



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

BRAD LITTLE
Governor
RUSSELL BARRON
Administrator

11341 W Chinden Blvd.
P.O. Box 83720
Boise, ID 83720-0063
(208) 332-3433
dopl.idaho.gov

Minutes of 08/02/2022

Division Staff: Tim Frost
Michael Hyde
Gary Sonnen
Linda Pratzner
Carlotta Zito

The meeting was called to order at 9:00 a.m. (MT) by Michael Hyde.

ZBR Negotiated Rulemaking – IDAPA 24.39.10 – Rules of the Idaho Electrical Board

Michael Hyde, Executive Officer – Today's negotiated rulemaking hearing is an overview of the IDAPA rule chapter along with some supplemental documents that will assist in the conversation. Those two documents have been provided. One is code amendments, and the other is a limited license proposal for residential journeyman which we received from industry. We would like other industry feedback as well. So, when we get to that section, those two supplemental documents will assist in the conversation. With that, what I'd like to do is essentially start under the very first section, page one, 002-*Definitions*, and open it up for any final comments. If you could, when you're making comments, state your name, your affiliation and of course your comment so we can record it for the minutes. Are there any comments or summary? Final comments anybody would like to add on definitions section 002? Okay, we'll go through the next section and open it up for section 003-*Permits*. Hearing none, the next section of 004, which is permit fees.

Unidentified Speaker – These are things that aren't already on there?

Michael Hyde – Any new comments. If you want to reiterate anything, that's totally open for comments. We're just trying to allow this opportunity for anything we didn't capture, anything you want to reiterate.

Jeremy Redman, IBEW Local 291 – Like I said, the fees should be put in their own separate section so we don't have the legislature trying to mess with those things all the time, except for the omnibus and the fee rule, however, that is supposed to work.

Michael Hyde – Thank you, Jeremy. Okay, I have a question and I'd like to open it up for comment. When it comes to page three, under the fees for permits, letter (d), when he talks about “Small work not exceeding five hundred (\$500) dollars in cost, and not involving a change in service connections...”, the permit fee shall be ten dollars. So, I just want to open it up to industry and get your feedback as to whether or not you find this beneficial. I know we had started our first negotiated rulemaking hearing talking about this subject matter. It's not edited, it's not proposed in any means to be amended or deleted. I just want to see how valuable is this ten dollar permit for you as contractors, or someone representing the industry. If you have any feedback or comments on such.

Kelly Lamp, National Electrical Contractors Association for the state of Idaho – Looking at the rates and the fees it really seems like this is archaic. I don't think you're going to find many installations under \$500, and I think the \$65 fee is going to be just sufficient for any installation.

Michael Hyde – Okay, thank you. The reason why I bring this up is because we're trying to identify what do we do with these permits. Currently, our system is antiquated. We're looking to transition to a new software system at some point very soon. We would have to change the status of this permit so it doesn't add to our expired permit list, which is another task all in itself. So, it's like trying to get industry's opinion on what they expect from DOPL when they apply for this type of permit. Do you request some type of

follow up, whether an inspection, a phone call, a summary of email, or discussion. Is there any expectation from DOPL to render any service for these permits or would it be appropriate? Is this just a check the box documentation? We pulled a small works job, we're done with it, go ahead and just put it as a completed status but at that point, it's like, what are we benefiting here? Why are we asking industry to spend ten dollars for something that we're not going to come out and follow up on.

Daryl Nelson – There's nothing else in the rules, sorry, Daryl Nelson, that says you don't need to buy a permit for work of this nature. So, you go out there to go troubleshoot a receptacle. Technically, you shouldn't need a permit that needed electrical work. Let's go out there, their shop rate is \$85 an hour, but I need to pull a permit here to change out one outlet. I think keeping ten dollars in there for those small works is a valid reason.

Michael Hyde – In that line of thought, should we be doing anything from a DOPL perspective, in your expectation.

Daryl Nelson – There's nothing in here that says you don't need to purchase a permit to do that work. Granted nobody does.

Michael Hyde – You're supposed to, right? So, I understand the intent. I'm looking for feedback on do we need to amend any language; do we need to change our processes to essentially finalize this permit because it's treated differently. All other permits require some sort of final inspection at a certain point.

Daryl Nelson – No, no inspection required. It's just documentation of what you did.

Jeremy Redman – On this, I mean, a like for a like. You don't have to have that inspected anyways for a like for like. More than anything, I think this is documentation that there's been work done, right? That's more than anything on this one?

Daryl Nelson – The only thing of like for like that I can recall is in facility accounts. I don't think the statute says anything about those type of service call works where you don't need to not pull a permit.

Jeremy Redman – So if you swap out a receptacle, you should have an inspection.

Daryl Nelson – A permit, at least, and document it for insurance reasons.

Jeremy Redman – Sure but do you have to have that inspected?

Michael Hyde – Only if it's greater than \$500 is what this rule states. If the job value is greater than five hundred dollars. Mr. Lamp, you had a comment?

Kelly Lamp – I was going to kind of dovetail on what Mr. Nelson said. It's right at the very end there about the insurance companies, whether it's a hot tub or an addition onto a house, fatality insurance will ask whether the work was done by a professional and was there a permit.

Michael Hyde – This is a valid point because this is leading up to my question to industry on does there need to be follow up from DOPL. Just because there's a permit issued for ten dollars doesn't mean it's life safety or meets the code but at the same time, do we need to require inspections for the small works permit, or do we need to define more what small works really is rather than a dollar value. Is there a better way to do it that we should be observing because in that instance, if there was a fatality or some type of structure damage or anything like that due to this installation, and we didn't conduct an inspection, but a permit was pulled. I mean, that doesn't look well for what we do and what we're trying to achieve and our mission. I'm just trying to throw it out there. Is that a different way to look at this, to capture what this rule is intended to capture without missing any life safety components. I'm just throwing it out there for discussion.

