
EXCUSED:** Representative(s) Thompson, DeMordaunt, Dixon, Rusche  
**GUESTS:** Mike Brassey, Uniform Law Commission  
**Chairman Barbieri** called the meeting to order at 1:30 PM.  
**RS 23404:** **Rep. Shepherd** presented to the committee **RS 23404** which would stop the filling of propane tanks by a company other than the one from which the tank is rented. He said propane companies should not be allowed to fill tanks owned by another propane company; however, propane tanks owned by the customer can be filled by any company the customer chooses. He continued by saying his law would benefit the public, propane companies, and insurance companies.  
**MOTION:** **Rep. Kauffman** made a motion to introduce **RS 23404**. **The motion carried by voice vote.**  
**RS 23265C1:** **Mike Brassey**, Uniform Law Commissioner, presented to the committee **RS 23265C1** which involves amendments to the Uniform Fraudulent Transfer Act. The act codifies a doctrine that has historically been known as the law of fraudulent conveyance. This proposed legislation deals with actions by a debtor to hinder, delay, or defraud a creditor, and the ability for creditors to regain assets that have been wrongly transferred to another party.  
**MOTION:** **Rep. Collins** made a motion to introduce **RS 23265C1**. **Motion carried by voice vote.**  
**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:37 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 P.M.  
Room EW41  
Monday, February 09, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS23246</a>	Idaho Bank Act Amendment	Gavin Gee Director Department of Finance  Mary Hughes Financial Institutions Bureau Chief Department of Finance
<a href="#">H 60</a>	Division of Building Safety Authority	Steve Keys Deputy Administrator Division of Building Safety
<a href="#">H 59</a>	Plumber Certificate of Competency	Steve Keys

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: hbus@house.idaho.gov

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Monday, February 09, 2015

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** None

**GUESTS:** Gavin Gee, Idaho Dept. of Finance; May Hughes, Idaho Dept. of Finance; Brad Bergquist, Idaho Dept. of Finance; Mike Brassey, IFSA; Steve Keys, DBS; John Nielsen, DBS, Joseph B. Jones, Dept. of Finance/AG

**Chairman Barbieri** called the meeting to order at 1:29 PM.

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of February 3, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of February 5, 2015. **Motion carried by voice vote.**

**H 60:** **Chairman Barbieri** announced **H 60** has been withdrawn by the sponsor.

**RS 23246:** **Gavin Gee**, Director of Finance, presented to the committee **RS 23246** which amends the Idaho Bank Act. He said this proposed legislation fulfills two principal needs: to provide regulatory relief for Idaho community bankers that are chartered by the state, and to adhere to national accreditation program standards for state banking departments such as the Department of Finance. He said there is a concern regarding a trend within the industry with significant consolidation among community banks. Last year, there were four Idaho community banks involved in merger activity, and, nationally, the number of community banks decreased from 14,000 banks in the mid 1980's to less than 6,000 banks around the country today. Regulatory burden is often cited as the cause for this consolidation. Although federal regulation is the cause for a number of the concerns, there were several regulations at the state level identified to help address the problem. This bill also adheres to national accreditation standards for state banking departments patterned after university accreditation.

**Mary Hughes**, Financial Institutions Bureau Chief from the Department of Finance, said the proposed legislation will eliminate the requirement for banks to file stock transfer reports with the Department. It will change the requirements so approval is needed for a transfer where the person acquiring stock will own or control 10% or more of the banks stock. It will eliminate the requirement that banks hold shareholder meetings only in certain months and instead hold them according to their own bylaws. It will require banks to notify the department before establishing a loan production office in Idaho.

**Ms. Hughes** continued, the proposed legislation will allow banks to determine the market value of foreclosed property by evaluation instead of appraisal when a bank's investment in the property is less than \$250,000. It authorizes the Department of Finance to issue orders directly to a bank or affected person requiring removal of a director, officer, or employee, prohibit employment of removed persons by any bank supervised by the Department, and impose greater civil money penalties. It would authorize the Director to determine whether the use of "bank" in a corporate name is misleading and deceptive so as to cause harm to the public, and, lastly, will revise interstate branching provisions to be consistent with federal law.

**MOTION:** **Rep. Hixon** made a motion to introduce **RS 23246**.

In response to a question, **Ms. Hughes** said property evaluations are less expensive than an appraisal. There is extensive federal guidance in these evaluations which need to be followed and is standard in the industry.

**VOTE ON MOTION:** **Chairman Barbieri** called for a vote on the motion to introduce **RS 23246**. **Motion carried by voice**. **Rep. Palmer** requested he be recorded as voting **NAY**.

**H 59:** **Steve Keys**, Deputy Administrator of the Division of Building Safety, presented **H 59** which makes three changes to statutory provisions governing the licensing of plumbers in Idaho. He said the first change would extend the time allowed for an individual to revive his certificate of competency from one year to two years after the expiration of his certificate. The intent is to allow more tradespeople with expired licenses to avoid retaking an examination in order to reinstate their license. The other two provisions apply to plumbing contractor licenses. Plumbing contractors are individuals, like master electricians, who are employed by, or own plumbing businesses. The business is required to have the plumbing contractor's license attached to their business in order for the business to legally engage in plumbing contracting. The plumbing business itself is not licensed by the Division of Building Safety.

**Mr. Keys** said, this bill would establish an inactive status for contractor licenses, allowing a plumbing contractor whose license is not attached to a plumbing business to keep his certificate of competency in an inactive status without maintaining the \$2,000 code compliance bond that is currently required of all plumbing contractors. The legislation also provides for a temporary plumbing contractor license that would only apply in the event a licensed plumbing contractor dies or becomes incapacitated. It would allow a licensed journeyman to act in a limited capacity to wind down business operations and complete existing projects.

**MOTION:** **Rep. DeMordaunt** made a motion to send **H 59** to the floor with a DO PASS recommendation. **Motion carried by voice vote**. **Rep. Hixon** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:58 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

**AMENDED AGENDA #1**  
**HOUSE BUSINESS COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Wednesday, February 11, 2015**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS23432</u></a>	Idaho Elevator Safety Code Act	Phil Hardy VP of Govt Relations Strategies 360
<a href="#"><u>RS23283</u></a>	Updating Boards and Collection of Attorney Fees	Maurie Ellsworth Legal Counsel Bureau of Occupational Licenses
<a href="#"><u>RS23247</u></a>	Clarification of License Procedures	Maurie Ellsworth
<a href="#"><u>RS23570</u></a>	Underground Facilities Damage Prevention	Ron Law Idaho Damage Prevention Coalition  Neil Colwell Avista Corporation
<a href="#"><u>RS23573C1</u></a>	Open Public Bidding Protection for Construction Managers and General Contractors	Kate McCaslin Associated Builders and Contractors, IPC
<a href="#"><u>RS23587</u></a>	Title Insurance	Lyn Darrington Gallatin Public Affairs

COMMITTEE MEMBERS

Chairman Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Wednesday, February 11, 2015

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** None

**GUESTS:** Ron Law, IDPC; Neil Colwell, Avista Corporation; Andrew Mitzel, Realtors; Maurice Ellsworth, Bureau of Occupational Licenses; Tana Cory; Kate McCaslin, ABC; Jane Wittmeyer, ABC; Matt Newton, ABC; Marty Durand, Idaho Building Trades; JR Finlay, IBCTC; Robert Pilote, Idaho Contractors Board; Kelly Pearce, DBS; Bill Hatch, DBS; Tyler Mallard, IBCA; John Eaton, Realtors; Mark Zaleski, IBEW L.U. 291; Benny Antunes, IBEW L.U. 291; Heidi Brough-Nye, RCAL Board

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

**RS 23432:** **Phil Hardy**, Vice President of Government Relations with Strategies 360 and representing National Elevator Industry, Inc., presented to the committee **RS 23432**. He said the provisions for the licenses associated with installation and maintenance of elevators are not found in the Idaho Elevator Safety Code Act of 2004 but in the electrical code rules. He explained that while elevators are powered by electricity, they are increasingly sophisticated, computerized-mechanical, mostly hydraulic devices requiring very special and unique skills in order to install and maintain them. This legislation, if enacted, would move and define the requirements for obtaining and holding the licenses to work in this field from electrical code rules and place them in the Idaho Elevator Safety Code Act.

**MOTION:** **Rep. Anderst** made a motion to introduce **RS 23432**. **Motion carried by voice vote.**

**RS 23283:** **Maurice Ellsworth**, Legal Counsel for the Bureau of Occupational Licenses, presented to the committee **RS 23283**. He said the proposed legislation updates the list of boards and commissions which whom the Bureau contracts. It also clarifies the authority of the Boards and Commissions so they can assess and collect attorney fees incurred from a licensee or registrant who is found to have violated their laws or rules. This is in response to a Supreme Court decision that held the Bureau's statute must specifically authorize the collection of attorney fees. He explained that every board served by the Bureau is self-supporting; no general tax dollars are received into the Bureau's dedicated funds. If a Board is unable to recoup the costs and fees from violators, the only alternative is to raise fees from all licensees and registrants.

In a response to a question, **Mr. Ellsworth** said there is no cap to the fee. If the individual has an objection to the cost, a hearing can be requested.

**MOTION:** **Rep. Beyeler** made a motion to introduce **RS 23283**.

In response to a question, **Mr. Ellsworth** said there is no provision to distinguish an unintentional or good-faith violation of the law. Because the Boards are made up of practitioners of the profession, the intent is for sensitivity to those who work in the profession.



