



State of Idaho
Division Of Occupational and Professional Licenses
Idaho Electrical Board

BRAD LITTLE
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RUSSELL BARRON
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Minutes of July 20, 2022

Board Members

Present:

Todd Feusier
Rick Stark
Jim Swier
Greg Eagy
Jim Marchetti
Casey Wilson

Division Staff:

Michael Hyde
Tim Frost
Yvonne Dunbar
Bryan Mulleneaux
Andy Rose
Jessica Spoja
Molly Hamilton
Linda Pratzner
Carlotta Zito

Board Members

Absent:

Chad Fields

The meeting was called to order at 9:03 a.m. by Rick Stark.

Roll Call & Introductions

Introduced was the new Licensing and Program Manager.

New Building Information

Discussed was the layout of the new building.

Election of Officers

The Governor's office is working on appointments for two vacant positions on the Board. The topic "Election of Officers" to be placed on the agenda for the next meeting.

Electrical Permitting and Inspection Report

Provided was a table on the total number of electrical permits and electrical inspections completed for the past three fiscal years.

Compliance and Notice of Violation Report

Presented was the Electrical Notice of Violation Report.

Approval of NASCLA's Electrical Licensing Exam

DOPL would like to explore standardized national journeyman and master exams. Discussion ensued regarding passing scores and the need for a more flexible rule if an exam is adopted. The Idaho state exam was discussed and information on NASCLA's exam was presented.

MOTION: A motion was made and seconded to accept NASCLA's exam. Motion carried unanimously.

IDAPA Rule Examination Score Requirements

There was a lengthy discussion on whether the passing score should be 70% or 75% for the appropriate license or certification to be issued. It was suggested language be changed from “required to achieve a minimum of 75% exam scores...” to “required to achieve a passing score...”.

MOTION: A motion was made and seconded to allow DOPL to accept a passing score of 70% for the journeyman exam and leave the passing score at 75% for the master exam. Motion carried unanimously.

Zero Based Regulation (ZBR) IDAPA 24.39.10 Rules of Idaho Electrical Board

Deputy Administrator Frost addressed the process and purpose of the Zero Based Regulation. Incorporated in the document were comments received by the Board from Negotiated Rulemaking hearings. The goal is to clarify or create flexibility and remove duplicative wording to regulate safe electrical installations in Idaho.

The first three sections of the rule are standard of what is seen in any rule chapter.

000 – Legal Authority – Title 67, Chapter 26, Idaho Code, and Title 62, Chapter 94, Idaho Code, were added pursuant to negotiated hearing comments.

002 – Incorporation by Reference – Removed as the language is duplicative of statute.

002.03 – Recognized License – Removed as the language is duplicative of Section 67-9409, Idaho Code, and Rule 100.

003.012 – Temporary Installations Connected Prior to Inspection – Deputy Administrator asked the Board for context on this section. Board Member Stark supports leaving this section in as it pertains to power supply companies. Deputy Administrator Frost stated that Idaho Code 54-1005(3) requires a permit be pulled for temporary installations; thus, questioned whether this rule is necessary. Acting Chairman Stark stated what is not detailed in statute is the sentence, “Any contractor energizing a temporary service prior to inspection shall assume full responsibility for the installation of the temporary service.” For now, this section will remain in rule.

004.01 – Residential Permits – The goal is to group specific permit types to make it more user friendly to pull permits. The fee for most inspections is \$65.00. Acting Chairman Stark suggested having a user guide for pulling permits. Deputy Administrator Frost agreed and stated comments have been received regarding Section b – Residential Dwelling Unit language. Based on negotiated hearing comments, it was suggested to revert to the terminology of “dwelling unit”.

004.02.d – Small Works Permit – Originally, it was suggested to delete this section. Comments were received that this section is relevant; therefore, reverted back to the original text.

004.05 – Virtual Inspection Request – Comments were received about keeping the virtual inspection fee at \$65 rather than \$45. Acting Chairman Stark agreed the fee should stay at \$65 since the same service is being rendered.