Warren Wing, Electrical Program Manager – Well, there's not a lot of these permits anyways. Very few of these permits I recall, Electrical Program Manager Warren Wing. The way it's traditionally worked when they are called, like Daryl was saying, they have to buy a permit. The statute says you have to have a permit when you do electrical work. So that helps to cover this. It also helps with the situation with the insurance thing where they called for it. When we do see these, they have to call for an inspection also, that's part of the law. As inspectors, when we see these, it's usually a phone conversation or a picture, and the reason why is because we can't take devices off walls. So, when someone does a switch replacement or a receptacle replacement, that's literally what we're seeing on the wall, is a switch or receptacle, we're not doing a rough-in inspection for these, and a lot of times what you'll see, these inspections we'll use for, like, ceiling fans in bathrooms. Replacements or installs of ceiling fans in bathrooms. They're installed, they're there, we can't see it, we go in and look at it, yep, there's a ceiling fan, we turn around and walk out

because we're not taking stuff apart. So, a lot of these are done verbally just a confirmation with the contractor. What did you do, what was it, send a picture.

Michael Hyde – And it makes total sense. I guess the question more, just getting right to the issue, should we change the language of this rule rather than state a dollar value to defining a scope of work. I don't know. I'm just throwing it out there for discussion purposes so we utilize the ZBR process in this area. We get a lot of questions on this, so, just trying to get industry's input but appreciate the conversation. If there's any additional thoughts, recommendations, just let me know. If not, we'll leave it as is. So, just opening it up, anything else listed, any of the proposals that want to be discussed, or addressed when it comes to permit fees or inspection fees.

Jeremy Redman – Okay, I guess I have a question. There was a virtual inspection that we've talked about in the past couple of meetings, about having some kind of scope for that. Is that just going to be as it is or is that scope going to go into the rules that are going to be a policy deal left up to DOPL to define.

Michael Hyde – The virtual inspection is definitely something we're going to continue to discuss with the Electrical Board. I don't think we've landed anywhere per se. If you have any thoughts or recommendations, we're totally open to that feedback. If you think we should have some scope, we're open to your thoughts. If you think it needs to go away entirely, we're open to those. I mean, literally anything. What was your thoughts?

Jeremy Redman – Well, I don't think the rough-in inspection could be done virtually. That's where I'm thinking on this one here. There's probably some things that you could get away with, as far as a virtual inspection, and there's probably some things you can't. Without something saying you can or you can't, that means you can't.

Michael Hyde – So, if we were to keep something like this in, you would recommend agency policy that we post on a website. I know that was discussed and that is exactly what we would try and do.

Jeremy Redman – I'm going to tell you, I'm the opposite of this current administration. I believe that if you put it in rules so everybody can find it, and that's all in one document, that's probably how it should be laid out.

Michael Hyde – Okay, so if that were the case going down that line of path in that discussion, we would want to amend this virtual inspection request paragraph to cover that scope of work and where it's applicable.

Jeremy Redman – Policy is subject to change, right? Rules are laid out there. So, that's my thought on that. I mean, I would, err to somebody who's done some of these inspections to say this is honestly feasible. Like I said, I'm just looking at it as to say, I mean, obviously you shouldn't be doing rough in inspections virtually but is there anything that says you can't?

Michael Hyde – Not necessarily. Valid point. Any other comments on that or even this section?

Mark Zaleski, IBEW Local 291 – I would disagree with that for the record. Jeremy's statement.

Michael Hyde – Okay, all right, the next chapter, which is licensing and registration, I'm going to save to the end just in case Tim does get time, he can be in and part of that conversation. So, I'm going to skip new Subchapter A, and transition over to the bottom of page nine of your IDAPA rules, which covers and addresses your limited electrical license specialties. Before we begin the discussions on the residential specialty, and the provided handout, I just want to throw it out there for the limited sections. If there's anything you see that we haven't captured or that we can amend, or address, with specifically the specialty categories that have been provided, or listed here in the IDAPA rule chapter. As you can see, Tim hasn't made any amendments at this time for this section. We received a last minute submittal on how to amend and tweak this. We haven't gotten that incorporated just yet. It's essentially an overview of what that document looks like. Just consolidating some of the paragraphs to keep it more concise and clearer. We just haven't incorporated it into the red lines at this time. We're still reviewing it but if there's anything that industry has that they'd like to reiterate, I'd open it up for feedback.

Darryl Nelson – All right, Darryl Nelson. So, in statute 54-1003A(7), the statute where it says, "...Except as provided in section 54-1016..." there's a couple spots in here that are duplicative of statute. If you are looking for removing wording that's where I'd probably go. There's quite a bit in there that is duplicative of that.

Michael Hyde – Definitely anything that's stated that's duplicative, or we're looking to make more concise and clearer for industry to easily understand what these specialties are, when they're required, that's what we're looking to do but if this covers the majority, we won't make any amendments.

Daryl Nelson – I'm okay with the wording here. I'm not off of wording count.

Michael Hyde – If there's nothing specific, we can open up the residential journeymen discussion and the document that was provided, the handout. This is a proposal that we received from the industry and we open it up to your thoughts, comments, and feedback. Again, this is not staff work. Staff did not produce this. This was a submittal that came from the industry that is being discussed as part of the incorporation we may or may not consider it or present it to the Board during our ZBR discussions but we wanted to open it up to industry's feedback and comments based on some of the discussions from our meetings the past few months.

Jeremy Redman – I got one. Jeremy Redman, IBEW 291. Multifamily on this one, less than three stories, that encompass a Holiday Inn, or Motel 6 kind of deal that's your roadside Roadway Inn two story hotels.