**VOTE ON  
MOTION:**

**Motion carried by voice vote.**

**RS 23247:**

**Maurice Ellsworth**, Legal Counsel for the Bureau of Occupational Licenses, presented to the committee **RS 23247**. He said this proposed legislation would repeal Section 2614 which outlines the procedure for renewal, reinstatement and re-licensure of reregistration by individuals or entities licensed or registered by Boards and Commissions served by the Bureau. He said, because of the extensive rewrite of the section, Legislative Services recommended a new section be written.

**Mr. Ellsworth** continued by saying the changes are mostly organizational, making it easier for all to understand and apply. In addition, it eliminates the current statute's requirement that all past annual fees be paid for the period the license or registration was expired, before it can be reinstated. Instead, the subsection raises the reinstatement fee to \$35. He said, in addition, Subsection 7 provides for re-licensure or reregistration by someone whose license or registration has been expired for more than five years by allowing the Board or Commission, instead of the Bureau, to review the individual situation to determine what is required to assure current competency to practice.

In response to a question, **Mr. Ellsworth** said reinstating a license as opposed to applying for a new license is usually cheaper due to higher fees for new applications.

Concern was expressed by several Representatives as to the added language regarding attorney fees.

**MOTION:**

**Rep. Batt** made a motion to introduce **RS 23247**. **Motion carried by voice vote.**

**RS 23570:**

**Ron Law**, of the Idaho Damage Prevention Coalition, presented to the committee **RS 23570** which improves public health and safety, and reduce damages associated with digging near underground facilities by the creation of a system of self-regulation and education through a Damage Prevention Board housed under the Division of Building Safety.

**Mr. Law** said although resources and effort have been expended to prevent damages to underground facilities, damages keep occurring at an alarming rate. He accounted, according to federal government's statistics, Idaho's damage rate is twice that of the national average and higher than any surrounding states. As a result, three years ago, it was decided a concerted effort driven by stakeholders was needed to significantly reduce the number of damages occurring. The resulting stakeholder group included more than 45 organizations and focused on ways to improve the Dig Law to make it a better, more effective damage prevention tool. He said the main goal for this legislation is for all diggers to call to get their underground facilities located and marked before they initiate digging. This service is free to the caller.

In response to a question, **Mr. Law** said the new legislation would require mandatory reporting of damages so the Board can determine if their efforts are making a difference. The numbers they are currently working with are calculations based from reports to the federal government and the Idaho Public Utilities Commission from the gas companies.

In response to questions, **Neil Colwell**, Avista Cooperation, reiterated the importance for the mandatory data reporting to guide the board's educational efforts with the general public and the excavator community. He continued, the language would change the legislative intent from an ineffective system of compliance that was court driven with civil penalties, to one of self-regulation and education. It also defines the stakeholders who share in this self-regulation. He said any fines issued could only be used for education and outreach. Because a violation of the Dig Law can also be a violation of a licensing provision, a corresponding Board may be notified. This legislation does allow for rule making authority and is based off of similar models in Oregon and Washington.

**Mr. Colwell** further responded that a per-call fee to the underground facilities owners, established by the board and promulgated by rule, would be deposited in the Damage Board Fund. A federal grant will be applied to establish the board. He said, the way the legislation is currently written there is no provision for a public member to be on the board. He remarked that instead of being fined, the emphasis for homeowners would be education.

**MOTION:** **Rep. Thompson** made a motion to introduce **RS 23570**. **Motion carried by voice vote.**

**RS 23587:** **Chairman Barbieri** announced **RS 23587** was withdrawn by the sponsor.

**RS 23573C1:** **Kate McCaslin**, President of the Associated Builders and Contractors, IPC, presented to the committee **RS 23573C1** which gives guidance to public owners regarding the use of the construction manager/general contractors (CM/GC) contracting method. It provides safeguards to ensure taxpayers are protected from unscrupulous contractors who may use the CM/GC method to their own advantage. It also provides subcontractors protections to ensure they have fair opportunities to participate on Idaho public works projects.

**Ms. McCaslin** said, in construction management, a public owner selects and hires an expert consultant who guides them every step of the way during the process. Until last year, Idaho's construction management was restricted to only consulting and had to abide by all of Idaho's other public bidding statutes. Last year, an amendment was approved so the CM/GC method could be used, meaning that once project design progresses, the contract could be rolled into general contractor work so the construction manager now can self-perform work for the owner as well as serve their own interests. She emphasized her association's support of alternative construction delivery methods, provided important protections are embedded to protect the public owner and other players, such as subcontractors and suppliers. She believes the statute as passed does not adequately address these issues.

**MOTION:** **Rep. Troy** made a motion to introduce **RS 23573C1**.

**Rep. Crane** invoked Rule 38 stating a possible conflict of interest because the company he is employed with is a member of the organization bringing this proposed legislation to the committee.

**VOTE ON MOTION:** **Chairman Barbieri** called for a vote on the motion to introduce **RS 23573C1**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:52 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

**AMENDED AGENDA #1**  
**HOUSE BUSINESS COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Tuesday, February 17, 2015**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 30</u></a>	Shorthand Reporters	Roger Hales, Administrative Attorney
<a href="#"><u>H 81</u></a>	Professional Geologist Examinations	Roger Hales

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Tuesday, February 17, 2015

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** Representative(s) Anderst, Beyeler

**GUESTS:** Dale G. Osterman, Idaho Geology Board; Kristyn Kirschenman, Governor's Office

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

**H 30:** **Roger Hales**, Administrative Attorney for the Idaho Bureau of Occupational Licenses, presented to the committee **H 30**. He said this legislation accomplishes the following: clarifies the temporary permit expiration, updates the name of the association, eliminates a fee, and clarifies the examination. In response to a question, Mr. Hales said the elimination of the deadline for examinations allows the board flexibility in extenuating circumstances. He said these boards are reasonable in their approach and want to work with their applicants. Currently, the board gives two well-established examinations per year.

**MOTION:** **Rep. Collins** made a motion to send **H 30** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dixon** will sponsor the bill on the floor.

**H 81:** **Roger Hales**, Administrative Attorney for the Idaho Bureau of Occupational Licenses, presented to the committee **H 81** which allows the Idaho Board of Registration for Professional Geologists to clarify by rule the examination process and will allow the geology students take one of the two examinations required for licensure while still in college. He said the second examination would be taken after gaining practical experience.

In response to a question, **Dale Osterman**, Chair of the Idaho Board of Registration for Professional Geologists, said the purpose of the legislation is to allow college seniors to take the fundamentals exam. Applicants will still need to get the professional experience required before they can take the professional examination. The total amount of experience required is seven years which can include college and graduate school. The only change is to allow by rule the timing of when the first examination can be taken.

**MOTION:** **Rep. Kauffman** made a motion to send **H 81** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:53 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 P.M.  
Room EW41  
Thursday, February 19, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 92</a>	Amendments to the Uniform Fraudulent Transfer Act	Mike Brassey Uniform Law Commissioner
<a href="#">H 99</a>	Idaho Bank Act Amendment	Gavin Gee Director Department of Finance  Mary Hughes Financial Institutions Bureau Chief Department of Finance

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Thursday, February 19, 2015

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** None

**GUESTS:** Gavin Gee, Idaho Department of Finance; Mike Brassey, Uniform Law Commissioner; Mary Hughes, Idaho Department of Finance; Bradley Bergquist, Idaho Department of Finance; Joseph Jones, Idaho Department of Finance/AG; Trent Wright, Idaho Bankers Association; Dawn Justice, Idaho Bankers Association

**Chairman Barbieri** called the meeting to order at 1:32 PM.

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of February 9, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of February 11, 2015. **Motion carried by voice vote.**

**Chairman Barbieri** recognized House Page **Phaeren Roby** for her commendable work for the committee.

**UNANIMOUS  
CONSENT  
REQUEST:** **Chairman Barbieri** made a unanimous consent request to hold **Docket No. 10-0103-1401** at the call of the chair. There being no objection, the request was granted.

**H 92:** **Mike Brassey**, Uniform Law Commissioner, presented to the committee **H 92**. He said the legislation creates a Uniform Law with the same policies the state has had since territorial time. Specifically, it puts limits on the ability of the debtor to hide assets from creditors. This legislation includes a series of technical changes. It brings the definitions in statute up to current standards in Uniform Law. It creates a choice of law provision to identify which state's law will be applied in a court action where assets have been transferred across multiple states. It makes changes, so in order to void a transaction, the burden of proof is by a preponderance of the evidence. It clarifies defenses, like good faith and value, and deletes insolvency of partnerships. This legislation will also change the name of the law and provide for electronic communications.

**MOTION:** **Rep. Clow** made a motion to send **H 92** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Clow** will sponsor the bill on the floor.

**H 99:** **Gavin Gee**, Director of the Department of Finance, presented to the committee **H 99** which contains amendments to the Idaho Bank Act. He said, in order to protect the \$11.5 trillion in U.S. depositor's money, the banking industry is one of the most heavily regulated industries in the United States . In Idaho, that protection includes approximately \$21 billion in bank deposits. The theme of bank regulation is focused on safe and sound banks. Since 2008, the banking industry has been under significant stress resulting in nearly 500 bank failures nationally, and two in Idaho. During this period, bank regulators worked to rescue more than half of the troubled community banks in Idaho. Today, no Idaho-based banks are under formal regulatory enforcement actions.

**Mr. Gee** said this country has a unique regulatory structure where banks can choose to operate with a state or federal charter. State bank regulators must compete for charters with the much-larger, better-funded, and more-powerful federal chartering agencies. Therefore, they must be reasonable in regulatory approach and actions taken because a healthy bank can change charters and leave the state system.

**Mr. Gee** said this bill provides regulatory burden relief for community banks at the state level which will result in cost savings. It will also comply with national accreditation program standards for state banking departments. To comply with accreditation requirements, the state banking department must update their state law to conform with federal requirements, federal changes, and enforcement authority to match other high national standards. All the additional regulatory authority, due to accreditation standards, granted to the state banking department in this bill already exists at the federal level and in most other states.

