

**IDAHO ELECTRICAL BOARD
VIDEOCONFERENCE MEETING**

Wednesday – October 28, 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 28, 2020 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. (MDT)

Board Members Present:

Bob Scott, Chairman
Jim Marchetti
Greg Eagy
Jim Swier
Casey Wilson
Rick Stark
Joe Harbacheck
Todd Feusier

DBS Staff Members Present:

Ron Whitney, Administrator
Patrick J. Grace, Regional Manager, Region 2
Spencer Holm, Deputy Attorney General
Warren Wing, Electrical Program Manager
Adam Bowcutt, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

IDOPL – Administrator Ron Whitney explained DBS’s new relationship with the Idaho Division of Occupational and Professional Licenses (IDOPL). An organizational chart for the Board Reporting Structure is in the packet. The Division’s boards will be under the Building, Construction and Real Estate Section, managed by Section Chief MiChell Bird.

CWI Apprentice Program Update – Marc Swinney, College of Western Idaho, stated apprenticeship courses were all on line earlier in the year when the Covid epidemic began. For the fall 2020 session, first year apprentices will divide their time between one week in person and one week via Zoom. Years two, three and four of the program will use Zoom only.

City/County Concerns – There were no city/county concerns for open forum.

◆ **Approval of the January 22, 2020 Meeting Minutes**

MOTION: Joe Harbacheck made a motion to approve the minutes as presented. Jim Swier seconded. All in favor, motion carried.

◆ **Approval of the January 29, 2020 Special Meeting Minutes**

MOTION: Casey Wilson made a motion to approve the minutes as presented. Jim Marchetti seconded. All in favor, motion carried.

◆ **Approval of the February 13, 2020 Special Meeting Minutes**

MOTION: Greg Eagy made a motion to approve the minutes as presented. Jim Marchetti seconded. All in favor, motion carried.

◆ **Approval of the August 13, 2020 Special Meeting Minutes**

MOTION: Todd Feusier made a motion to approve the minutes as written. Casey Wilson seconded. All in favor, motion carried.

◆ **Approval of the October 28, 2020 Agenda**

Chairman Scott asked agenda item ten *Waiver of Permit Fees of Those Affected by Wildfires* be moved to the first topic under the “Action Agenda”.

MOTION: Casey Wilson made a motion to approve the revised agenda. Greg Eagy seconded. All in favor, motion carried.

◆ **Waiver of Permit Fees of Those Affected by Wildfires**

At the 2020 legislative session, Senate Bill 1283 passed and became effective July 1, 2020; allowing a person to request a waiver or variance of an existing rule without first being denied by the 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 wildfire in Clearwater County. Deputy Administrator Patrick J. Grace offered for DBS to generate an Order for the Chairman’s signature with the following stipulations: 1) Limit geographically, 2) Limit one year to apply for permit, 3) Limit permits to individuals replacing and/or repairing structures on their property due to the wildfire; 4) DBS “may” require proof for eligibility, and 5) Waive permit fees; however, inspections will still be required.

MOTION: Jim Marchetti made a motion for DBS to approve permit applications with the condition at the next Idaho Electrical Board meeting proof be provided the wildfire was the cause of damage. Jim Swier seconded.

Deputy Attorney General Spencer Holm clarified in Idaho Code § 67-5230, you either deny or approve the petition and specify whether any conditions are placed on the waiver or variance or whether a specific time period for the waiver or variance is established.

SUBSTITUTE MOTION: Jim Swier made a motion to approve the petition before the Board with the condition there is proof the damage was caused by the wildfire, and one year to file for a permit. Todd Feusier seconded. All in favor, motion carried.

◆ **Application Related to Training Provider--Faith Technologies**

Faith Technologies is an electrical contractor and for the past ten years has been managing its own apprenticeship program, classes and on-the-job training, for its electrical apprentices. Idaho Career and Technical Education has reviewed and approved Faith Technologies’ program and is asking the Board to approve them as a training provider in the State of Idaho.