Michael Hyde – I don't believe so. I don't believe hotels would be considered a multi-family dwelling unit. I believe it's commercial.

Daryl Nelson – Yeah, looking back at the NEC definition of multifamily, that would exclude hotels from that.

Jeremy Redman – Alright. I just want to make sure that we're on the same page on this one as you're talking about a six-plex, whatever, not an apartment building or hotel or those kinds of spots.

Daryl Nelson – With all of the surrounding states that ZBR says we're encompassing on there, there's only two of the states that are on that list that don't have that two-year residential license. Forgive me because I left that thing somewhere but, I think it was Utah and South Dakota were the only two states that don't have a two-year limited residential license.

Michael Hyde – And that is something we're trying to do from all aspects of our rule chapter. What is said, what isn't said, a state-by-state comparison, looking at our surrounding states, including Alaska, South Dakota, and so this is why we thought it was appropriate to put this out in front of everybody and just have the discussion. We don't want to be equivalent to, we want to try and be less than in any way possible to those surrounding states. That we're not overly restrictive. So, open it up. I appreciate the comment, Jeremy, thank you.

Tyler Perot, city of Meridian – In my experience, coming from the state of Colorado, we had a limited journeyman residential wireless license as well, and I think it works both ways. Sometimes beneficial because there's guys and that's all they want to do, that's all they're driven to do, and it gives them better opportunities sooner in their career, within two years, to be sort of running a crew and getting their handle on that facet. Some guys want to use that step towards the journeyman to get that experience of running a crew and managing, you know, more than one house at a time. Multiple houses, things like that, and it can benefit journeyman later on and give people a different avenue earlier in their career.

Daryl Nelson – So under (A), you have a four-story single-family home that would be technically omitted from that license type that can do that, and then when you get into everything else, you look under their multifamily. It allows you to do certain things in there, like clubhouses and storage units, those types of accessory buildings. The one in there for single family and two family units, like electric vehicle that allows you to do the electric vehicle charging only in that occupancy. It doesn't allow you to go down to multifamily, though. So, it definitely puts it in there as it's a limited scope, which should meet the criteria for all of those limited licenses.

Tom Brown – Tom Brown, B&B Electric. I'm not in favor of it. I think it's going to cause more hassle than it's going to fix. I think you're going to have guys jumping back and forth, because there are already shops that are job jumping into the commercial because the residential slowed down now. So, it's going to be more compliance for the state to look at or the city's compliance issue. You're going to have a hard time telling a guy that's done this for two years that you can't do this little commercial job in metal clad (MC) because you aren't allowed. Where MC and non-metallic are basically the same application, two, three, four conductor wires. I also don't like the fact that we're now breaking up electricians into categories. I think, one, if you have this license, you should do it if you want to turn it around, you can take commercial

guys and say, maybe they shouldn't be doing residential because I've watched them try and do residential after commercial and they have no experience, they have no clue how to do it. They come to work for me, they have the basic concept just like the residential have the basic concept of the commercial, but I don't think we should be breaking them up into groups, yet you call it a limited license and when we establish limited licenses, that was for refrigeration, well drillers, it was specific to their piece and deal. It's very narrow. This is not narrow. This is a very broad scope, you're talking services, you're talking backup generators. It isn't just wiring a house. It's a complete thing I understand you'd like to see a guy do this in two years, but I've been doing this fifty some years and I've yet to have a two-year man that I felt comfortable with putting my name on the ticket as a signing journeyman. I don't think they have the experience at two years to do it. If they want to do a new type of house where there's seven models, and they just go from house to house to house, you could probably do it in two years. The type of work I do, which they'd be entitled to do, the one million plus houses in value, I don't think they can do it. I think it's going to be harder for the inspectors to inspect it. You can talk to the inspectors to find out when the commercial guy tries to do his own house they have nightmares, it's no worse than a residential guy going into a commercial, you need to know what you're getting into, and you need to study for it. If you can't do it, don't get into it. My opinion.

Michael Hyde – Thank you. Appreciate that.

Larry Geyer, Quality Electric – I do like the license piece for a couple of the reasons that Mr. Brown, I believe it is, had mentioned. There is a differentiation between the two. We see it all the time in our industry. Guys that are commercial guys trying to drop down and do residential work and vice versa. If the experience that you're getting every single day is in the residential market, obviously you are not receiving the OJT that you need to be able to move over into the commercial market, even though you may be learning it in the classroom. I like the differentiation between the two, and I think it solves a problem for a lot of these residential guys that have come in here and complained about not getting enough guys, not being able to have enough journeymen. So that's my two cents. Thanks.

Michael Hyde – Thank you.

Tom Brown – Follow up. I think if we're going to say that these guys are getting trained in school, we can reverse that also. Commercial guys aren't getting trained in the residential. So, should the commercial guys not be allowed to do residential if we do the specialty license? Should we differentiate and say no, just because you got your training in commercial, and you have a commercial license, you now can't do residential because you have no experience. That's basically what you're doing to the residential guys. You're saying you don't have any experience in commercial other than schooling, so we don't want you doing commercial. Well, as a residential guy and a commercial guy, I can say the same thing. I don't want the commercial guys in the residential. They might have the schooling, but they don't have the training. So why are they allowed to do it?