**Mary Hughes**, Financial Institutions Bureau Chief from the Department of Finance, reviewed the bill section-by-section. In response to questions, she said the difference between the state charter and federal charters are who issues the charters and who regulates them. There are advantages to both. She said much of the authority given in this legislation already exists; they are trying to consolidate and comply with federal law. The Administrative Procedures Act provides a redress avenue for aggrieved parties.

Concern was expressed by members of the committee regarding the lack of a dollar cap on fees levied. Further concern was expressed over verbiage in the bill whether there was contradictory language regarding the ability to solicit loans.

**MOTION:** **Rep. Clow** made a motion to send **H 99** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Batt** made a substitute motion to **HOLD H 99** in the committee to at the call of the chair. **Motion carried by voice vote. Reps. Beyeler, Smith, Rusche, Kauffman, and Jordan** requested to be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:45 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary



AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 P.M.  
Room EW41  
Monday, February 23, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 93</u></a>	Liquefied Petroleum Gas Containers	Baron Glassgow Executive Director Rocky Mountain Propane Association
<a href="#"><u>H 116</u></a>	Updating Boards and Collection of Attorney Fees	Maurice Ellsworth Legal Counsel Bureau of Occupational Licenses
<a href="#"><u>H 117</u></a>	Clarification of License Procedures	Maurice Ellsworth

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: hbus@house.idaho.gov

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Monday, February 23, 2015

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

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

**GUESTS:** JT Hill, Fall River Propane; Jim Carlson, Ed Staub and Sons; D. Brett Dennis, Suburban Propane; Baron Glassgow, Rocky Mountain Propane Association; Mike Dayton, Double H Gas; Heidi Brough Nye, Residential Care Administrator Board; Rick Evans, Seven Devils Propane; Robert Grill, Board of Optometry; Barb Sterling, Counselor Board; Steven Turney, Board of Architects; Jim Thomas, Board of Landscape Architects; Dale G. Osterman, Geology Board; Maurice Ellsworth, Idaho Bureau of Occupational Licenses; Rob Pilote, Idaho Contractors Board; Tyler Mallard, IBCA; Shelley Roberts, Idaho Rural Water Association; Dennis Bell, Board of Speech and Hearing Services; Joan Cloonan, Board of Social Work Examiners and Board of Drinking Water & Wastewater Professionals; Piper Field, Board of Professional Counselors and Marriage and Family Therapists; Robert Payne, IBOL Social Work Examiners; Paula Wiens, IBOL-Midwifery; Barry Burnell, IBOL- Drinking Water and Wastewater Professional Board; Kris Ellis, Idaho Midwifery Council

**Chairman Barbieri** called the meeting to order at 1:32 PM.

**H 93:** **Baron Glassgow**, Executive Director of the Rocky Mountain Propane Association, presented to the committee **H 93**. He said for more than 100 years, propane has been a consistent, reliable and affordable source of energy in our country. During that time, propane has become a primary energy source to heat homes in rural areas. Propane companies service every county in Idaho; and, nearly 31,000 households in Idaho use propane as their primary source of heat.

**Mr. Glassgow** said this legislation restricts the filling of an LP-gas (propane) storage tank, or container, to its owner or someone with the owner's authorization. He said the industry's safety experience has clearly demonstrated the need to restrict who can fill a tank. Safety requires more than just specifying that a person be qualified or trained to fill a container.

**Mr. Glassgow** said the container is an integral part of a pressurized fuel system. He said if it is filled improperly, becomes damaged because of the filler's negligence, or is filled with contaminated gas, an accident could occur, resulting in property damage and personal injury. There may be times when, for safety reasons, a tank should not be filled. The owner of the tank clearly would have an incentive to repair the system before filling the tank. This is not so of a supplier, who would have a disincentive to report an unsafe condition since it might mean the loss of a sale. A small company without an investment in tanks and no commitment to service may not have sufficient incentive to carry insurance, be adequately funded, or have an incentive to take precautions before filling a tank. He said container laws like this have been adopted in 30 states.

In response to questions, **Mr. Glassgow** explained there are several propane companies in each market across the state. The Boise market alone has eight different propane companies that service the area. He said typically only a phone call from the customer is required for a customer to be released from a lease agreement. He responded there is no documentation indicating the scope of the problem in regard to safety concerns in Idaho.

**MOTION:** **Rep. Smith** made a motion to send **H 93** to the floor with a **DO PASS** recommendation.

Discussion continued as to whether a breach of the lease agreement would be adequately covered by contract law. **Mr. Glassgow** responded, with this law, the violation would be against the other company not the consumer. The point is to deter the other company from this practice. The lease agreement is between the propane tank owner and the customer. In response to a question whether he would be in favor of capping the penalty, Mr. Glassgow said he would as long as it was a significant enough deterrent to discourage this type of practice.

**Mike Dayton**, Double H Gas, testified **in support** of the **H 93**. He said this legislation would ensure personal safety of the customers as well as their personal property. It will also insure the financial security of the companies that operate ethically and within the guidelines of industry standards. He pointed out there are no rules and regulations in place to protect a company's container which is the center of the propane company's business.

In response to questions, **Mr. Dayton** said there are only verbal agreements between companies not to fill someone else's containers. Because of this, there is no way to enforce this agreement.

**Rick Evans**, Seven Devils Propane, testified **in support** of **H 93**. He said the gas check form used by legitimate propane companies is required by all insurance companies. Accidents happen when rogue propane companies fail to check the entire system. They want to make a quick sale, not establish a long-term relationship with the customer.

**Rep. Clow** warned if the legislation is not passed, the problem would occur between the consumer and owner of the tank. The company would have to sue the customer for a violation. If the bill is in place, the rogue company would be paying the fees, not the consumer.

**VOTE ON MOTION:** Roll call vote was requested. **Motion failed by a vote of 7 AYE, 10 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Clow, Kauffman, Anderst, Beyeler, Troy, Smith, and Rusche. Voting in opposition** to the motion: **Reps. Collins, Crane, Palmer, Thompson, Batt, Hixon, Monks, DeMordaunt, Dixon, Barbieri. Rep. Jordan** was absent/excused.

**H 116:** **Maurice Ellsworth**, Legal Counsel for the Bureau of Occupational Licenses, presented to the committee **H 116**. He said this bill is designed to do two things. It updates the list of Boards and a Commission with whom the Bureau contracts and also updates the names of boards which were changed since the statute was last updated. It also clarifies the authority of Boards and Commissions who contract with the Bureau so they can assess and collect attorney fees incurred in their investigation and prosecution from a licensee or registrant who is found to have violated the laws or rules of the Board or Commission. He said part of the legislation is in response to a 2014 Supreme Court decision. This decision held that the current Bureau law needed to be clarified in order to allow Boards to collect attorney fees from licensees or registrants found to have violated the law or rules of the Board. He said this is important because these self-regulating boards rely on licensure fees for their operations. They receive no General Fund money. If a Board is unable to recoup the costs and fees from violators of its laws, the only alternative is to raise fees for all

licensees and registrants to assure the Board is self-supporting. This language will help avoid increases in licensure fees.

**Tyler Mallard**, representing the Idaho Building Contractors Association, testified in support of **H 116**. He said the ability to assess and collect attorney fees is essential.

**MOTION:** **Rep. Thompson** made a motion to send **H 116** to the floor with a **DO PASS** recommendation.

**Shelley Roberts**, representing the Idaho Rural Water Association, testified in support of **H 116**. She said she represents the 350 drinking water and waste water systems in Idaho. They are in favor of the bill because it makes sense to keep the licensing fees down to those members who are in good standing.

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

**H 117:** **Maurice Ellsworth**, Legal Counsel for the Bureau of Occupational Licenses, presented to the committee **H 117**. He said the legislation will accomplish several goals. Due to the fact the proposed amendments were so extensive, it will repeal and replace Section 2614. The changes are mostly organizational by removing outdated language and making it easier to understand and comply. It raises the renewal fee from \$25 to \$35 for a license or registration that has been allowed to expire for up to five years. It eliminates the requirement to pay all back-licensure fees for the years during which the license or registration was expired. It also provides the procedure for relicensure or reregistration by someone whose license or registration has been expired for more than five years.

In response to a question, **Mr. Ellsworth** said good moral character is a concept that appears in a lot of statutes. The court has determined the definition through a body of case law. It usually deals with violations of the law dealing with dishonesty.

**MOTION:** **Rep. Rusche** made a motion to send **H 117** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Ruche** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:41 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
**1:30 P.M.**  
**Room EW41**  
**Wednesday, February 25, 2015**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 115</u></a>	Idaho Elevator Safety Code Act	Phil Hardy VP of Govt Relations Strategies 360
<a href="#"><u>H 99</u></a>	Idaho Bank Act Amendment	Gavin Gee Director Department of Finance  Mary Hughes Financial Institutions Bureau Chief Department of Finance
<a href="#"><u>H 119</u></a>	Open Public Bidding Protection for Construction Managers and General Contractors	Kate McCaslin Associated Builders and Contractors, IPC

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: hbus@house.idaho.gov

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Wednesday, February 25, 2015

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

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

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

**GUESTS:** Kate McCaslin, ABC; Matt Newton, Beniton; Justin Paine, Walker Construction; Dean Haagenson, Contractors Northwest; Joe Stumph, Schindler Elevator; Coby Barlow, Oppenheimer; Ryan Cleverley, Gardner; Dawn Justice, Idaho Bankers Association; Steve Keys, DBS; Ken Fisher, Twin Falls School District; Brady Dickinson, Twin Falls School District; Dave Miles, City of Meridian; Don Tragon, City of Meridian; Suzanne Metzgar, Idaho Charter School Network; Connie Creagen, Northwest Interiors; Tim Pendleton, Northwest Interiors; Dennis Stevenson, Rules Coordinator; Wayne Hammon, Idaho AGC; John Tensen, City of Boise; Joe Jackson, AGC; Amber Renee, City of Boise; Michael Arrington, Staw Comp/Idaho AGC

**Chairman Barbieri** called the meeting to order at 1:33 PM.

**Chairman Barbieri** welcomed the committee's new page, **Samantha Ruggels**. Ms. Ruggles is a graduate of Canyon Ridge High School.

