

**IDAHO ELECTRICAL BOARD
SPECIAL MEETING**

Thursday – June 17, 2021 – 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 JUNE 17, 2021 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 Swier
Greg Eagy
Rick Stark
Casey Wilson
Todd Feusier
Jim Marchetti-Telecon.

DBS Staff Members Present:

Ron Whitney, Administration
Spencer Holm, Deputy Attorney General-Telecon.
Warren Wing, Electrical Program Manager
Adam Bowcutt, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Shelly Farris, Regional Supervisor, Region 3
Renee Bryant, Administrative Assistant 2

◆ **Omnibus Temporary Rule Chapter Proposal--IDAPA 24.39.10**

In order for Idaho administrative rules to become final, both the Senate and House of Representatives must pass a concurrent resolution to approve administrative rules that impose a fee or charge, with exceptions, and reject certain agency rule dockets that are not approved. The Senate introduced and pass SCR 108, but the House of Representatives did not take up or address the resolution. Similar to the two previous years, the only pathway for agencies to reauthorize administrative rules is through the Governor's temporary rulemaking authority pursuant to Section 67-5226, Idaho Code.

Chairman Bob Scott asked if the public or board members had comments on what was presented in the board packet. There was no response. The Chairman then informed the public there would be opportunity to make comments before the making of the motion.

Electrical Program Manager Warren Wing collaborated with the Division of Occupational and Professional Licenses (DOPL) and Deputy Attorney General Spencer Holm to remove duplicative language, consolidate requirements, as well as work with Governor Brad Little's zero-based directive. No changes were made to ratios, NEC amendments or listing of equipment.

Electrical Program Manager Wing addressed the following changes to each subchapter in IDAPA 24.39.10:

- Subchapter A *Electrical Permits and Inspections* – Clarified language and relocated all permit requirements throughout the rules into this chapter; creating consistency with the requirements for all permit holders.

- Subchapter B Fees for Electrical Permits and Inspections – Clarifying language added to show that permits expire 365 days from date of purchase. Board Member Jim Marchetti noted in 050.06.e *Other Installation (Including Industrial and Commercial) Permit*, the numerical and written dollar amount did not match. Currently, a small work permit is for any work \$200 or less. This amount has been in rule for many years and is rarely used. The Electrical Program Manager raised the amount to \$500; giving contractors the opportunity to utilize the small work permit.
- Subchapter C Electrical Licensing and Registration – Removed confusing language from apprentice re-registration requirements. The following will pertain to applicants: 1) Disclose and provide sufficient proof of previously obtained licenses from other states, 2) Reapply and obtain approval if the license is not purchased within 90 days of successfully completing the applicable exam, and 3) Have 365 days to purchase the license without being required to be re-examined. Clearly states requirements that 24 hours of a board-approved sequence of instruction to renew an apprentice registration if the individual is still in school or has not met the schooling requirements and work experience must be submitted. The Chairman mentioned the word “Electrical”, in the heading of new Section 107, was misspelled. As previously stated, no changes were made to the journeyman-to-apprentice ratio.
- Subchapter D Limited Electrical Installations – The licensing requirements for limited electrical installers and trainees have been moved to Subsection C; leaving only the criteria for all limited electrical installations in this subchapter.
- Subchapter C Electrical Licensing and Registration (Cont’d) – Kelly Lamp, National Electrical Contractors Association, questioned the 24 hours of board-approved sequence of instruction to renew an apprentice’s progressive registration. There is a Division policy where apprentices must show the required hours of training and completion of a specific school year to receive the coinciding registration card. The criteria for out-of-state licenses is in Subsection 103.02 *License Requirements*. Mark Zaleski, IBEW Local 291, suggested referencing “recognized license”. The definition is already in Section 003 *Definitions*, as well as the qualifications are in Idaho Code 54-1007 *Issuance of Licenses – Reciprocity*.
- Subchapter E Examinations – The pass rate for all exams was raised to 75 percent; making it easier to reciprocate with surrounding states that require a pass rate of 75% or higher. A minimum of 24 hours board-approved continuing education units (CEU) was added to reexam. Steve Kren, Stephen's Electric, questioned why an apprentice who recently completed the fourth year of an apprenticeship program would have to take 24 hours of CEUs between the first failed and second exam. The Electrical Program Manager stated the intent is to require the 24 hours of CEUs after a second failed attempt and before a third attempt at the exam. For clarification, the Chairman suggested, and Electrical Program Manager agreed, to reword the language.
- Subchapter F Use of the National Electrical Code – No changes were made.
- Subchapter G Continuing Education Requirements – No changes were made to the CEU requirements; however, the conditions for course/provider approval were removed as there is a Division policy.
- Subchapter H Electrical Inspection Appeals – Mark Zaleski, IBEW Local 291, asked how often code appeals have come before the Board. As far as the Electrical Program Manager knows, no

code appeals have ever come before the Board; thus, the reason for the removal of the code appeals process. The Division has always taken care of code appeals through internal policies.