MOTION: Greg Eagy made a motion to accept Faith Technologies as a related-training provider for the State of Idaho. Casey Wilson seconded. All in favor, motion carried.

◆ **Vote to Authorize Notice of Omnibus Fee Rulemaking – Adoption of Pending Fee Rule with regard to IDAPA 24.39.10 (Formerly 07.01.01) in Docket Number 24-000-2000F**

Deputy Administrator Grace addressed the history, as well as the rulemaking processes required to ensure the pending fee rule stays in effect until possible approval at the 2021 legislature. In September 2020, the proposed rules were published in the Administrative Bulletin, requiring a public comment period of 21-days. The Division did not receive any comments. The following changes were made to the text of the rules since submitted to the 2020 legislative session: 1) Electrical “Bureau” changed to “Division”, and 2) Section 152.02, removed language regarding the Limited Electrical Installer Trainee’s requirement to renew. The apprentice to journeyman ratio remains the same; 4-1 for one- and two-family dwellings and 2-1 for everything else. With the structural change of DBS merging into the Idaho Department of Occupational and Professional Licenses, IDAPA 07.01.01 has been recodified to 24.39.10.

MOTION: Jim Marchetti made a motion to vote to authorize Notice of Omnibus Fee Rulemaking – Adoption of Pending Fee Rule with regard to IDAPA 24.39.10, (Formerly 07.01.01) in Docket Number 24-0000-2000F. Joe Harbacheck seconded. All in favor, motion carried.

◆ **Agreement--Reciprocal Journeyman Electrician License between Idaho and Oklahoma**
The Board was asked if it wanted to continue reciprocity with Oklahoma for the electrical Journeyman license.

MOTION: Jim Marchetti made a motion to approve reciprocity with Oklahoma. Greg Eagy seconded. All in favor, motion carried.

◆ **Agreement--Reciprocal Journeyman Electrician License Between Idaho and Washington**
It has been years since Idaho has had reciprocity with Washington. Reciprocal agreements now require a journeyman to meet the license requirements of the state it wants a reciprocal journeyman license.

MOTION: Todd Feusier made a motion to approve reciprocity with Washington. Jim Marchetti seconded. All in favor, motion carried.

◆ **Exam--Question Bank Management**

The electrical exams and processes were questioned at the January 2020 Board meeting. All test questions were revised by the Division. Electrical Program Manager Warren Wing would like to have three to five smaller exams, no duplicate questions, for each license type. Currently, there are 100 questions on the journeyman test and 80 questions on the masters exam. With the journeyman test harder than the masters test, it was proposed to reduce the journeyman questions from 100 to 80; however, add more calculations as journeyman electricians experience those on a daily basis. In addition, the Electrical Program Manager

would like to assign “Weighting” to individual test questions according to the level of importance.

MOTION: Jim Swier made a motion to direct DBS to proceed with the revised tests. Casey Wilson seconded. All in favor, motion carried.

◆ **DBS Inspector Certification**

At the 2018 legislature, a statute passed allowing DBS to self-certify its inspectors upon the Board’s approval of an inspector test. The test would consist of two parts; knowledge of code and statutes/rules. To remain certified, inspectors would be required to take an updated statutes and rules course every year, as well as 24 hours of continued education every three years. In order to keep track of training, each inspector will be assigned a certification number.

MOTION: Joe Harbacheck made a motion to approve DBS Inspector Certification. Greg Eagy seconded. All in favor, motion carried.

◆ **Contractors Exam to Cover Only DBS Statutes and Rules**

For the past several years, the electrical contractors exam has only covered 30 percent on Idaho’s electrical statutes and rules, with the remaining percent pertaining to business questions; i.e., how to hire a lawyer, how to run a business, etc. The Electrical Program Manager would like to change the exam to only cover electrical statutes and rules.

MOTION: Todd Feusier made a motion to update the contractors exam; covering only electrical statute and rules that pertain to contractors. Jim Swier seconded. All in favor, motion carried.

◆ **Schedule 2021 Board Meetings**

The proposed 2021 board meeting dates are: January 27th, April 28th, July 21st, and October 27th.