**H 115:** **Phil Hardy**, Vice President of Government Relations for Strategies 360, presented to the committee **H 115**. He said in 2004, Idaho passed a law requiring elevators to be examined by nationally certified inspectors every five years. In addition, it required personnel who performed work, installation and maintenance on elevators to have documented training and experience for these devices and must be licensed in accordance with the Idaho Elevator Code Act. These licenses exist in the Electrical Code but are not specific to the elevator trade. They are classified as Specialty Electrician License/Elevator.

He said this legislation will upgrade licenses to the national standards of safety and put them within the Elevator Safety Code. This legislation fundamentally addresses the wide gulf of knowledge and experience required in Idaho to hold an elevator installation, maintenance, and repair license and what is considered a national industry standard. He then reviewed the bill section-by-section.

**Joe Stumph**, District Manager for Schindler Elevator and representing Elevator Industry, Inc., testified **in support of H 115**. He said currently there is no guarantee the people working in this industry are adequately trained on the complicated maintenance and repair of elevators. In response to a question, Mr. Stumph said the fees outlined in the legislation are current fees for Specialty Electrician License/Elevator. They are not raising the price for anyone who has a current license.

**Coby Barlow**, Oppenheimer Development, testified **in support of H 115**. He said this legislation gives contractors confidence that they have certified, tested, national-standard mechanics to do maintenance and repairs on their elevators.

**Ryan Cleverley**, Gardner Company, testified in support of **H 115**. In response to a question, he said this legislation would not change the way he hires someone to service his elevators because he only hires from those that are nationally certified. It would change for others who do not do this. In response to a question, Mr. Cleverley said those who are grandfathered in will need to take eight hours of continuing education in order to renew their license.

Concern was expressed by members of the committee in regard to the fee cost and the financial impact this would have on the Division of Building Safety and to the State Regulatory-Elevator fund.

**MOTION:** **Rep. Kauffman** made a motion to send **H 115** to the floor with a **DO PASS** recommendation.

**Rep. Crane** invoked Rule 38 stating a possible conflict of interest because the company he is employed by does business with elevator and property management companies.

In response to a question, **Mr. Hardy** said they worked with the Division of Building Safety last year and feels this legislation is what they agreed upon then. The Division may have objections to lowering the fees but he said this is a pro-business, public-safety bill.

**Steve Keys**, Deputy Administrator of Operations from the Division of Building Safety, said one of the premises under which they operate is to avoid bringing forward programs that do not pay for themselves. The projected cost for the licensing program to institute and operate would be more than the revenue generated. He said he did not believe this is a workable bill but would be willing to work with the industry to craft a more comprehensive and workable bill.

In response to a question, **Mr. Keys** said 50% to 100% of the annual operating revenue is a healthy reserve. Their program is in excess of that mark although the stakeholders have not expressed any concern about the level of the fund at any of the annual stakeholder meetings.

**SUBSTITUTE MOTION:** **Rep. Monks** made a substitute motion to **HOLD H 115** in committee.

**Rep. Monks** said he would like the legislation held in committee until the industry has a chance to work out the details with the Division of Building Safety.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested. **Substitute motion carried by a vote of 9 AYE, 7 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Clow, Collins, Palmer, Hixon, Monks, Anderst, Beyeler, Dixon, and Troy. Voting in opposition to the motion: Reps. Crane, Thompson, Kauffman, Smith, Rusche, Jordan, and Barbieri. Reps. Batt and DeMordaunt were absent/excused.**

**H 99:** **Rep. Hixon** said a group met to work out the concerns with **H 99** and to his understanding these concerns were satisfied.

**MOTION:** **Rep. Hixon** made a motion to send **H 99** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Barbieri** will sponsor the bill on the floor.

**H 119:**

**Kate McCaslin**, representing the Associated Builders and Contractors (ABC), presented to the committee **H 119**. She clarified their association is not opposed to the Construction Manager/General Contractor (CM/GC) delivery method of construction. They recognize the benefit of it and are not trying to repeal the current law. She said the public bidding laws are put into place for specific reasons, including to protect the taxpayer. The amendments suggested are proven items that protect taxpayers without undermining the benefits of the process. The bill strengthens the law to ensure every public entity in the state who wishes to deploy this method can do so, enjoy the benefits, and still protect the people who are paying the bill. These amendments are seen as best practices in both the public and private sector. She said, when you diminish the competition, it is fundamental that costs will rise.

**Matt Newton**, President of Beniton Construction, testified **in support** of **H 119**. He said his firm has had a lot of experience in the agency construction management method. His concern with a CM/GC law is there are opportunities for things to go off track and the owners may not be prepared to deal with them. He recounted, in 1998 when the Construction Management law went into effect, it put parameters around what the construction manager could do. It limited the construction manager from performing work with their own forces and set it up for them to be an advocate for the owner. Contracts were publicly bid. He reiterated that they are not against the CM/GC method; however, he believes the 2014 CM/GC law does not clearly define the way the subcontracts are bid. It states they need to be competitively bid but does not say it needs to be publicly advertised or how many contractors is competitive.

**Justin Paine**, Vice President of Walker Construction, testified **in support** of **H 119**. He said in regard to the requirement for a maximum of 30% self-performance, it was intended the CM/GC be limited in the amount of work they self-perform. This was to further competition in the subcontractor world. In reality, it is an insider game. The CM/GC has the upper hand in choosing packages in which they want to participate. They have an advantage in the project over the subcontractor if they choose to take over the role themselves.

**Mr. Paine** said this amendment guarantees the price for the public entity. It also provides the distinct opportunity for the contractor to be close enough to completion of the design documents to plan to move forward into construction but also limit their exposure to design changes in the design documents. He said the CM/GC needs to disclose what they are bidding on. The amendment also clarifies at the end of the project who owns the contingency.

**Wayne Hammon**, CEO of the Idaho Associated General Contractors (AGC), testified **in opposition** to **H 119**. He said years ago, Idaho Code required all public work projects to be conducted using the design/bid/build method. In 1998, the Code was amended to allow for a construction manager representative (CMR). Under this approach, the public owner had the authority to hire a manager for the project but retained all of the responsibilities and obligations. Specific legislation adding CM/CG language was added in 2014. It was worked to avoid possible pitfalls while still maintaining the advantages of the CM/GC approach. For example, it requires all trade-related work be competitively bid. It also limits the GCs ability to self-perform only those parts of the project which they customarily have experience and are licensed by the state to do. It requires the GC to submit a bid along with all the trades before the work, and all the bids be opened in the presence of the owner.



**Mr. Hammon** said the AGC could support, with revisions, some parts of the legislation. For example, they are not opposed to limiting the amount of work that can be self-performed by a GC. It is also a good idea to include a better definition indicating all affiliated companies are included in the self-performance cap. He said they are even open to discussing limits on incentives but **H 119** does more than that. It removes the part of the CM/GC process that is critical to its success and makes the process work. That is how the contracts are issued.

**Mr. Hammon** said the bill states that bids are done according to the public bidding process in Idaho Code. By requiring the public owner to conduct all contracting, the bill removes the CM/GC's authority to execute the plan for the project. Instead, it makes him another expensive bystander. This would eliminate any of the cost savings public owners experience for using the CM/GC method. **H 119** would require the GC to promise a guaranteed maximum price and a specific completion date then strip away his powers to meet those promises. He said this legislation is trying to fix problems that do not exist.

In response to questions, **Mr. Hammon** said there are contracting laws that protect the public owners from contractors who would try to get away without finishing a product. He said the purpose of the original 2014 CM/GC law was to help the public entities save taxpayer dollars. The amendments proposed would increase the cost for public entities and provide little relief. Current law is more cost efficient to the taxpayer.

**Dean Haagenon**, CEO of the Contractors Northwest, testified **in support of H 119**. He said while he sees the appropriateness in the CM/GC method in the private sector, he does not see it in the public sector. He contends, the public entities putting out a request for qualification are invariably inflating the qualifications greatly, way beyond the necessity for the contractors to successfully complete the project. This is so they can push the project to their favorite big contractor friends.

**Kenneth Fisher**, representing Twin Falls School District and Paradigm of Idaho, testified **in opposition to H 119**. He said the CM/GC process worked well in the Twin Falls School District. The CM/GC law has shown that it reduces the liability of the owner. It places the responsibility back onto the CM/GC thereby giving the CM full ability to manage the schedule and the budget.

**Brady Dickenson**, Director of Operations for the Twin Falls School District, testified **in opposition to H 119**. He said the CM/GC method gives options and local control to the school districts. He recounted the successful project using the CM/GC method for the Twin Falls School District.

**Joe Jackson**, Vice President of ESI Construction, testified **in opposition to H 119**. He said the 2014 CM/GC legislation allows for a strong collaboration between the CM/GC, the design professionals, and the owner while allowing the owner to delegate the financial, schedule and liability responsibility to one entity as opposed to many.

**Michael Arrington**, President of Star Corporation, testified **in opposition to H 119**. He said most of the people testifying have similar goals: to provide quality projects for public owners, have a properly managed budget, to ensure proper stewardship so monies are spent correctly; and to keep the promises made to the patrons of their district. He said it was not his experience that the bidding process used for the Twin Falls School District was positioned towards large contractors. He said this legislation would be a major change to the process. He compared the new legislation to an arranged marriage for the contractors.