Jeremy Redman – Tom, remember when there used to be diversification of hours and the rules for licensing? That's gone. Remember when there was schooling, it was mandatory to be enrolled in a program to do this work? That's gone too. The way that this deregulation has worked is, the industry has changed. It's not guys that are going through the same program that you went through or that I went through where you had to show that you did so much residential work, and so much commercial work. Now, a guy can literally do track homes for 16,000 hours without stepping foot in a classroom and sit for a journeyman exam. That's how it is now. So, I totally agree. I don't think we should have limited licenses. I think electricians should do a lot, that's personal philosophy. We're talking about getting a handle on the fact that right now, aside from issuing apprentice licenses to every eighteen year old high school graduate, that's the only way to make it easier to get into this industry. So, this is a way to get a hold on those guys that are going to do the one family for their entire life, they can do that. The guys that are going to do the residential and commercial mixed stuff like you do, they can still become the regular electricians, but this is to get a hold on those guys that want to spend their entire life drilling studs and stapling non-metallic cable. That's what this is.

Tom Brown – I don't understand 16,000 hours because you can do 16,000 hours in commercial and do the same thing. It isn't just residential. I could work for one of the contractors doing commercial and in 16,000

hours he can take that test and become a commercial guy, and we don't have the schooling. I don't think the schooling applies to this argument. I agree, we used to teach it, and there's still schools. We require our apprentices to go to these schools that teach it but the in-field experience isn't there, whether it's residential or commercial. They're not getting the in-field experience.

Jeremy Redman – And that went away with the diversification of hours. You don't have to have diversification.

Tom Brown – You didn't have to show hours in the field.

Jeremy Redman – Yes you did. There was a point where there was diversification of hours and I think that was 2017 or 2018, Warren, when that got stripped out of there? It was 2017 when that got stripped out of there. So, just because you didn't do it didn't mean the rule said you didn't have to.

Tom Brown – Prior to 2017, you didn't have to show that, because there are a lot of residential guys that didn't do commercial and they got a license, and a lot of commercial guys.

Jeremy Redman – That's how they got taken out of there because how does the Division enforce it? How do we enforce that? That's been the whole point we've got here is that if we don't enforce it, it shouldn't be a rule, which is totally wrong in my mind. If it's a rule, it should be enforced. That's how we got here. This is how we're here.

Tom Brown – Well, it seems like these rules ought to all come out because the state doesn't know how to enforce.

Jeremy Redman – Yeah. Why have it we can't enforce it, why have it? The industry is different today just because of that right there. You don't have to be in a program, you don't have to diversify hours, you can just get somebody to sign off on 16,000 hours and if you can sit down and pass the test, you're a journeyman. So that's how we're here.

Tom Brown – No, I understand how we're here. I'm just saying what's good for the goose is good for the gander. So, if it's commercial, let's say the commercial guys can't do residential. You're telling this residential guy he can't do commercial but after 16,000 hours he can. If he does this, he can go two years, go another two years, now he's doing commercial but he didn't gain any experience.

Michael Hyde – Mr. Brown, if I may, I mean this is a good topic that I think is going to carry over into a few of these sections that we're going to discuss today, specifically when it comes to ratio and continued training. How, or why, have we set the difference between commercial and residential from a safety aspect. So if we could just stick a pin in that perspective it will come up again, as we progress. This document, as you can see, hasn't been included in the red lines draft today and this is at the very infancy of discussion purposes. It may not proceed with ZBR. It may follow a different route at the Board meeting, the official Board meeting in October for further discussion. So, we wanted to get it out there and get your thoughts, get your ideas, appreciate the feedback kind of gives us some direction of what we may need to amend or change as we progress. So don't want you to think that it is included in these red lines because it isn't, and it won't.

Mark Zaleski – Question on (A). So, a height of not more than three stories above grade, so, if you had a substantial size multifamily dwelling that's three stories above grade but big enough where you had to have two to three floors of underground parking, would that still fall in this? Now looking at a five or six story structure.

Michael Hyde – Yes.

Daryl Nelson – So the structure, the parking garage structure, couldn't be done by them, but the rest of it could as long as it's off the grade level.

Mark Zaleski – Where does it say it couldn't be done by them?

Michael Hyde – This is a valid point though, because maybe it needs to capture only certain sections or portions of the building, depending on the classification of occupancy, because if the way I read it, I would follow suit with what Mark Zaleski has stated where it's a structure as a whole, it's a multifamily dwellings structure. So maybe it's some additional language that we could add. This is good feedback.

Daryl Nelson – So this limited category, Tom, if you don't want to hire these people, you can still have them do your apprenticeship having the real four years. You don't have to utilize it, it's an option for some other ones, too. Not that's all they're going to qualify for and that's not who you are going to have.

Tom Brown – I think you're just degrading the journeyman electrician by doing this is what I'm saying. It's my opinion, I'll stick with it and I don't see it as limited. Limited was like a well driller, elevator, very narrow scope. Now, you've got a scope that's a lot bigger because you're hearing it. What about if they have a parking garage? Residential guys have been doing those parking garages and I haven't seen one burn down yet.

Michael Hyde – I appreciate the feedback. Thank you.

Daryl Nelson – What if we just got rid of multifamily? Just kept it the single one- and two-family dwelling units and got rid of the multifamily entirely?

Michael Hyde – I think that's open for discussion and now would be the appropriate setting.

Tyler Perot – That probably should be discussed due to permitting as well because multifamily buildings are permitted commercially, even though it's residential work inside the building.

Michael Hyde – Especially depending on the jurisdiction. We look at ours, it would be under the multifamily residential, the way it's proposed, multi family dwelling would be captured in that setting. You're paying so much per structure, so much per dwelling unit and not every local jurisdiction follows that suit and they're kind of built under the commercial path. So, we may need to take a look at who all would be affected. So, these are all valid points.

Warren Wing – Listening to Tom and seeing this, and the experience that we're having with single family dwelling units that are 26,000 square feet, I would also consider if it's going to be a limited license, consider capping the size of the dwelling unit also.

Michael Hyde – Okay. Any other comments on that?