004.17 – Refunds of Permits – It is suggested this language be removed from rule because refunds differ based upon circumstances. Acting Chairman Stark agreed with striking this language and suggested DOPL retain a small portion of the cost to cover the expense of refunding a permit.

SUBCHAPTER A – ELECTRICAL LICENSING AND REGISTRATION

100 – Licensure History – Removed as the language is duplicative of Section 67-9409, Idaho Code.

101.03 – License – The application process is in statute. The application and fee for a license is valid for 365 days. Statute authority does not support this rule.

101 – Journeyman and Master Electrician Continuing Education and 102 Apprentice Continuing Training – Acting Chairman Stark stated the intent of the Board was to not allow an apprentice to work their entire career as an apprentice. If an electrical apprentice chooses not to pursue a journeyman license, they need to take classes to stay up to date on skills and codes. Deputy Administrator Frost clarified the piece being worked on is historical; what has happened, what have been the changes in rule, what the statute gives the Board the authority to do, is there a way to blend it or not. In doing so, Deputy Administrator Frost petitioned the Board to advise the Division on the next steps. Anytime there is a scenario where changes to the framework on how to regulate something, the Division needs feedback from the Board on how to handle the next steps. There are a number of different pathways to consider. Acting Chairman Stark asked whether the Board has the authority to change this requirement. Legal Counsel, Yvonne Dunbar, explained that looking at statute and the different requirements for renewal, it talks about proof of satisfaction of applicable apprentice and specialty training instruction and work requirements as established by the Electrical Board. It does not mention continuing education. Rather than tying apprentices to continuing education it talks about continuation training. There is instruction through schooling but there is the other avenue of just doing the on-the-job work and training. Supervision is required by journeymen and masters. This should be taken into consideration why the legislature utilized a different phrase. Jeremy Redman, IBEW 291, stated it hit him between the eyes that the eight-year guys don't have to do anything. It's just those that took apprenticeship training. Deputy Administrator Frost replied currently, we have a licensure pathway that is not a part of CTE at all. Part of this is we have to apply what the statute says to all of our licensure pathways. Legal Counsel stated this is part of the reason why continuation training is different from continuing education and does not think it was the intent for those individuals who went to school to complete continuing education courses in addition to, but rather continue the work experience training. Further discussion ensued regarding the pathway to licensure requirements and the historical education requirement for license renewal. Executive Hyde stated that historically we need to take into account that this was pre-CE when talking about continuation training. Audience member James Smith stated when the one-year renewal was effective, and registration was expiring for a registered apprentice in state school or an IBEW/JATC apprenticeship, a notification would be sent saying the apprentice was attending school and the continuation of their training. If it was an apprentice that was no longer in school and wasn't getting any formal education or any of the code updates, then they had to take the eight hours of

NFPA 70E training and 16 hours of continuing education of code. Acting Chairman Stark stated the Board has always wanted to see apprentices that are not in a school program continue their education, training, or both. That has always been the intent. Deputy Administrator Frost stated the comments from Mr. Redman and Mr. Smith are very relevant. We have no disagreements nor arguments there. We have three different scenarios of apprentices: 1) Registered/enrolled in a program, 2) Registered but not enrolled in a program, or 3) Registered and has completed the apprenticeship education program and needs to pass the journeyman examination. What is before you today is the statute and legislative history of continuation training, continuing education, and Idaho Code 54-1007. The scenario of the apprentice registered but not enrolled in a program isn't clearly detailed and there is not a pathway to require continuation training for an apprentice without being enrolled in a program. Acting Chairman Stark asked for this topic to be further discussed at a future meeting. Mr. Smith commented that people that have the 16,000 hours, and the Board's intent on having them do a little bit of code, 16 hours of code, if they wanted to take the journeyman exam, if they haven't looked at the code book in two or three cycles, they would be hard pressed to know what is on the exam. Mr. Smith believes it was the Board's intent to try to keep people familiar with a good avenue to keep them refreshed and dabbling in the code for at least 16 hours. Acting Chairman Stark agreed that was the intent of the Board. Before moving to the next rule, Deputy Administrator Frost stated that after the packet was sent to the Board, public email comments were received, with two or three of them addressing this rule. All comments will be in the next Board packet.

