

**IDAHO ELECTRICAL BOARD
VIDEOCONFERENCE MEETING**

Wednesday – January 23, 2019 – 9:30 a.m. (MST)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

MINUTES OF THE JANUARY 23, 2019 MEETING

NOTE: The following report is not a verbatim transcript of the discussions at the meeting; however, is to record the significant features of those discussions.

Chairman Bob Scott called the meeting to order at 9:30 a.m. (MST)

Board Members Present:

Bob Scott, Chairman
Jeff Wheeler, Vice-Chairman
Todd Feusier
Allan Perman
Rick Stark
Dale Pippitt
Joe Harbacheck
Greg Eagy
Jim Marchetti (Pocatello)

DBS Staff Members Present:

Chris L. Jensen, Administrator
Spencer Holm, Deputy Attorney General
Warren Wing, Electrical Program Manager
Larry Jeffres, Regional Manager, Region 1
Adam Bowcutt, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Shelly Farris, Regional Supervisor, Region 3
Brad Myers, Regional Supervisor, Region 3
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Street and Traffic Lights – Jeff Fitzloff, Electrical Controls and Instrument, explained in 2003 or 2004, developers came before the Board to debunk a rule for street lights. At the time it was being interpreted as a structure and needed to have a service disconnect. A rule was written to allow a hand hole in the earth with a breakaway fuse in it, with certain parameters to be done. It was understood at the time it would just be street lights. Now with all the apartment complexes being built, these things are starting to merge into the parking sections of those apartments because the common street kind of flows in there like a cul-de-sac. Mr. Fitzloff believes that was never the intent.

Another issue is traffic lights and a communication company that wants to put boosters on them. The company is attempting to go straight from the utility into a hand hole, like a light pole, come and hit the outside of the traffic light, run pipe to the top and set a receptacle so they can set boosters. When they stick the receptacle on it, it goes to utilization equipment. A traffic light is not a street light. Mr. Fitzloff would like the Board to consider further discussion with the possibility of rewriting the rule; bringing it current.

Electrical Inspector Legislation – Mr. Fitzloff is against the proposed legislation by the city of Meridian to eliminate the requirement that an electrical inspector needs to be a journeyman electrician. It was suggested anyone involved in this issue should attend hearings at future legislative sessions.

Electrical Installer Classification – Ken Brown, IBEW Local 73, voiced concern Senate Bill 1009, which would amend existing law to provide for licensure of electrical installers, is an inappropriate solution to a problem. Thus, creating a sub-apprenticeship with lesser standards than what the industry currently has for electrical workers.

The language in the bill came out of a collaborative group that met several times in 2018, and while that wasn't consensus language, much of the collaborative did agree on it. The legislative processes to create a statute and rule were explained.

A lengthy discussion ensued with several audience members, primarily union representatives, not in favor of the installer license. It was suggested industry attend committee hearings for the bill; sharing their opinions.

◆ **Approval of the January 23, 2019 Agenda**

Lynn Tominaga, Idaho Ground Water Association, was to present agenda item 03 *Pump Installers*; however, was unable to attend the meeting. Therefore, the topic was not addressed.

MOTION: Rick Stark made a motion to approve the agenda as amended. Allan Perman seconded. All in favor, motion carried.

◆ **Approval of the October 24, 2018 Board Meeting Minutes**

MOTION: Allan Perman made a motion to approve the minutes as written. Jeff Wheeler seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Super D Electric, LLC--NOV ELE1804-0001, 1805-0004, and 1807-0009 – Each NOV was heard separately by the Board. Wade Dabill represented Super D Electric, LLC, Compliance Program Specialist Amy Kohler represented DBS, Regional Supervisor Gary Sonnen was a witness for DBS and Deputy Attorney General Spencer Holm was the facilitator on each case. The parties were sworn in.

NOV ELE1804-0001 – Inspector Tim Biggers, witness for DBS, was sworn in. Mr. Dabill had no witnesses. With no objection from Mr. Dabill, the Chairman approved the introduction of Exhibits A through Q into the record. All parties provided testimony to ELE1804-0001, violations of IDAPA 07.01.11.011.04 “Journeyman to Apprentice Ratio” and 07.01.11.011.05 “Supervision”.

MOTION: Allan Perman made a motion to uphold NOV ELE1804-0001 as presented by DBS. Jeff Wheeler seconded. All in favor, motion carried.

NOV ELE1805-0004 – Inspector Dan Strouse, witness for DBS, was sworn in. Mr. Dabill had no witnesses. With no objection from Mr. Dabill, the Chairman approved the introduction of Exhibits A through F into the record. All parties provided testimony to ELE1805-0004, violation of IDAPA 07.01.11.011.04 “Journeyman to Apprentice Ratio”.