Tyler Perot – To piggyback off Warren on that one, that's a solid point to put in there because the services of those homes, and everything associated with them, is drastically different from a regular single family home. It might still be labeled single family but you get into something that size, it is not the same animal.

Jeremy Redman – You could put, as far as service size on that one too, 100 amp service or less, or whatever. I mean, the 26,000 square foot house is not going to have 100 amp service.

Michael Hyde – Anything else from the limited section? Okay, next section is exams, and examinations. Any comment here? We did have a discussion at our last Board meeting about changing it into a passing score, rather than a percentage value. The Board was in favor of doing so.

Daryl Nelson – I thought they just took it down to 70% but not the passing score. I thought it was 70% for the journeyman.

Michael Hyde – Oh, what was proposed and discussed was passing score, which based on the national standard that was discussed in multiple different settings or examples they kept referencing 70 but the proposal that was in front of them was changing it to the term passing score.

Yvonne Dunbar – Yeah, I think their reference to 70% was regarding their particular exam. The one that we currently administer, that passing score will be set at 70%. however, when it comes to, if they adopt any national exam, it'll be whatever that entity determines is the passing score, which might be 70%. That could be something different.

Daryl Nelson – Okay. Yeah, I don't remember the wording of passing score.

Michael Hyde – So, we had two different documents. We have our red lines, which said passing score, but then we also provided the current language of the rule, which had the actual percentage value.

Daryl Nelson – And I thought it was only approved to take it down to 70, just for the journeyman.

Michael Hyde – Well, we do have to set a standard but again, that standard is mirrored.

Jeremy Redman – Minimal competency is what I believe is stated there.

Daryl Nelson – That part I do remember.

Jeremy Redman – Warren were you around when the state took the testing back over from the ICC.

Warren Wing – No, that happened before I came here.

Jeremy Redman – Because I would be curious to find out why the state took the testing back because it seems like it's this pendulum that's going back and forth here on a lot of this stuff and I'm sure a lot of the stuff that's being addressed has been changed or deleted or added or whatever before we're just going to do this back and forth deal. It wasn't that long ago the state took the testing back from ICC. So, I would ask before we start looking at the national standards and national tests, why did we take the test back?

Michael Hyde – So I know roughly, it was around the 2010 area, is when they went from ICC back to in house and we went in house across all the trades. So, it was around that time frame.

Jeremy Redman – I tested in 2013 at Pearson VUE testing here in the state of Idaho. It was after that, that the state took the test back.

Michael Hyde – I thought it was right around the time we did the five-year licensing when we switched from one year to five.

Daryl Nelson – No, when I took my master's exam, it was when they did it for free because the state was taking it over. So, you came down, paid the application.

Michael Hyde – I'll check the statute history because the statute history of when we wrote the fee schedule, seventy-five dollars per test, that would correspond to whenever we made the change.

Jeremy Redman – Yeah, I would just look at, nobody's looking at the history of any of this stuff, is to look at the history of why the state took it back from ICC because it wasn't that long ago that that happened.

Michael Hyde – Right. Well, there was a lot of things going on at that point in time. You know that played a lot of factors, not just with Electrical. I mean, it was the agency overall on why we transitioned and brought everything in house. That's a valid point.

Jeremy Redman – That's all I'm saying. Is there a reason why. It wasn't just, I mean, maybe it was just somebody's hair brain idea to do that.

Michael Hyde – Okay, anything else on examinations?

Kelly Lamp – Just maybe an interpretation of how DOPL's interpreting number two under examinations 200-02. It just says that if an applicant has received less than a passing score three times then they have to show twenty-four hours of continuing education. Does that trigger another three tests or another one test?

Michael Hyde – It's one exam but I'll let Warren if he has anything to add to this. It's one exam and then if it happens again is the way the policy has been to my knowledge.

Warren Wing – That's correct. So each time they fail, up to three, they just have to wait twenty-four hours then they can take another test, twenty-four hours another test.

Kelly Lamp – They're not giving three additional tests after the twenty-four hours.

Shari Hall, TRAX Electric – I'd like to ask why because that's an expense for these young men. Every time they have to take those 24 hours, and every time they have to retest. Why shouldn't they after 24 hours earn the opportunity to take the test more than once.

Michael Hyde – We can look into that.

Kelly Lamp – Just another comment. All the institutions are now required to put their students through the CTE testing at the end of each year and in the board packets, each time the Electrical Board has a meeting, typically, there are testing results from each educational institution, so not only the employer but the student, as well as the educational program themselves can see how their students are doing on those tasks. So obviously, it's a way to say are you throwing your money away by using certain educational institutions because their testing is not up to par. If people are testing, and they're passing every level of CTE test but then fail the journeyman exam, I think we may need to reevaluate the CTE testing to see, is it legitimate to get to the point of proficiency as far as the journeyman's exam goes.

Michael Hyde – Thank you for your comment. Okay, next section, Subchapter D-Code Amendments. So, what we have is we have our proposal amendments in our ZBR draft. We also have a supplemental document where our staff and our team of inspectors have reviewed the 2020 NEC and proposed their suggested changes. This document is the black and blue supplemental document with code sections listed and what I'd like to do before we dig into our ZBR red lines is just go through this document section by section and allow everybody to provide some feedback. We did make amendments to this document based on the feedback we received from the Board at the last board meeting. By deleting some that they said, please do not consider this because of A, B and Z, and so we made some amendments. This is what is left over and whether or not to incorporate these into our ZBR red line. What the ZBR red line document contains is all the work of the collaborative meetings over the past few years. So, if there's anything in this supplemental document that contradicts, or is duplicative of what's the work of the collaborative, please let us know and we'll make amendments or adjustments as necessary. If you think it's applicable and we should consider it and present it in this document to the Board or we should essentially eliminate because it's not

permissive to the industry. So, starting in section 210.52(A)(1)-*Spacing*, the proposal is to amend accordingly with the two exceptions and then there's this substantiation. I'll open it up for any comments.