103 – Examination and License – The goal is to simplify language in this section.

104 – Limited Electrical Installer – Aligning language with statute. There were no significant changes.

105 – Master Electrician – One piece not detailed in statute is an allowance. Someone that is currently holding a masters license is not required to hold a journeyman license.

106 – Electrical Contractor and Limited Electrical Contractor – Deputy Administrator Frost stated this section is related to quite a bit of history. Going back to rule changes in 2007 & 2008 related to contractor requirements, the rule changes were not spurred by statute. Deputy Administrator Frost read in part Section 54-1010(1), Idaho Code, “Any electrical contractor who works as a journeyman electrician, as herein defined, shall be required to have a journeyman electrician’s license or master electrician’s license ...” The requirement to hire a journeyman has been in place since the early 1990s and 1980s. There was no legislative change in 2007 that spurred the Board’s decision to then change to requiring the employment to a master electrician for an electrical contractor. It wasn’t until 2018 that a bill was run by the Division of Building Safety through the legislature that added the language journeyman electrician or master. The draft language aligns this section with what is written in statute. Based on feedback received, some individuals are fully supportive of the master’s requirement while others believe it should be journeymen only. There are varying opinions on who the electrical contractors should have to hire. The statute says journeyman or master electrician. Audience member Daryl Nelson commented that going back to what it takes for a contractors license, the testing requirements that are established for a contractors license needs to be addressed on top of this. The contractors examination needs to be updated. The test that consists of 80 questions will be a lot harder and needs to be addressed. Audience

member Jeff Fitzloff provided history and stated when the master requirement was established in 2007 or 2008, he was informed that in statute they had to leave it as journeyman and master. There was discussion about whether to put in a grandfathering clause. They were informed that they had to set the master requirement in rule. Acting Chairman Stark asked for clarification that the statute says journeyman or master electrician. Deputy Administrator Frost confirmed that is correct.

106.1.2 – Electrical Contracting Work. A portion of this section looks at what is considered contracting work, which is in statute. There is an element of this rule that is related to civil penalties and the Board’s authority over contractor advertising, which has been brought up at negotiated hearings. Similarly, Idaho Code 54-1014, Subsection 2, already specifies what the revocation requirements are for a contractor’s license. To renew a license, all outstanding fees must be paid. One of the questions received during negotiated hearings is whether we can also require that they cannot pull additional permits if there is an outstanding fine.

107 – Journeyman Electrician Performing Limited Electrical Installations – Removed as the language is duplicative of statute.

Rule 108 – Facility Accounts – Removed as the language is duplicative of statute.

SUBCHAPTER B – LIMITED ELECTRICAL INSTALLATIONS

No changes have been made to this section. There has been discussion by the Idaho Rural Groundwater Association about some of their needs, adding a new limited electrical license and bringing it to the Board or make an adjustment to how it is currently written.

150 – License Requirements – Deputy Administrator Frost stated there is nothing duplicative of statute in this section. The Board has full autonomy to create limited electrical licenses. Audience member Daryl Nelson asked whether it would be okay with the Board to throw in a single-family dwelling limited electrical license under the limited section. He stated they have it for solar. It is technically a residential two-year apprenticeship. It could be placed here where the Board has full say over what goes in this section of rule. Deputy Administrator Frost stated this suggestion turns into a legal analysis of whether a two-year electrical license can be created. This is a question that is open for discussion and feedback from the Board. Specifically, the scope of work permitted under the license type is needed before legal guidance can be given regarding this request. Acting Chairman Stark stated he has taken the word “limited” to mean limited energy or lower voltage than 120 volt, preferably under 70 volt. Deputy Administrator Frost stated if you look at the different types of licenses that have come from this, that can be a consideration. If you break this down, it is limited to certain installation types. The natural question becomes whether a single/multi family dwelling limited license is limited in installations or the type of setting where the installations are happening. Legal Counsel Dunbar commented that section 54-1003A(6) – *Definitions*, specifically discusses that the person performing work related to special classes of electrical wiring, apparatus or equipment within categories as adopted by the Board, and if you look at the limited electrical contractor, it again goes towards performing work on restricted categories of electrical wiring, apparatus or equipment within categories as adopted by the Board. Board Member Jim Marchetti’s opinion is that “limited” means the type of training. He stated you do not go to a foot doctor if you need heart surgery. He has seen guys come out to a large commercial job that only have residential experience and it’s like training them all over again as