- Subchapter I Certification and Approval of Electrical Products and Materials – No changes were made.
- Subchapter J Civil Penalties – Added was a new subsection titled *Failure to Request an Inspection*.

Deputy Attorney General Spencer Holm discussed the following suggestions for potential inclusion into the omnibus rule reauthorization: 1) Define the word “Contractor” since a contractor can mean an electrical or limited electrical contractor, 2) Removed Section 106.01.a.iii as there is language in rule that currently allows an electrical contractor to act as his own supervising master electrician, and 3) Remove the first line in Subsection 03 Electrical Contracting Work Defined, since it is covered in Idaho Code 54-1021.

During the discussion of each Subchapter, the Chairman allowed input from the industry and board members. (See above subchapters for questions/comments.)

Jeremy Redman, IBEW Local 291, asked whether Section 106.01.a.iii was added to clarify a contractor can hold the master license, and if deleted would a contractor need someone with a masters license. The Deputy Attorney General explained that Section 106.01.i already states an applicant has to have a supervising electrician and the supervising electrician has to be a master. It does not require a master to be a different person than the contractor. For clarity, Mr. Redman and Chairman Scott suggested Section 106.01.a.iii not be removed. Deputy Attorney General will ensure the language will clearly state an electrical contractor can be his own master electrician.

The Electrical Program Manager recommended not making any substantial changes outside of what he presented at today’s meeting, and the Board tabled all suggested edits from legal counsel for a future meeting.

Mr. Kren was concerned the industry would not have a say in any changes if language was removed from rule; becoming a Division policy. Chairman Scott stated at the beginning of every regularly scheduled board meeting, the public can address concerns/topics not already on the agenda. If DOPL is operating under a policy that causes angst, bring it to the Board as it has the authority to direct policy, and if the Board does not like the policy, it will contact DOPL directly. Tim Frost, DOPL Operations and Regulatory Bureau Chief responded that the Division cannot add nor enforce any new restrictions to policy that are not already outlined in statute or rule. Policy simply may provide additional contacts and subject matter expertise or explanation around a particular statute and rule to help the industry better understand it, but it certainly can’t be enforced in any form or fashion beyond the authority already given to the Board in statute or rules. When asked, there were no comments.

Mr. Kren questioned the role of rule versus policy for the Division to ensure there is transparency in the process. Chairman Scott stated at the beginning of every regularly scheduled board meeting, the public can address concerns/topics not already on the agenda. If DOPL is operating under a policy that causes angst, bring it to the Board to work with DOPL for alignment. Tim Frost, DOPL Operations and Regulatory Bureau Chief, responded that the Division cannot add nor enforce any new restrictions in policy that are not already outlined in statute or rule. Policy simply may provide additional context or explanation around a particular statute and rule to help the industry better

understand it, but it certainly can't be enforced in any form or fashion beyond the authority already given to the Board in statute or rules. When asked, there were no comments

◆ **Vote to Rescind Existing Temporary Rule Chapter--IDAPA 24.39.10**

Both the rescinding of the existing temporary rule, IDAPA 24.39.10, and adoption of the proposed temporary rule will become effective July 1, 2021.

The motion to rescind the existing temporary rule chapter IDAPA 24.39.10, was combined with the motion to adopt the temporary Omnibus Rule chapter IDAPA 24.39.10. (See *Vote to Adopt Temporary Omnibus Rule Chapter--IDAPA 24.39.10.*)

◆ **Vote to Adopt Temporary Omnibus Rule Chapter--IDAPA 24.39.10**

Chairman Scott read the following motion: "Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of this rule is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. Therefore, we are adopting this temporary rule to be effective upon July 1, 2021. We are also rescinding our existing temporary rule with an effective date of July 1, 2021." The Chairman added to the motion: "The rules the Board is adopting are as they have been presented by Electrical Program Manager Wing, in the packet, with such minor corrections as need to be made that have been discussed at this meeting."

MOTION: Rick Stark made the motion as presented. Jim Swier seconded. All in favor, motion carried.

◆ **Adjournment**

With no additional questions or comments, the Chairman asked for a motion to adjourn the meeting.

MOTION: Greg Eagy made a motion to adjourn. Casey Wilson seconded. All in favor, motion carried.

The meeting adjourned at 10:33 a.m. (MDT)

BOB SCOTT, CHAIRMAN
IDAHO ELECTRICAL BOARD

RON WHITNEY, ADMINISTRATION
DIVISION OF BUILDING SAFETY

DATE

DATE

07/15/2021rb