Daryl Nelson – I would say remove exception number two.

Michael Hyde – Why?

Daryl Nelson – When you look at it, it's wall spacing. I just don't like the wording of that part there. I mean, the whole part of additional receptacle shall be permitted, that part is just a no brainer. That doesn't even need to be in there but just the one exception there, works behind a swinging door. I think that's sufficient to give enough in there exception number two, I would probably say remove.

Jeremy Redman – I have a couple of questions. So, is this saying that the state is adopting the AFCI protection throughout the house where it's not protected, basically?

Michael Hyde – This would be under the assumption that no, we're not. Based on what's already in rule, this would be supplemental too.

Jeremy Redman – So your substantiation with the use of AFCI, GFCI protection, the argument that people will use extension cords is no longer valid because the AFCI will protect against the hazards?

Michael Hyde – Based on how it's amended, I believe. Is that correct Warren? Based on how AFCI and GFCI has been amended in code, we're under that substantiation that that section has been amended per.

Jeremy Redman – I think it's on AFCI protection and only has to be in the bedrooms. Right? Is that the current amendments now? So AFCI is not necessarily in play in every receptacle.

Michael Hyde – Right but I believe the substantiation came from a perspective of how it's amended as proposed from the collaborative discussions. This goes in addition to that, where applicable.

Jeremy Redman – But through the Code Collaborative, the AFCI's get, is that there's no longer an exemption to AFCIs

Kelly Lamp – No, we didn't touch the exemption to AFCIs.

Michael Hyde – It's still there. Letter F, on your ZBR document.

Jeremy Redman – So there still is an exemption to AFCIs though?

Michael Hyde – An amendment. I don't want to say necessarily an exemption. I don't know if you call amendment F on page thirteen.

Jeremy Redman – Okay. So, we're still not up to the 2017 Code as far as the requirements for AFCI.

Michael Hyde – Letter F is presented. I don't know. I don't know the 2017. Warren?

Warren Wing – We are not up to the 2017 Code for AFCIs.

Jeremy Redman – So there are exemptions where you don't have to use AFCIs.

Michael Hyde – I believe so, according to the ZBR document.

Jeremy Redman – So I guess my question is on the substantiation where you're going to say that AFCI will protect you. What if there's no AFCI though.

Warren Wing – If there's no AFCI then they can't use the exception. This is one of those situations where this one came from the industry. Most of these came from the industry.

Daryl Nelson – The questions came from the inspectors.

Warren Wing – No, these came from, so we partitioned our inspectors, and they also asked the industry. Most of these actually came from guys in the industry. There are two or three that did come from the inspectors, though. This is one that actually came from a contractor and his, basically, the substantiation was right now, in dwelling units, it's only, AFCI is only required in bedrooms. Right? So, if someone was to use AFCIs in other parts of the house, then allow them more latitude when they replace receptacles. We, as an enforcement agency, actually allow this in some situations where a guy may be a foot off on his spacing and we say, well, put AFCI in the living room and we'll go ahead and give that to you.

Michael Hyde – So they would work in conjunction with one another, each amendment.

Kelly Lamp – Just in looking at 210.52(A)(1)-*Spacing*, the downfall that we see in exception number two of that provision is they're saying, one receptacle for every six feet of space. Again, we talked about the 26,000 square foot house. So, let's say, in this case scenario, you have a thirty-four foot continuous wall, you put a single receptacle right in the middle of that wall and say, okay, according to Idaho Code and rule, I'm good with that. I'll be a little bit generous, and I'll put a duplex receptacle in for the homeowner but in reality, it requires a single receptacle for that wall according to that exemption. I would just say that I think

a lot of these probably should go through the same Code Collaborative process as everything else before we consider throwing it into the rules as they've been presented again. Based on that Code Collaborative process because I think that exception number one of this section has some merit especially if you've got a sliding barn door that's six feet wide and you slide that sliding barn door along the wall and you've got a receptacle there. There's no way that you're going to want to put a receptacle behind that door. So, I think there is some merit but I definitely think that the collaborative should have an opportunity to review these provisions and make recommendations to the Electrical Board based on that.

Tyler Perot – I would agree with Kelly Lamp on that, that the Code Collaborative being involved.

Michael Hyde – Just to give you a little bit of background information on why we're doing this here and we're not trying to circumvent or, you know, totally alleviate what was been done or that group, that working group, this is just, hey, is this an opportunity to capture anything in the NEC that from industry, our inspector's perspective, that we could include. So, we're not trying to negate that process. It's just trying to use the opportunity of ZBR to have more discussions on it. Good way to identify more ideas or suggestions. So, duly noted and documented accordingly and I'll just take that same comment through the entirety of this document and apply it. So, next section when it comes to 210.52 (C)(1)-*Wall Spaces*, any comments, feedback?

Daryl Nelson – Exception number one where it says considered floor line, it should be considered wall line. I still think that both of those should be thrown out anyways. 90.4 still allows the inspector to make those calls where it's justified.

Kelly Lamp – Just to agree with Mr. Nelson's comments, I don't think either one of those exemptions should be carte blanche in the rules again. Up to the individual inspector's interpretation of meeting safety requirements.

Jeremy Redman – I'm going to start a business making two-foot extension cords.

Michael Hyde – Want to give everybody time to read the document as we didn't get it out ahead of time in advance. So, if we go too fast, just let me know. Jumping to the next section, island and peninsula, countertops, and work surfaces. Any thoughts here?