Concern was expressed by members of the committee whether small subcontractors had opportunities to bid on these types of projects.

**John Tensen**, City Engineer from the City of Boise, testified **in opposition** to **H 119**. He said the CM/GC project delivery method is a useful tool for projects that are complex, high-risk, and have tight time or budget constraints. Expertise and ability to collaborate are also key areas needed. He said his main concern is in regard to the change in the public bidding requirements. This bill substantially guts the benefit of the 2014 CM/GC legislation. It will result in returning to a low bid situation in which quality, expertise, and the potential for risk reduction, takes a back seat to a low bid.

**MOTION:** **Rep. Thompson** made a motion to **HOLD H 119** in committee.

**Kate McCaslin** was recognized to close testimony on **H 119**. She said this legislation will not repeal the current law and, with it, ensure the highest standard of care. She said all qualified contractors should have the opportunity to bid on a project. The bidding process should adhere to Idaho public bidding law.

**Rep. Crane** invoked Rule 38 stating a possible conflict of interest because the company he works for has been a member of the AGC and is currently a member of the ABC. The company also bids public works projects.

**Rep. Monks** invoked Rule 38 stating a possible conflict of interest because the business he owns is a member of the AGC.

**SUBSTITUTE MOTION:** **Rep. Crane** made a substitute motion to send **H 119** to the floor with a **DO PASS** recommendation.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested. **Substitute motion carried by a vote of 9 AYE, 7 NAY, 2 Absent/Excused. Voting in favor** of the motion: **Reps. Collins, Crane, Palmer, Batt, Kauffman, Monks, Beyeler, Dixon, and Troy. Voting in opposition** to the motion: **Reps. Clow, Thompson, Anderst, Smith, Rusche, Jordan, and Barbieri. Reps. Hixon and DeMordaunt was absent/excused. Rep. Crane** will sponsor the bill on the floor.

**MOTION:** **Rep. Jordan** made a motion to approve the minutes of the February 17, 2015, meeting. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 4:35 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

**AMENDED AGENDA #1**  
**HOUSE BUSINESS COMMITTEE**  
**1:30 PM or Upon Adjournment**  
**Room EW41**  
**Tuesday, March 03, 2015**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 182</u></a>	Consumer Operated and Orientated Health Plans	Tim Olson Pinnacle Business Group
<a href="#"><u>S 1006</u></a>	Real Estate License Law	Jeanne Jackson-Heim Real Estate Commission
<a href="#"><u>S 1009</u></a>	Real Estate License Law/Certification	Jeanne Jackson-Heim

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Tuesday, March 03, 2015

**TIME:** 1:30 PM or Upon Adjournment

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** None

**GUESTS:** Tim S. Olson, Idaho Life and Health Guaranty Association; Candie Kinch, Idaho Life and Health Guaranty Association; Mike Gamblin, Idaho Real Estate Commission; Tom Donovan, Department of Insurance; John Eaton, Realtors; Doug Dammrose, Mountain Health CO-OP; Tom Bassler, Mountain Health CO-OP; Andrew Mitzel, Realtors

**Chairman Barbieri** called the meeting to order at 2:49 PM.

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of February 19, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of February 23, 2015. **Motion carried by voice vote.**

**H 182:** **Tim Olson** of the Pinnacle Business Group and representing the Idaho Life and Guaranty Association, presented **H 182**. Mr. Olson said this legislation would clarify that the Consumer Oriented-Operated Plans (CO-OP's) created by the Affordable Care Act, are not members of the Idaho Guaranty Association. It also added a provision from the National Association of Insurance Commissioners (NAIC) model language to further clarify that new types of entities that are of a similar nature are to be excluded entities and not members of the association. This provision has been a part of the NAIC Model Act since 1986 and been adopted in 41 other States. He said after questions were raised about the language being too broad, the association has agreed to drop this language and has brought an amendment to strike this language from the legislation.

**Mr. Olson** added that the Guaranty Association has considered this legislative effort for some time and now, with 23 federally subsidized CO-OP's operating across the country including one operating in Idaho, it has been decided by the Association's leadership to further clarify membership to the Guaranty Association. Federal CO-OPs are not members of the guaranty associations in roughly half of the states in which they are operating. He said it is expected that even more guaranty associations will find the CO-OPs in their states are not members pursuant to the NAIC Model Act language.

In response to questions, **Mr. Olson** said these CO-OPs were created by the Affordable Care Act to provide another option to the consumer, more of a managed care concept, and a number of these across the country are having a difficult time. He continued to say if the CO-OPs remain part of the association, they will be subject to assessments like any other member of the Guaranty Association.

**Candie Kinch**, Executive Director of the Idaho Life and Health Guaranty Association, said if this amendment were to become law and a CO-OP operating in the state were to become insolvent, they would still be handled under the Idaho Insurance Liquidation Act which gives a higher priority to policy holder claims than it does to general creditor claims. The CO-OPS are required to put up statutory deposits in the state that would be available to pay policy holder claims in the event of an insolvency.

**Tom Donovan**, Acting Director of the Department of Insurance, said the department has not taken a formal position on **H 182**. He spoke to the details of the CO-OP that is licensed in Idaho. He continued that there was no component of the risk-based capital analysis that depends on whether a company is member of the Guaranty Association.

In response to a question, **Mr. Olson** said from the associations point of view, there is a concern on the future viability of CO-OPs. In order to reduce the risk to the association, this potential liability would need to be limited. There is a safety net in place for the consumer but if a CO-OP does becomes insolvent, it would qualify all of the consumers into the exchange.

**MOTION:** **Rep. Clow** made a motion to send **H 182** to General Orders with the attached amendment.

**Rep. Hixon** questioned if there would be federal money available if one of the CO-OPs were to fail. He said he would be voting in favor of the bill but reserved the right to change his vote if he received contrary information.

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

**S 1006:** **Jeanne Jackson-Heim**, Executive Director of the Real Estate Commission, presented to the committee **S 1006**. She said the Real Estate Commission licenses real estate brokers and salespersons, operates a certification program for real estate education, and enforces violations of the license law. The Commission also handles registration of timeshares marketed to Idaho residents under the Subdivided Lands Disposition Act. The agency operates solely on dedicated funds from licensing and registration fees. She said this legislation is a cleanup bill which clarifies some inconsistencies and deletes some outdated language. She then reviewed the bill section-by-section.

**MOTION:** **Rep. Anderst** made a motion to send **S 1006** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Anderst** will sponsor the bill on the floor

**S 1009:** **Jeanne Jackson-Heim**, Executive Director of the Real Estate Commission, presented to the committee **S 1009** which relates to certified instructors and providers. She said the license law requires any provider, or school, that offers courses for real estate license credit to be certified by the Commission. Instructors teaching prelicense, post-license and Core courses must also be certified. The Commission has approximately 100 certified providers and 60 certified instructors. Quite a few certified instructors hold dual certifications as providers. Additionally, some are also real estate licensees.

**Ms. Jackson-Heim** said that after discussing this issue with a number of certified educators, the outcome was this proposal to change the staggered two-year renewal dates for provider and instructor certifications to one annual renewal date on June 30th. This date was chosen because most of the certified instructors are certified to teach the Commission's required Core course. She said, renewing instructor certification by June 30 is something these instructors have to do anyway.

**Ms. Jacoson-Heim** said at this time, certified instructors pay \$25 every two years to renew, and the certified providers pay \$50 every two years. Instructors pay one certification renewal fee no matter how many courses they are certified to teach. This law change would result in a very small fee increase of \$12.50 and \$25 per year for instructors and providers, respectively. She said these fees are already quite low and do not accurately reflect the actual cost of administering the certification program.

**MOTION:** **Rep. Beyeler** made a motion to send **S 1009** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Jordan** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 3:37 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

**AMENDED AGENDA #2**  
**HOUSE BUSINESS COMMITTEE**  
**1:30 PM or Upon Adjournment**  
**Room EW41**  
**Thursday, March 05, 2015**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1007</u></a>	Real Estate License Law/License Denial	Jeanne Jackson-Heim Real Estate Commission
<a href="#"><u>S 1008</u></a>	Real Estate	Jeanne Jackson-Heim
<a href="#"><u>S 1010</u></a>	Real Estate License, Fee Splitting	Jeanne Jackson-Heim
<a href="#"><u>S 1023</u></a>	Unclaimed Life Insurance Benefits Act	John Mackey United Heritage Life Insurance Company

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

- DATE:** Thursday, March 05, 2015
- TIME:** 1:30 PM or Upon Adjournment
- PLACE:** Room EW41
- MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan
- ABSENT/  
EXCUSED:** Representative(s) DeMordaunt, Beyeler
- GUESTS:** Michell Bird, Real Estate Commission; Mike Gamblin, Real Estate Commission; John Mackey, United Heritage; Andrew Mitzel, Realtors; John Eaton, Realtors
- Chairman Barbieri** called the meeting to order at 1:30 PM.
- S 1007:** **Jeanne Jackson-Heim**, Executive Director of the Real Estate Commission, presented to the committee **S 1007** which pertains to payments for license applications. She said when the Commission receives a license application, the law allows them to deny the license only if the person writes a bad check. They cannot do this with other bad payments such as credit card charge-backs. This legislation adds language which would allow the Commission to deny a license if they receive any form of insufficient payment.
- MOTION:** **Rep. Hixon** made a motion to send **S 1007** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hixon** will sponsor the bill on the floor.
- S 1008:** **Jeanne Jackson-Heim**, Executive Director of the Real Estate Commission, presented to the committee **S 1008** which would delete a fee from the license law. She said real estate licensees are required to carry errors and omissions insurance, and the Commission contracts with an insurance provider for a group policy that is available to any licensee. The Commission used to administer the group insurance in-house, and the license law contains a provision authorizing the Commission to collect an administrative fee for that purpose. She continued that their errors and omissions contract now requires the insurance carrier to administer the program. They have not collected this fee for a number of years since the carrier took over. She said they do not foresee a time when the Commission will ever again administer its own insurance program because it is not cost effective or efficient.
- MOTION:** **Rep. Thompson** made a motion to send **S 1008** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Anderst** will sponsor the bill on the floor.
- S 1010:** **Jeanne Jackson-Heim**, Executive Director of the Real Estate Commission, presented to the committee **S 1010**. She said the legislation clarifies how brokers and sales associates are allowed to pay and receive commission payments through unlicensed business entities such as LLCs and corporations. The real estate license law requires all commissions to be paid through the designated broker with whom a sales associate is licensed. The law also precludes unlicensed people or entities from receiving real estate commissions for conducting brokerage activity.



