

**IDAHO PLUMBING BOARD
SPECIAL TELECONFERENCE/
VIDEOCONFERENCE MEETING**

Thursday – October 29, 2020 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
155 North Maple Street, Blackfoot**

MINUTES OF THE OCTOBER 29, 2020 SPECIAL MEETING

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

Chairman Matt Gardner called the special meeting to order at 9:31 a.m. (MDT)

Board Members Present:

Matt Gardner, Chairman
Gilbert Pond, Vice-Chairman
John Kierce
Rick Garrett
Bob King

DBS Staff Members Present:

Ron Whitney, Administrator
Patrick J. Grace, Deputy Administrator
Spencer Holm, Deputy Attorney General
John Nielsen, Plumbing Program Manager
Adam Bowcutt, Regional Manager, Region 3
Chuck Knapp, Regional Supervisor, Region 1
Renee Bryant, Administrative Assistant 2

◆ **Vote to Approve a Petition to Waive Permit Fees for Installations in Areas Affected by Wildfires**

At the 2020 legislative session, Senate Bill 1283 passed and became effective July 1, 2020. The bill allows an individual to request a waiver or variance of an existing rule without first being denied by an agency. The Division received a petition from Senator Dan Johnson and Senator Carl Crabtree, asking permit fees to be waived for those affected by the recent wildfires in Clearwater County. Deputy Administrator Patrick J. Grace offered for DBS to generate an Order for the Chairman’s signature; outlining the Board’s conditions to receive a plumbing permit.

Board Member Gilbert Pond stated, and Deputy Attorney General Spencer Holm confirmed, a plumbing permit fee cannot be completely waived as it would not be consistent with Idaho Code § 54-2623, which states in part, “The applicant shall pay to the department at the time of application, a permit fee for each permit issued ...”. In addition, Idaho Code § 67-5230(4) states in part, “An agency shall approve or deny a petition filed pursuant to this section or initiate rulemaking proceedings in accordance with this chapter within twenty-eight (28) days after submission of the petition, unless the members are not full-time officers or employees of the state, in which case the agency shall take action on the petition no later than the first regularly scheduled meeting of the board or commission that takes place even (7) days or more days after submission of the petition. ...” As explained by Board Member Pond, board members are not full-time employees of the state; therefore, any action needed on future petitions should be brought before the Board at its next regularly scheduled board meeting

since special meetings can and have caused hardship for board members that are self-employed.

Deputy Administrator Holm reiterated Idaho Code § 67-5230 does require a waiver or variance not conflict or violate Idaho law. A waiver would be in conflict with Idaho Code § 54-2623 as a plumbing permit applicant has to pay a permit fee. Therefore, it was suggested a variance, with a reduced fee, would comply with both statutes. The Board agreed to a variance and a reduced permit fee of \$25.

Although the petition by Senators Johnson and Crabtree ask for a waiver of permit fees for their constituents in Clearwater County affected by the recent wildfires, the petition could be approved as the petitioners propose an alternative that will afford substantially equal protection of healthy, safety and welfare intended by the particular rule for which the waiver is required.

The Board agreed to the following stipulations for granting a variance: 1) Location is Clearwater County, 2) Deadline to apply for a permit is December 31, 2021, 3) Limit to plumbing installations made to repair or replace structures damaged by the wildfire; 4) Examined by a fire marshal or local authority to verify proof of loss; and 5) Inspections required.

MOTION: John Kierce made a motion that in the event DBS receives a petition from a homeowner affected by wildfires in Clearwater County, Idaho, DBS Plumbing Program Manager John Nielsen be allowed to apply a variance in permitting fees of a minimum \$25, a specific time period not to exceed December 31, 2021, for a primary residence only, may be vetted by a fire marshal or other agency upon proof of such loss on replacement of property previously permitted only, and inspections to be performed. Gilbert Pond seconded. Roll Call: Bob King-Aye, Rick Garrett-Aye, Gilbert Pond-Aye, John Kierce-Aye and Matt Gardner-Aye. All in favor, motion carried.

◆ **Adjournment**

Chairman Gardner adjourned the meeting at 10:38 a.m. (MDT)

MATT GARDNER, CHAIRMAN
IDAHO PLUMBING BOARD

RON WHITNEY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

12/02/2020rb