Daryl Nelson – I thought this is one of the parts that was brought up there for the islands where it went back to just one outlet but I do see it's missing from the statute or from the rule. Sorry, do you remember anything on that?

Kelly Lamp – I think it was a proposal that didn't necessarily make it all the way through.

Michael Hyde – We did shift that section around to make it in ascending order, Mr. Lamp.

Kelly Lamp – I guess just as a comment, the exception that is proposed there is essentially the way that the 2023 code will read. So, obviously, it may be 2040 before we actually adopt the 2023 code but this is how it would be read in the 2023 Code. So, I guess we could consider entertaining this exemption until, at which point, we see the 2023 get adopted, then this exemption would go away. Again, I'm sure the collaborative group would love to look at that and say yeah, the adoption of new code, this is no longer required.

Michael Hyde – Okay, next section 225.32-*Location*. Any comments?

Kelly Lamp – After reading the substantiation I understand where the submitters coming from but I think if you read the exemption without the substantiation, I think there's a lot of interpretation as to is that disconnect outside the building or is that 30 feet after its transition inside the building before a disconnect is required. I definitely think there's some wording that needs to happen here to define very clearly what the intent is in the exemption. Good concept but I think definitely needs to be reworded for clarity.

Michael Hyde – Any other comment? Section 680.13-*Maintenance of Disconnecting Means*.

Jeremy Redman – Is this just for uniformity? Is that all that is?

Michael Hyde – As it was explained to me, yes.

Jeremy Redman – Not because they're using the plug as the disconnecting means.

Michael Hyde – From what I was told it was for consistency purposes. Okay, I'm going to jump to the next section. The next two, 210.8(A), it looks like we have two different amendments. One with an exception and one with an amendment to the paragraph itself. Open it up for comment.

Daryl Nelson – I do like it but at the same time, I know why the code was written to include the garage doors because something has gone to ground. Someone's leaned up against the garage door and actually got shocked. I probably recommend keeping it as is and get rid of that exception.

Michael Hyde – Then any thoughts on the deletion of the 250 Volt receptacle?

Daryl Nelson – So on 210.8(A), that's already covered in rule.

Michael Hyde – So, is this where it was duplicative?

Kelly Lamp – Yes, that's covered in (C), or (B), I'm sorry (B) of the proposed rules markup. I'm sorry, (A).

Michael Hyde – I know with all the strike throughs and the lettering and the new sections. Yes, perfect. All right, 210.8(A). Any comments?

Daryl Nelson – Separate comment with substantiation where it's saying they're hard wiring these things. It comes with a cord plugged appliances and modify that; you've just now voided the listing. So, there's a bigger issue there than just substantiating and saying we've been hardwiring them because it's more costly. You're actually voiding the listing of that equipment by actually modifying how that gets hooked up.

Michael Hyde – So, you're not in favor?

Daryl Nelson – No.

Michael Hyde – Okay, next code section, *250.50-Grounding Electrode System*. Open for comment.

Kelly Lamp – Looking at this, in deleting the existing buildings, basically the code just says when they list all of the acceptable electrode types, it says where any of these electrodes exist, they should all be bonded together. Simply saying, I don't want to have to be there for the pouring of the foundation to put a **ufour (?)** or a concrete case electrode in. Looking at the effectiveness and how ground rods exterior from the building could be subject to damage and deterioration of soil conditions over time. I think we're compromising safety with convenience here and saying, let's not attach to the **uford route (?)**

Michael Hyde – Any additional comment there? Okay, the next amendment is to 690.12. This would amend section of our IDAPA rule, ZBR, letter W, subscript two or ii. It would replace the sentence that's currently there with this amendment and this came specifically from the solar industry, as a request, to amend setting some setback distances and a label, which is on the next page. I wasn't able to capture it all. It says warning, solar PV system is not equipped with rapid shutdown and it shall comply with section 110.21(b). Open for comments. Mr. Lamp.

Kelly Lamp – Yeah, my initial comment obviously is having this go through the Code Collaborative group but obviously Mr. Casey Wilson was part of that group and amended this afterward. You know, I would still stick to my original proposal of going through the collaborative but I would definitely support Mr. Wilson in this proposal of adding additional requirements that kind of came to light after the fact.

Tom Brown – I agree with Kelly. I think this should have went through the Collaborative. He was there. I think he should have brought it out. If he came up with it later, I understand that, but I still think we should give other solar people a chance to answer this. This is his opinion. None of the other solar people are having any input on this. Saying what you do is collaborative, I think you should kind of respect it. You want to participate, then you have a say in it. You don't want to participate, to come later, you come to the race at the wrong time.

Michael Hyde – Well, I appreciate the feedback and the comments, and again, this is supplemental to ZBR. Just trying to identify industry thoughts and feedback on any of these last-minute items they got sent in. Whether or not we should consider or move forward with. So, appreciate the comments and I'll report it. The next section of our IDAPA rule chapter is continuing education. Again it's red line and struck through because it was moved to a different section. So, we'll go ahead and skip that section until we go back to it out of the Rule 101. Daryl?

Daryl Nelson – Going back to actual rules of the 2020 and the amendments, do we want to talk about that before we move on?

Michael Hyde – We can. Anything you see there?

Daryl Nelson – In F, I'm thinking where we only have just the bedrooms, we add the location of the living room in there too.

Michael Hyde – So, I mean, I'd point back to, is that something that the work of the Collaborative needs to address? Did it already address? I mean, because I think that's a valid point, even with all of these amendments, is that something that we need to vet or should we stick to what the 2017 is and not include 2020 amendments because there's more work of the Collaborative. I mean, I'm opening it up to your thoughts.