**Ms. Jackson-Heim** said there is an exception in the law for a real estate agent to be paid through an unlicensed LLC or corporation if all the owners of the entity are licensed. However, the intent of the law has always been that all sales associates are supposed to be paid in some fashion through the brokerage where they are licensed, and the broker is supposed to oversee the payments to his agents.

**Rep. Anderst** invoked Rule 38 stating a possible conflict of interest as he is a real estate broker.

**MOTION:** **Rep. Anderst** made a motion to send **S 1010** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Anderst** will sponsor the bill on the floor.

**S 1023:** **John MacKey** of the United Heritage Life Insurance Company, presented to the committee **S 1023**. He said the legislation is a Model Act adopted by the National Conference of Insurance Legislators. The bill amends Title 41 of the Idaho Code with the addition of a new Chapter 30 entitled, Idaho Unclaimed Life Insurance Benefits Act. He said the Social Security Administration Death Master File was to help prevent the continuation of Social Security Living Benefit payments to deceased persons. The file data comes primarily from the State Vital Record Agencies, and includes information on those who had Social Security Numbers and whose deaths have been reported to the Social Security Administration since 1962. Available since 1980, the computer database file contains information on more than 89 million deaths. The Social Security Administration estimates 95% of all current deaths are being reported to the file.

**Mr. MacKey** said this legislation requires Life Insurance Companies doing business in Idaho to complete semiannual comparisons of certain life insurance policies, annuity contracts, and retained asset accounts with the Death Master File to see if an insured's death has been reported to the file but not to the insurer. If a match is found and a claim for benefits has not yet been submitted, the insurer is required to initiate, complete, and document a good faith effort to determine if benefits are due, locate a rightful beneficiary, and begin the claim process within 90 days of the match date. If the insurer cannot locate a rightful beneficiary, the benefits due will escheat to the state of Idaho as unclaimed life insurance benefits. Failure of an insurer to meet requirements with such frequency as to constitute a general practice will be in violation.

**Mr. MacKey** said the legislation excludes policies and contracts that typically include a third party interest, such as group plans, plans subject to the Employment Retirement Income Security Act of 1974 and its amendments, policies used to fund pre-need funeral contracts, federal employee benefit program policies, and credit life insurance and accidental death policies. This legislation also includes a one year delay of the effective date to provide life insurance companies sufficient time to develop necessary procedures to comply with the new law.

**MOTION:** **Rep. Hixon** made a motion to send **S 1023** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Collins** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:57 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 PM or Upon Adjournment  
Room EW41  
Monday, March 09, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1046</a>	Engineers and Surveyors	Keith Simila Executive Director Board of Professional Engineers and Professional Land Surveyors
<a href="#">S 1063</a>	Relating to Land Surveying	Keith Simila

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Monday, March 09, 2015

**TIME:** 1:30 PM or Upon Adjournment

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** Representative(s) Palmer, Monks

**GUESTS:** Jeremy Chou, Givens Pursley; Jack Clark, ISPLS; Glenn Bennett, ISPLS/IBPE & PCS; Nathan Dang, ISPLS; Bill Farnsworth, OCID - Department of Administration

**Chairman Barbieri** called the meeting to order at 2:15 PM.

**S 1046:** **Keith Simila**, Executive Director for the Board of Licensure of Professional Engineers and Professional Land Surveyors, presented **S 1046**. He said this legislation has the support of the Idaho Society of Professional Land Surveyors, the Idaho Chapter of the American Council of Engineering Companies, and the Idaho Society of Professional Engineers. The legislation addresses board composition, the completion of minimum requirements as a condition of license renewal, improved incentives to renew licenses on time, and a fine in-lieu-of discipline provision.

**Mr. Simila** said Idaho Code currently requires the board be comprised of four engineers and one land surveyor. In the past, one member had both an engineering and land surveying license. The board benefited from having two licensed land surveyors and used both to defer complex land survey related issues to them. The board sees great value in retaining two surveyors as members in perpetuity as having two opinions on the same issue provides for better insight into the questions and concerns related to the land surveying profession.

**Mr. Simila** said, due to age demographics, the number of future candidates with dual licenses is greatly diminished. As a result, the board desires to codify a minimum of two land surveyors for board membership. There is also a desire on the board to have an odd number of board members to avoid tie votes. In addition, there are some disciplines of engineering and geographic areas that are not well represented on the board. For these reasons, the board also seeks to add one more engineer to the board.

**Mr. Simila** stated this legislation fixes inconsistencies within Rule and Statute by making it clear, license renewal is conditioned on completing requirements of the laws and rules of the board. It also proposes an increase in the late fees to provide improved incentive to renew on time. He said, the board recently implemented an online renewal feature through Access Idaho which makes renewing a license on time easier. A new provision has been added to give licensees an option to pay a fine in-lieu-of discipline for first time violations of continuing professional development. This provision gives first-time violators an option to avoid discipline which many prefer.

In response to questions, **Mr. Simila** said there are 2,600 engineers and 830 land surveyors that reside in Idaho. He continued that as of September 2014, the fund balance was projected to be \$424,000 for a \$600,000 budget. He clarified the \$400 fine is in-lieu-of discipline which is different than the late fee. He said the easiest way to avoid the late fees is to pay a \$10 biannual fee to retire a license. When a licensee chooses to come back to the profession, they just need to notify the board and comply with the continuing professional development requirements.

**Jeremy Chou**, with Givens Pursley and representing the American Council of Engineering Companies, testified **in support of S 1046**.

**Glen Bennett**, the surveyor member of the Idaho Professional Board of Engineers, testified **in support of S 1046**. He said it is essential to have two surveyors on the board so not all of the decisions are made by one person. This is mainly for peer review of the very technical process.

In response to a question, **Mr. Simila** said the renewal late fee is traditionally capped at double. The fee would not go above \$100 unless it is not renewed within a year.

**MOTION:** **Rep. Ruche** made a motion to send **S 1046** to the floor with a **DO PASS** recommendation.

**Rep. Batt** spoke **in opposition** to the motion. She said she did not like the tone or precedent set by the legislation which offers a fee of \$400 in-lieu-of a fine and disciplinary action. In addition, she does not agree with the fee structure as it is not clear whether the fees are compounded monthly.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Crane, Troy, Hixon, and Batt** requested to be recorded as voting **NAY**. **Rep. Jordan** will sponsor the bill on the floor.

**S 1063:** **Michael Kane**, representing the Board of Licensure of Professional Engineers and Professional Land Surveyors, presented to the committee **S 1063**. He said this legislation has the support of the Idaho Society of Professional Land Surveyors, the American Council of Engineering Companies of Idaho, and the Idaho Society of Professional Engineers. He said the objective of the bill is to change the definition of the practice of land surveying. The current definition describes land surveying as including only boundary surveying and certifying elevation. He said under the current law, land surveyors are only licensed to work on property boundaries yet are asked by their clients to sign and seal work that they perform which is not authorized by code. The updated law will include all the services land surveyors routinely provide to their clients and the public.

**Mr. Kane** continued, the current law is a barrier to entry for new professionals. Very few young surveyors are entering the workforce and becoming a licensed professional land surveyor since they can only credit boundary surveying experience toward the four-year experience requirement. The current law has the effect of extending the experience requirement time-frame for licensure, for most survey interns, from the minimum four years to eight or more years. This is because boundary surveying comprises approximately only one-third of the work for most survey businesses. He said the states surrounding Idaho have recognized the need to protect their public by revising the definition of land surveying to better reflect what surveyors are called upon to do in their states and to recognize the experience and judgment of a licensed professional land surveyor. The new definition will enhance mobility of licensure with other states.

**Mr. Kane** said land surveyors must pass two examinations to become licensed. The professional land surveyor examination contains questions that are included in the updated definition of land surveying. Land surveyors must be competent in the full suite of land surveying services included in the new law in order to pass the professional examination.

In response to a question, **Mr. Kane** said examples of the measurement of improvements above the Earth and below the Earth would be mining, airports, and multilevel condominiums.

**Jeremy Chou**, with Givens Pursley and representing the American Council of Engineering Companies, testified **in support of S 1063**.

**MOTION:** **Rep. Beyeler** made a motion to send **S 1063** to the floor with a **DO PASS** recommendation.

**Bill Farnsworth**, Geospatial Information Officer for the state of Idaho, testified **in support of S 1063**. The definitions will help identify who is responsible for what.

In response to a question, **Mr. Simila and Mr. Kane** explained that in the section regarding when surveyors are required to put monuments in the ground, the term professional boundary is used only for property surveying so it excludes other types of land surveying such as work on your own property, as part of your own business, or construction staking.