MOTION: Jim Marchetti made a motion to accept the 2021 meeting dates as presented. Casey Wilson seconded. All in favor, motion carried.

◆ **Universal Licensure**

In 2017, an executive order was issued asking each agency to generate a report on how to reduce barriers of entry for licensure and eliminate unnecessary regulations. At the 2020 legislature, Senate Bill 1351 *Occupational Licensing* passed and became effective July 1, 2020. The two main points of the bill that affects the Division’s boards are Idaho Codes §§ 67-9408 *Occupational and Professional Licensure Review Committee* and 67-9409 *Universal Licensure*. Essentially, the legislature set up a subcommittee comprised of legislators to review all new proposed regulation/licensure; making a non-binding recommendation to the House and Senate and establishes a universal licensure process to facilitate the efficient transfer of licenses between states. Long before the new law became effective, the Board established the processes and requirements to become an electrical journeyman and master electrician in the State of Idaho.

◆ **Electrical Board Rulemaking Schedule**

In January 2020, Executive Order (EO) 2020-01 *Zero-Based Regulation* was issued by Governor Little; placing all state agencies on a five-year rule review cycle. The next review of the electrical rules will be in 2023. In the EO are reasons an agency can run a rule off cycle from their assigned year.

◆ **Program Manager Report**

Compliance Report – DBS has a new compliance officer that has been finding compliance issues in the electrical, HVAC and plumbing trades. When asked, inspectors continue to do compliance. In November 2019, it was discovered a contractor in eastern Idaho was not in compliance and levied \$113,000 worth of civil penalties. The Division had several meetings with the contractor and were able to come to a settlement of \$72,000.

NERA Report – Idaho no longer reciprocates with Utah. Many states are looking at reciprocity and whether it is necessary with the new universal licensure.

◆ **Administrator Report**

Recognition – Electrical Program Manager Wing was complimented on the effort he has been putting into the program, as well as Deputy Administrator Grace for his work as the rules review officer.

Administrative Changes – As of August 1, 2020, Ron Whitney is the new Administrator of DBS, with Patrick J. Grace as the Deputy Administrator.

Finalized Org Chart of Boards – At the 2020 legislature, HB 318 passed; changing the name of the Bureau of Occupational Licenses to the Idaho Division of Occupational and Professional Licenses. Administrator Whitney explained the manner in which the Division and its boards are now under IDOPL. The chart in the packet is purely to align the licensing boards within IDOPL and does not reference all of DBS's programs and 146 employees. It is estimated the Division will move to the Idaho Chinden Campus, Boise, in the fall of 2021.

DBS Activity – As Covid-19 set-in, the Governor proclaimed construction an essential activity and asked DBS to track its permit and inspection activities. Compared to 2019, the number of permits and inspections in 2020 are up by ten percent. The Division's average year-to-date daily inspections has been over 600 and close to nearly 300 permits. The highest in September for one day was 763 inspection requests (mechanical, electrical, plumbing and building), and 387 permits issued.

Financial Report – The Board has a very strong cash reserve; however, the following items will have a slight impact on the cash balance: 1) Purchase of the Division's Blackfoot office, and 2) Tenant improvements at the Idaho Chinden Campus.

Board Meetings – The Governor recently put the whole State of Idaho back to Stage Three of his reopening program due to Idaho getting hit heavily with Covid. Earlier in the year, DBS looked into several meeting formats; i.e., Zoom, Microsoft Teams, WebEx; however, none were compatible with its tele/videoconferencing system. To meet the distancing requirements,

space is limited; therefore, everyone is encouraged to utilize the Division's satellite offices, as well as teleconference for board meetings.

◆ **Adjournment**

MOTION: Jim Marchetti made a motion to adjourn the meeting. Jim Swier seconded. All in favor, motion carried.

The meeting adjourned at 11:48 a.m. (MDT)

BOB SCOTT, CHAIRMAN
IDAHO ELECTRICAL BOARD

RON WHITNEY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

12/01/2020rb

DATE