an apprentice. Board Member Marchetti agreed there needs to be more discussion. Audience member Larry Geyer stated there is a definition on page ten that says limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. Discussion continued on limited energy systems. Acting Chairman Stark stated the Board would entertain legal advice on this matter. Board Member Marchetti asked for a proposal from DOPL of what could be considered a limited residential license and what type of installations would fall under this category of licensing.

SUBCHAPTER C – EXAMINATIONS

200 – Examinations – Deputy Administrator Frost stated the language brought before the Board is related to passing scores. The use of the term passing score would allow leeway to determine the score based on the type of exam and would provide a valid approach to what is considered a passing score.

SUBCHAPTER D – USE OF THE NATIONAL ELECTRICAL CODE

250 – Adoption and Incorporation by Reference of the National Electrical Code – Deputy Administrator Frost gave context on this topic of considering adoption of the 2020 National Electrical Code. Information provided by the 2020 Code Collaborative was presented. At the last meeting a comment was made about implementing setbacks related to solar. Deputy Administrator Frost asked for more context on the setbacks. Audience member Casey Wilson stated it is in item W, part 2, and says off grid systems shall not be required to comply with rapid shutdown requirements. If proceeding with this, Mr. Wilson would like to see additional language that would require a minimum setback from a neighboring structure on a neighboring property. The concern being firefighters may not save that building or put that fire out if there is not rapid shutdown so there is a potential for these residential neighborhoods with very limited setbacks, maybe five feet or so, if a neighbor's house sets my house on fire because they don't have rapid shutdown because they are off grid is a big concern. Maybe a 100 yard setback from any neighboring structures on adjacent properties, and in consideration of first responders safety, which is the whole point of this code, a bare minimum of a placard should be installed on the building notifying first responders the solar system does not have rapid shutdown. Code requires you put a placard if you do have rapid shutdown; therefore, feels it is reasonable to also have a placard if you do not. Deputy Administrator Frost will work on drafting an amendment to account for this issue. Deputy Administrator Frost stated DOPL asked inspectors to review the 2020 Code regarding items they see that come up in the field then referred to the five-page document that works through this contained in the packet provided to the Board and public. Executive Officer Hyde stated that looking through the document, what is recommended as amended language is underlined in blue and what is in black is the way the current code reads. Executive Officer Hyde would run through the blue underline in each section and ask for questions or concerns and stated the subject matter expert, Electrical Inspector Supervisor Andy Rose, was in the room. Deputy Administrator Frost stated he wanted to give context. When DOPL asked inspectors to look at the 2020 Code, are there any amendments they want considered. Some of DOPL's inspectors also reached out to journeymen, masters, and contractors, so this pertains to a number of people. The Board may find some of this relevant, and some not so relevant. We just wanted to compile it and get it in front of you as a consideration. These are not included in the rule draft at this time.

680.13 – Maintenance Disconnecting Means - It applies to outlets and disconnecting means of hot tubs and spas keeping the distance consistent between six feet and five feet making both requirements equal to six feet.

210.8A – Dwelling Units – We are making an exception to the GFI receptacles that are located within the ceiling for use of plug ins. There is a light source not requiring that to be GFI protected and just be a normal outlet there.

210.8B – GFCI Protection – We are looking to make an amendment to where any type of 250-volt receptacle is not required to be GFCI protected for any type of residential system where for whatever reason they are looking to install for example a welder. What we are hearing is that if those outlets are GFCI protected they will trip nine times out of nine. We are trying to eliminate that situational problem from occurring.