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

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 3:07 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 PM or Upon Adjournment  
Room EW41  
Wednesday, March 11, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1078</a>	Mortgage Insurance	Peter Kolbe, Vice President and Associate General Counsel, Genworth Mortgage Insurance Corporation
<a href="#">H 238</a>	Industrial Equipment	Al Youngwerth, President of VersaBuilt, Chairman of Rekluse Motor Sports  Steve Keys, Deputy Administrator, Division of Building Safety

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

- DATE:** Wednesday, March 11, 2015
- TIME:** 1:30 PM or Upon Adjournment
- PLACE:** Room EW41
- MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan
- ABSENT/  
EXCUSED:** Representative(s) Thompson
- GUESTS:** Peter Kolbe, USMI; Sid Sullivan AceCo Manufacturing; Al Youngwerth, Rekluse/VersaBuilt; Sheri Johnson, SWI-MA; Steve Keys, DBS; Brad Giesen, Campbell Company; Dwayne Dayley, Rekluse; Dawn Justice, ID Bankers; Tom Donovan, Department of Insurance; Aaron White, Idaho AFL-CIO; Randy Lake, L.U. 291 IBEW; Ed Huskey, L.U. 291, IBEW; Colby Cameron, Sullivan & Reberger; Garth Sickles, Pneumotech
- Chairman Barbieri** called the meeting to order at 1:32 PM.
- MOTION:** **Rep. Beyeler** made a motion to approve the minutes of February 25, 2015. **Motion carried by voice vote.**
- MOTION:** **Rep. Beyeler** made a motion to approve the minutes of March 3, 2015. **Motion carried by voice vote.**
- MOTION:** **Rep. Kauffman** made a motion to approve the minutes of March 5, 2015. **Motion carried by voice vote.**
- S 1078:** **Peter Kolbe**, Vice President and Associated Counsel of Genworth Mortgage Insurance Company, presented to the committee **S 1078** which would repeal Idaho Insurance Code Section 41-2653 (1). He said the Code Section requires a mortgage guaranty insurer retain no more than 25% coverage of the borrower's indebtedness to the insured lender. Mortgage guaranty insurance insures a lender against loan default by a borrower. Typically a lender requests mortgage guaranty insurance coverage on 25% of an outstanding home loan balance; however, it is also very common for lenders to request additional coverage.
- Mr. Kolbe** said Idaho's current law forces a mortgage guaranty insurer to reinsure any risk above 25% coverage with a separate legal reinsurer entity for each 25% slice of the coverage. In order to write 100% coverage, Idaho's law requires four insurers each holding 25% of the coverage. All this reinsurance is placed with reinsurers affiliated with the primary mortgage guaranty insurer. When the Idaho requirement was enacted, it was assumed it would result in shifting a portion of the insured risk of borrower loan default to unaffiliated non-mortgage guaranty reinsurers. The act of reinsuring risk to third party non-mortgage guaranty reinsurers would bring additional capital into the mortgage guaranty insurance industry. In addition, risk would be further distributed to reinsurers that were not exclusively focused on real estate-related risks. These results never materialized because the market for first-dollar-loss mortgage reinsurance of mortgage guaranty insurance risk has been thin to nonexistent.

Consequently, **Mr. Kolbe** said, mortgage guaranty insurers formed affiliated reinsurers to take that risk under their respective holding company systems in order to write risk in excess of 25% coverage. As a result, reinsurance exists in form but lacks the real substance of risk spreading and diversification. Instead, capital and other corporate resources are spread among related entities without contributing either new capital or independent risk assessment.

In addition to the absence of any discernible benefit, **Mr. Kolby** said the mandatory reinsurance requirement creates significant costs for the companies as they are forced to establish, license and maintain multiple separate legal entities. Because all of the risk remains within the same holding company structure, these additional costs and administrative burdens are difficult to justify.

In response to questions, **Mr. Kolby** said this legislation would not have any impact on the consumer. It is possible the costs to the consumer may be lower because it reduces the barrier to new entrances into the market place as it is cheaper to set up one company as opposed to four legal entities. Although savings may not translate directly to the borrower, it should reduce cost given the premium volume and losses paid. He said reinsurance is a good idea to diffuse risks. However, because there is no appetite for it, coverage is unobtainable.

**Tom Donovan**, Acting Director of the Department of Insurance, said the Department does not see a problem in terms of increased risk. There is a provision that limits the outstanding risk of liability to a company of no more than 25 times its policy holders surplus. The Director may waive that provision.

**MOTION:** **Rep. Rusche** made a motion to send **S 1078** to the floor with a **DO PASS** recommendation.

**Rep. Palmer** indicated he may vote against the legislation on the floor.

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

**H 238:** **Rep. Batt** presented to the committee **H 238**. She said this legislation makes the presumption that industrial equipment is safe. The Electrical Board will have the opportunity to make the decision if equipment is a hazard to life or property.

**Sheri Johnson**, President of the Board of Directors of the Southwest Idaho Manufacturers' Alliance, testified **in support** of the **H 238**. She said, currently based on interpretation of the existing law, local manufacturers placing industrial equipment on their production floors must get the equipment certified by a Nationally Recognized Laboratory (NRTL). NRTL is a United States Occupational Safety and Health Administration (OSHA) designation given to testing facilities that provide product safety testing and certification services to manufacturers. The proposed amendment clarifies this distinction by eliminating the requirement that, as buyers of equipment, consumers have to obtain a NRTL certification after the equipment is purchased.

**Ms. Johnson** said businesses in Southwest Idaho are crippled from the excessive and unnecessary regulation cost of business time and money. It negatively impacts expansion, productivity, and creation of jobs. As manufacturers, they are incredibly concerned about safety which is why they have agreed to a list of items excluded by the Division of Building Safety (DBS). She said certifications should be for the original manufacturer, not for the consumer utilizing the product.



**Al Youngwerth**, President of VersaBuilt and Chairman of Rekluse Motor Sports, testified **in support** of **H 238**. He said the intent of legislation is to remove Idaho's regulation requiring industrial equipment be approved by either a listing from the NRTL or by field inspection. It puts industrial equipment on the same playing field as virtually all other electrical equipment installed in Idaho. In response to a question, Mr. Youngwerth said because the National Electrical Code (NEC) and most states do not require a listing, most industrial equipment is not. There is no evidence of any injuries or deaths in Idaho caused by an industrial equipment electrical safety problem.

**Brad Giesen**, Campbell Company, testified **in support** of **H 238**. He said removing this barrier would be a significant benefit to their company.

**Aaron White**, representing the Idaho AFLCIO, a member of the International Brotherhood of Electrical Engineers Local Union 291 and a journeyman electrician by trade, testified **in opposition** to **H 238**. He said the NEC is painstakingly developed by industry to provide protection for person and property. The DBS is instituted to provide a mechanism for facilitating the NEC in the field. The inspections protect all parties, including the journeyman and his license to do business, the customer, and their workers. The proposed language states the rule of law does not apply unless there is an undue hazard to life or property. He said the DBS inspectors are already too busy to be placed in this type of position. Certifications should be continued.

**Steve Keys**, Deputy Administrator for the Division of Building Safety, said they do not have any control on how much a third party charges for the inspection. The inspectors typically charge travel cost and expenses which get expensive. In response to a question, he said he believes the current language still requires the installation be done by licensed personnel/contractors. The legislation only refers to the equipment not the installation.

**Dwayne Dayley**, President of Rekluse Motor Sports, testified **in support** of **H 238**. He said because safety is a top priority in their company, they value the inspections from OSHA, the electrical inspectors, and others who come into their facilities for inspections. They learn and improve because of these inspections; however, the current requirement for the NRTL labeling or Professional Engineer certification does not enhance the safety of their industrial equipment. OSHA inspects their practices, guarding, and equipment for safety. The areas they inspect are associated with known causes of injury in the United States. He said he expects the electrical inspectors to verify that proper circuit breakers, listed and properly sized wiring, and correct grounding are in place for all hard-wired equipment.

**Sid Sullivan**, an executive at AceCo Precision Manufacturing, testified **in support** of **H 238**. He said it is difficult for businesses to compete economically against those who do business in areas that do not have these regulations.

**MOTION:**

**Rep. Palmer** made a motion to send **H 238** to the floor with a **DO PASS** recommendation.

**Rep. Batt** closed the debate by saying this legislation will help those businesses who are driving Idaho's economy.

**Rep. Rusche** spoke against the motion. He said he believes this is a blanket repeal of Article 54, Chapter 10, which has value in the protection of the workers and those who install this type of equipment.

**Rep. Hixon** spoke in favor of the motion. He said this will help the businesses which are the job creators in the state. He emphasized that everybody is concerned about public safety but the fine line needs to be managed between public safety and making it so these company can compete in the state of Idaho.