MOTION: Jeff Wheeler made a motion to uphold NOV ELE1805-0004 as presented by DBS. Todd Feusier seconded. All in favor, motion carried.

NOV ELE1807-0009 – Inspectors Mike Paschall and John Kraack, witnesses for DBS, were sworn in. Mr. Dabill had no witnesses. With no objection from Mr. Dabill, the Chairman approved the introduction of Exhibits A through R into the record. All parties provided testimony to ELE1807-0009, violation of IDAPA 07.01.11.011.07 “Fees and Permits”. When asked, Mr. Dabill’s contention was the circuitry was installed prior to his company arriving on the job site and his invoice, exhibit J, was for one outlet only.

MOTION: Greg Eagy made a motion to uphold Mr. Dabill’s challenge and reject NOV ELE1807-0009. Allan Perman seconded. Six ayes and two nays, motion carried.

The Deputy Attorney General explained the rights of Super D Electric, LLC. There will be three written decisions and DBS will refund the civil penalty fee on NOV ELE1807-0009.

ACTION: The Deputy Attorney General will create written decisions for NOV ELE1804-0001, ELE1805-0004, and NOV ELE1807-0009 for the Chairman’s signature, and the Division will provide signed copies to Super D Electric, LLC.

◆ **HVAC Electrical Installations Update**

There has been no movement from the HVAC Board towards requiring HVAC apprentices to be supervised by HVAC journeymen. It was stressed the way the statute is written HVAC apprentices are not allowed to do electrical installations. HVAC inspectors continue to be cross-trained on the proper way to inspect specific electrical installations.

◆ **CEU Requirements**

There are many big named course providers standard across the country with classes recognized in the industry as national courses. In rule, CEU courses are required to be pre-approved by the state of Idaho; however, not all providers are complying. Electrical Program Manager Warren Wing stated the nationally recognized courses should be pre-approved, and if the Board agrees, a rule change would be required.

Kelly Lamp, National Electrical Contractors Association, explained everything is now electronic, and individuals are being taught how to utilize specialized programs. Kevin Vogel, Electrical Engineer, suggested caution be taken if allowing large nationally recognized organizations to haphazardly be accepted as offering approved courses. Ed Huskey, Southwestern Idaho Electrical JATC, stated the advantage of removing the “pre-approval” from rule is some credit could be given from valued courses taught by individual’s specializing in specific subjects.

The Chairman requested, and the Electrical Program Manager agreed, to meet with industry and find a solution to this issue. Upon further discussion, the Division will begin the negotiated rulemaking process to remove the verbiage “pre-approval” from rule.

ACTION: The Electrical Program Manager will begin the negotiated rulemaking process to remove “pre-approval” from IDAPA 07.01.07.012 Rules Governing Continuing Education Requirements for the 2020 legislative session.

All electrical rules passed and will become effective sine die of the 2019 legislature. Beginning at the April 2019 board meeting, licensees may receive industry-related CEUs for attending board and negotiated rulemaking meetings. In addition, code-related programs have been defined, and journeymen/master electricians will only need to obtain eight hours of code update for every three-year cycle with the remaining 16 hours of CEUs in any of the three categories.

◆ **Program Manager Report**

CEU Classes – DBS offers free Electrical CEU courses the fourth Friday of every month.

◆ **Compliance Program Report**

The Compliance Program Specialist continues to build relationships with local building officials and inspectors.

◆ **Administrator Report**

Financial Report – The Board’s finances are in very good condition with revenue slightly exceeding one-year in reserve.

Budget – DBS appeared before the Joint Finance-Appropriations Committee to address its proposed budget. All was approved except for one school safety and security advisory position, which was held back by the Governor.

Legislation – There are two bills, if passed, that would affect the industry. A bill by the city of Meridian would eliminate an inspector being required to be a journeyman, and the Association of Idaho Cities bill would allow building inspectors to be hired without certification; however, would need to get certified within six months of being hired.

Katerra Factory – A Katerra factory is to be built in Meridian and will produce a wide range of building components and materials, including lighting, cabinetry, truss assemblies, wall panels, and more. Most of the products are built by robotics.

Amazon Distribution Center – Although it has not been officially announced, Project Bronco has been issued a permit from the city of Nampa. This major warehouse project, approximately 857,397 square feet, is believed to be a future Amazon distribution center.

◆ **Adjournment**

MOTION: Greg Eagy made a motion to adjourn the meeting. Dale Pippitt seconded. All in favor, motion carried.

The meeting adjourned at 11:45 a.m. (MST)

BOB SCOTT, CHAIRMAN
IDAHO ELECTRICAL BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

04/24/2019rb