250.50 – Grounding Electrode System – We are trying to allow what is a practice that has been condoned for years. By “allowing” instead of “installing” a refer system, you are allowed to do the grounding electrode as an exception.

230.30 – Wiring Methods – There isn’t anything in the current NEC that allows for the URD cable for listing and labeling. This section would allow for that cable and the installation of such. Those are the amendments that our inspectors and our team have proposed to be considered as we investigate the code subchapter of NEC amendments 2020.

Board Member Marchetti stated for section 110.26A-Working Spaces, he has an issue with that and understands where the inspectors are coming from on this. Twenty-five years ago, an old inspector came on a job and he was missing the workspace clearance by 3/8 of an inch. The inspector busted him on it. He has never forgotten what the inspector told him, that when it comes to your safety and my safety, I will not even give 3/8 of an inch. Board Member Marchetti has been in situations where there has not been adequate working clearance. He doesn’t agree with giving in when it is a safety issue when it is going to protect those out in the field. Audience member Larry Geyer stated he 100% agrees with Board Member Marchetti, that rules should never ever be lessened when they concern working clearance. There is a lot of history behind the rule. Acting Chairman Stark made a general comment on the spacing issue; stating the homeowner that goes in today may not be the homeowner that is there tomorrow and conceding to one person’s needs may not meet the needs of the next person. Acting Chairman Stark doesn’t want to rely on a GFCI breaker. If a homeowner wants additional receptacles, he appreciates that, but allowing as a general rule is something he is not 100 % on board with. Deputy Administrator Frost stated as the Board continues to go through this or engages the public for comments, what he needs today is guidance on whether the Board wants any of these items incorporated in the draft. Further discussion ensued regarding spacing of outlets. Deputy Administrator Frost stated what is needed from the Board is whether they want to continue to explore any of these topics to incorporate into the next version of the draft. Then we can work on what is the exact language and incorporate it into the next version, which will be included in the negotiated hearing to petition for formal feedback. Audience member Kelly Lamp, National Electrical Contractors Association of Idaho-Chapter, stated regarding the 250 volt GFCI requirements, those were excluded in the work of the collaborative group so it looks like some of these items that were brought up were addressed with

the collaborative group. There might be a little crossover where the 250 volt was excluded and what we are seeing here is it has been added. A little bit less restrictive requirements but if the work of the collaborative group would go through the 250 volt would not apply. The 250 volt GFCI was excluded from the requirements in the 2020 Code. Board Member Marchetti stated he would like to see a draft with the exception of 110.26-Working Spaces. Board Member Jim Swier would also like to exclude the electrical currencies.

300 – Continuing Education Requirements – This rule is removed as it is incorporated into Subsection 101.

SUBCHAPTER F – CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS AND MATERIALS

400.02.a – Field Evaluation – A negotiated hearing comment was received that we should remove the authority of having jurisdiction. That does not apply under the Field Evaluation; therefore, was deleted.

SUBCHAPTER G – CIVIL PENALTIES

450 – Civil Penalties – Deputy Administrator Frost stated the first part of the draft was simplified to not have nuances of first offense, second offense, and third offense. All that was done was remove duplicative languages in sections that reference statute. Subsection 4 is related to agenda item *Apprentice to Journeyman Electrician Ratio*. Failure to disclose falls under universal licensing provisions in Idaho Code 67-9409. Misrepresentation of the permit or inspection fees was found earlier in the chapter and moved to this section.

Apprentice to Journeyman Electrician Ratio

Provided was legislative history behind the 2:1 apprentice to journeyman ratio, as well as a Federal approved program from the U.S. Department of Labor. A brief overview of the statute was provided. The Board does not have the authority to determine the number of apprentices a licensed electrical journeyman or licensed electrical masters can supervise; however, does has the ability to define supervision. A lengthy discussion ensued. The Board asked DOPL to bring pathways on this issue.

Meeting was adjourned at 2:11 p.m.

09/27/2022rb