

## IDAHO PLUMBING BOARD SPECIAL MEETING

Wednesday – June 9, 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 9, 2021 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  
Rick Garrett  
John Kierce

#### **DBS Staff Members Present:**

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

#### ◆ **Omnibus Temporary Rule Chapter Proposal--IDAPA 24.39.20**

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.

In the board packet is the revised rule chapter, IDAPA 24.39.20, as it will appear upon approval by the Governor. Plumbing Program Manager John Nielsen offered to answer any questions as this was the time for public comments. There was no response from stakeholders attending the meeting, in person or teleconference.

Deputy Attorney General Spencer Holm has compared the new version of the rule chapter with the current rules; explaining that section .002 *Administrative Appeals* was removed in its entirety. The section addressed a ten-day period to appeal a civil penalty and the requirement of a bond in the amount of the penalty. Appellants will now have 21 days to appeal and do not have to pay the fines in advance of the hearing. Board Members Gilbert Pond and Rick Garrett questioned the benefit of removing the ten-day requirement. This does not take away the ability to appeal as the civil penalty process has not changed. In addition, the plumbing rules will be consistent with the electrical and HVAC rules.

The following changes were mentioned by Deputy Attorney General Holm as well: 1) The word “Title” has been removed from section .001 *Title and Scope*, 2) Subsection .01 *Title* has been completely eliminated, and 3) Section 208 *Specialty Plumbing Licenses*, to include subsections .01 through .06, are no longer in rule. Although duplicative language has been removed, the Deputy Attorney General believed more verbiage could be eliminated by keeping the general requirements and removing the specific requirements in each of the specialty license sections.

The Plumbing Program Manager made the following comments: 1) Zero based regulations are forthcoming and stakeholders will have an opportunity to provide input, 2) Everything deleted is either referenced in code or statute, and 3) The mobile home specialty license was removed from statute two years ago. The Division wanted to remove that license from rule last year; however, was informed there was a moratorium on submitting proposed rule changes; thus, the changes as mentioned above.

Throughout the meeting the Chairman asked if there were any questions or concerns. None were offered by the stakeholders.

◆ **Vote to Rescind Existing Temporary Rule Chapter--IDAPA 24.39.20**

When asked, Plumbing Program Manager Nielsen had no further comments.

MOTION: Rick Garrett made a motion to rescind the existing rule chapter IDAPA 24.39.20. Gilbert Pond seconded. All in favor, motion carried.

◆ **Vote to Adopt Temporary Omnibus Rule Chapter--IDAPA 24.39.20**

A recommended motion was provided to the Board. The Deputy Attorney General stated unless the Board has any amendments to the changes presented, a motion was in order.

MOTION: John Kierce made a 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. Rick Garrett seconded. All in favor, motion carried.

Chairman Gardner asked if there were any other comments or concerns from the Board. None from the Board; however, it was mentioned the Division’s Coeur d’Alene office is in the process of being remodeled and will double the size of the board room. With no further comments, the Chairman asked for a motion to adjourn the meeting.

◆ **Adjournment**

MOTION: John Kierce made a motion to adjourn the meeting. All in favor, motion carried.

The meeting adjourned at 9:54 a.m. (MDT)

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MATT GARDNER, CHAIRMAN  
IDAHO PLUMBING BOARD

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RON WHITNEY  
DELEGATEE OF THE ADMINISTRATOR  
DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSES

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