**VOTE ON  
MOTION:**

**Motion carried by voice vote. Reps. Rusche, Jordan, and Smith** requested to be recorded as voting **NAY**. **Rep. Batt** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 2:58 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 PM or Upon Adjournment  
Room EW41  
Tuesday, March 17, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 92</a>	Amendments to the Uniform Fraudulent Transfer Act	Mike Brassey Uniform Law Commissioner
<a href="#">H 256</a>	Public Works: Irrigation and Canals	Norm Semanko Idaho Water Users Assn.
<a href="#">H 259</a>	Uniform Business Code Fee Revision	Jeff Harvey Secretary of State Business Entities Division

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

- DATE:** Tuesday, March 17, 2015
- TIME:** 1:30 PM or Upon Adjournment
- PLACE:** Room EW41
- MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan
- ABSENT/  
EXCUSED:** Representative(s) Monks
- GUESTS:** Norm Semanko and Brandt Bullock, Idaho Water Users Association; Mark Zirschky, Pioneer Irrigation District; Mike Brassey, Uniform Law Commission, Jeff Harvey, Office of Secretary of State
- Chairman Barbieri** called the meeting to order at 1:32 p.m.
- H 92:** **Mike Brassey**, Idaho Uniform Law Commission, brought before the committee **H 92** with an amendment for discussion. The amendment added a line that puts the burden of proving that a debtor is solvent on the defendant.
- MOTION:** **Rep. Clow** made a motion to send **H 92** to General Orders with amendments attached. **Motion carried by voice vote. Rep. Clow** will sponsor the bill on the floor.
- H 256:** **Norm Semanko**, Executive Director, Idaho Water Users Association, presented **H 256** to the committee. This legislation proposes to eliminate duplicative requirements placed on irrigation ditch and canal maintenance and repair work in Idaho Code 54-1218. They found there is similar provisions in Chapter 12, Title 42, Idaho Code. Mr. Semanko gave a short history of the legislation and pointed out the legislation started out much broader. After meeting with stakeholders, they were able to limit the scope to public works, irrigation ditches and canals. They met with engineers to clarify the language and believes all stakeholders are happy with the result. In answer to questions from the committee, Mr. Semanko turned his time over to **Mark Zirschky**, Manager, Pioneer Irrigation District. Mr. Zirschky explained the \$10,000 limit and how simple repairs can exceed this limit. He gave a few examples of how this legislation would benefit the irrigation district such as replacing head gates, canal lining conservation and irrigation boxes, and piping.
- Rep. DeMordaunt** invoked Rule 38 stating a possible conflict of interest as he owns property that is serviced by the Pioneer Irrigation District, but he will be voting on the legislation.
- In response to further questions, **Mr. Zirschky** stated projects in excess of \$10,000 can happen very quickly. They have worked with engineers and others and are trained to handle these types of simple repairs that have a high cost.
- MOTION:** **Rep. Rusche** made a motion to send **H 256** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Moyle** will sponsor the bill on the floor.

**H 259:** **Jeff Harvey**, Office of the Secretary of State, presented **H 259** which contains three fee changes: for the dissolution of corporations, changing the current fee of \$30 to no fee; for the repeal of a non-typed document fee; and, an increased fee for expedited service for processing business documents. The reasoning behind the proposed changes in fees are, when a company dissolves, there are usually no funds to pay the fee. There is little need for the non-typed document fee as this service is rarely used. The last change is to raise the expedited processing fee to \$50. The Secretary of State's office feels the expedited service is overused and with a fee increase it would reduce the occurrences of the service.

In response to questions from the committee, **Mr. Harvey** stated in Fiscal Year 2014, there were approximately five thousand expedited filings. They feel with the fee increase the number would drop by 60%. He also stated the abuse of service is another reason to increase the fee. He stated in their opinion either they increase the fee or ask for another full-time position in next year's budget request. Members of the committee expressed concern over the reasoning for raising the fee.

**MOTION:** **Rep. Rusche** made a motion to send **H 259** to the floor with a **DO PASS** recommendation.

In support of the motion, **Rep. Rusche** stated the Secretary of State's office is in between a rock and hard place. Either they raise fees, or next year they will be asking for more funds.

In opposition to the motion, **Rep. Hixon** stated he has concerns with an executive department increasing a fee to slow down traffic when they have the funds coming in to cover the service.

**SUBSTITUTE MOTION:** **Rep. Hixon** made a substitute motion to **HOLD H 259** in committee. **Motion carried by voice vote. Reps. Rusche, Smith and Jordan** requested to be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:03 p.m.

---

Representative Barbieri  
Chair

---

Michele Jarvis  
Secretary

AGENDA  
**HOUSE BUSINESS COMMITTEE**  
1:30 PM or Upon Adjournment  
Room EW41  
Thursday, March 19, 2015

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
Docket No. <a href="#">10-0103-1401</a>	Rules for Corner Perpetuation and Filing	Keith Simila, P.E. Executive Director Board of Professional Engineers and Professional Land Surveyors
<a href="#">H 277</a>	Title Insurance	Lyn Darrington Idaho Title Underwriters

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: hbus@house.idaho.gov

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Thursday, March 19, 2015

**TIME:** 1:30 PM or Upon Adjournment

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** Representative(s) Batt, Dixon

**GUESTS:** Lyn Darrington, Idaho Title Underwriters; John Eaton, Realtors; Tom Donovan, DOI; Jim Scanlon, DOI; Robert Rice, Western Land Title; Andrew Mitzel, Realtors; Trent Wright, Idaho Bankers Association

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

**MOTION:** **Rep. Beyeler** made a motion to approve the minutes of March 9, 2015. **Motion carried by voice vote.**

**Rep. Troy** introduced family members in attendance at the meeting.

**DOCKET NO.  
10-0103-1401:** **Keith Simila**, Executive Director of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors, requested approval of pending rule, **Docket No. 10-0103-1401**, which relates to the Board's Rules of Corner Perpetuation and Filing (CP&F). It has the support of professional engineering and surveying societies and associations in Idaho. He said when the rule came before the subcommittee earlier this year, they had no concerns with the rule itself but did raise concerns that a related law change was not yet enacted. That bill, **S 1079**, now has been signed by the governor.

**Mr. Simila** said, in regard to the pending rule itself, the CP&F forms and Record of Survey (ROS) maps, are filed or recorded in county court houses as a perpetual record of survey work done and property corner monuments set or reset by land surveyors. These records document in one official location evidence of property corners and public land survey corners. The purpose for the rule change is to improve readability on the ROS map by placing the corner record history on the CP&F form instead of the ROS map. The law previously required all existing corner record instruments numbers be shown on the ROS map. The Board and the Idaho Society of Professional Land Surveyors want to show only the most current corner record instrument number on the ROS map, and move the corner record history to the CP&F form. **S 1079** modified the ROS map requirements to show only the most current corner record instrument number. The board modified the CP&F form to include the changes described in this rule.

**MOTION:** **Rep. Ruche** made a motion to approve **Docket No. 10-0103-1401**. **Motion carried by voice vote.**

**H 277:** **Lyn Darrington**, representing the Idaho Title Underwriters, presented **H 277** which addresses the practice of issuing a closing or settlement protection letter (CLP). She said CPLs have been part of the real estate closing process for many years. Lenders usually require a title underwriter to issue a CPL before a loan is funded during a closing. CPLs protect buyers, borrowers and lenders against theft of closing funds or failure to comply with written closing instructions.

**Ms. Darrington** said the legislation accomplishes two things. First, it codifies the existing practice of issuing CPLs and clarifies that the closing protection letter is part of the title insurance product. While the CPL covers buyers, borrowers and lenders with a single transaction, they wanted to make it clear that a CPL is considered one transaction for which a single rate is charged and covers all the parties – the buyer, the borrower and the lender. Second, the bill caps the rate that can be charged for a CPL. The rate must be filed with the Department of Insurance when all policies and rates are filed, be the only rate charged and not exceed the cap of \$25.00. The Bankers Association requested the included language that states a buyer, borrower, lender, or a title insurer retains all their respective rights and remedies in connection with these types of losses, except as otherwise provided for in the language of the CPL.

**MOTION:** **Rep. Kauffman** made a motion to send **H 277** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Thompson** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:49 PM.

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary



**AMENDED AGENDA #1**  
**HOUSE BUSINESS COMMITTEE**  
**1:30 PM or Upon Adjournment**  
**Room EW41**  
**Wednesday, April 01, 2015**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 92 aa,aaS</a>	Amendments to the Uniform Fraudulent Transfer Act	Rep. Clow

***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 Barbieri	Rep Batt	Rep DeMordaunt
Vice Chairman Clow	Rep Hixon	Rep Dixon
Rep Collins	Rep Kauffman	Rep Troy
Rep Crane	Rep Monks	Rep Smith
Rep Palmer	Rep Anderst	Rep Rusche
Rep Thompson(Mickelsen)	Rep Beyeler	Rep Jordan

COMMITTEE SECRETARY

Francoise Cleveland  
Room: EW58  
Phone: 332-1139  
email: [hbus@house.idaho.gov](mailto:hbus@house.idaho.gov)

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Wednesday, April 01, 2015

**TIME:** 1:30 PM or Upon Adjournment

**PLACE:** Room EW41

**MEMBERS:** Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson (Mickelsen), Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/  
EXCUSED:** Representative(s) Crane, Anderst, Beyeler, Troy

**GUESTS:** Mike Brassey, Uniform Law Commissioner

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

**Chairman Barbieri** welcomed to the committee **Rep. Mickelsen** who is filling in for **Rep. Thompson**.

**Chairman Barbieri** thanked the Committee's page, **Samantha Ruggles**, for her tireless work on behalf of the committee.

**MOTION:** **Rep. Jordan** made a motion to approve the minutes of March 11, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Jordan** made a motion to approve the minutes of March 17, 2015. **Motion carried by voice vote.**

**MOTION:** **Rep. Jordan** made a motion to approve the minutes of March 19, 2015. **Motion carried by voice vote.**

**H 92 aa, aaS:** **Rep. Clow** presented the Senate amendment to **H 92 aa, aaS**. He said the amendment made the language in the legislation more lucid through a better definition of defendant as a "transferee or debtor." The amendment also distinguishes a charitable contribution transfer to a qualified religious or charitable entity or organization not exceeding fifteen percent of the transferor's gross income. He said the sponsor of the bill supported the changes.

**MOTION:** **Rep. Rusche** made a motion to concur with the amendments made in the **Senate to H 92 aa, aaS**. **Motion carried by voice vote.** **Rep. Clow** will sponsor the bill on the floor.

**Chairman Barbieri** thanked the members for their work this session on behalf of the Business Committee.

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

---

Representative Barbieri  
Chair

---

Francoise Cleveland  
Secretary