Tom Brown – The Collaborative had a vote on this, and we voted to leave it in the bedrooms and nowhere else. If you want to change it, I think you're opening yourself up to the legislature going wait a minute, you guys had something now you're going to change it. I don't agree to changing. We had a vote on it. It needs to stay. The next Collaborative is a year out, I think. Kelly can bring it up then. I probably won't be there to fight it so he might get our thoughts everywhere. So don't make me unhappy. I'm going to say the other word.

Michael Hyde – No, valid point, and we want to remain consistent. You know, if we have the same argument here, we want to keep that same argument if we have any proposals in this section. Argument, substantiation, whatever we want to address it as, so, I appreciate the comment but if it's an error or maybe a typo, please bring it forward because we'll want to get addressed, unintended consequences, anything like that. Any other items on the code amendment section? Okay, jumping into the next section of 400-*Certification and Approval of Electrical Products and Materials*. Any comments? It looks like we have one deletion, 2(a). Hearing none, we'll go into Subchapter G-*Civil Penalties* section 450.

Daryl Nelson – So, under one why did you strike out Idaho state electrical contractors? I think that allows for anybody there that you can't find them if they're licensed in another state by crossing out the Idaho state part.

Michael Hyde – So you're saying if they're coming from another state, and they have an electrical contractor license, Warren did you want to answer this one?

Warren Wing – It's duplicative of statute. Statute already requires you to have a state of Idaho license.

Michael Hyde – Any other comments on civil penalties you'd like to add that hasn't already been added or reiteration?

Michael Hyde – I'd like to jump back to page five, *Electrical Licensing and Registration*, and open it up. We have some amendments. Looking at section 101, I'll open it up for discussion on the continuing education. Get any additional thoughts, feedback, or comments relative to what has been struck and what has been added.

(Ten Minute Break)

Michael Hyde – *Electrical Licensing and Registration* Subchapter A, beginning on page five. Looking at the first section when it comes to journeymen and master electrician continued education registration, everything there remains the same for requirement for journeyman and master license renewal. Just copied from a different section. That's why it's red and underlined. Open it up for any comment on this section. Hearing none, going to section 102, *Apprentice Continuation Training*. So, what this is, is a direct verbiage right out of statute with the addition of the NFPA 70E training and code update for a total of twenty-four hours for those apprentices that haven't obtained their journeyman's license two years after completing the apprenticeship schooling program, the approved CTE program. The amendment to the renewal of requiring 24 hours has been removed according to this proposal. So, I open it up for any comments and feedback.

Jeremy Redman – I think I said this over and over again but I struggled with that. Like I said, this is laid out for three separate scenarios here. A new apprentice that's enrolled in a program, an apprentice that's not enrolled in a program and an apprentice that has completed a program, as far as renewal requirements go. All those require a minimum of 24 hours of education to renew licensure. That's how that's laid out in statute here, that's 54-1007(2). In the middle of that paragraph, it lays out that the Board can lay out the education requirements for renewal right there and it's three separate scenarios.

Michael Hyde – So, with that comment, what would you recommend? Do you feel like the existing language that was struck through is appropriate for those apprentices that fall underneath the 16,000 hour requirement? Should we write a category specifically saying that these CEUs are required for those that are not in an approved CTE program?

Jeremy Redman – I think this is how it's laid out. If you want to talk philosophy, I think everybody should be enrollment in a program and I believe that when the Board talked about these 16,000 hours, the Board was of that same belief, but if they're not going to be enrolled in a program, they at least need to do 24 hours of education to renew their license, just like everybody else. Now if you are enrolled in a program, you're going to get 144 hours if it's the state registered program, if it's a DOL program, it could be more than that. But the minimum requirement in order for renewal will be 24 hours.

Michael Hyde – So, is that what you recommend the direction we should go here is write something accordingly to that or should we continue with the continuing education. I mean, this is your opinion.

Jeremy Redman – You want to talk philosophy or what I believe? Philosophy, I believe that if you're going to be an apprentice by definition, you're in the trade to learn to become a journeyman, you should be enrolled in a program. The 16,000 hour exception would be somebody coming from another state that doesn't have programs, that doesn't have schooling requirements. That's what that 16,000 hours, the intent of that was, I believe, why it was put in there. So, you're in Idaho, we have apprenticeship programs you should be enrolled in a program, and you should be moving, by definition, to become a journeyman. We talk about statutory authority. That's where I question statutory authority to keep issuing licenses to an apprentice who is not there to learn to become a journeyman wireman but here, we are right? So, with that being said, the minimum should be 24 hours to renew any license, journeyman, master, apprentice. All scenarios, a minimum of 24 hours.

Michael Hyde – So, if I may ask you a question there, if an apprentice is enrolled in an Idaho approved CTE apprenticeship training program, completed 144 hours, you would recommend that they also complete twenty-four hours?

Jeremy Redman – No because they would have 144 hours of education.

Michael Hyde – And that would suffice.

Jeremy Redman – Yes, that's currently how they are operating.

Michael Hyde – I just wanted to clarify.

Jeremy Redman – As far as I know, that's the current operation.

Michael Hyde – Yes, it is. I just wanted to make sure I understood what you meant by everyone to renew, has to have 24 hours. You would consider the 144 hours is fulfilling that?

Jeremy Redman – If you want to talk about surrounding states, like Alaska and this endeavor, their apprenticeship stuff, and their statute is just that if you're going to have apprentices, you'll be part of the Department of Labor Registered Apprenticeship program. So, there's nothing in their rules. If you really want to talk about cutting rules here, then defer it right to the DOL. Let everybody register their own programs with the Department of Labor, then the state doesn't have anything to do with those standards. That's the Department of Labor that will take care of those standards and we're talking about reducing words here.

Michael Hyde – There's a lot of statutes that need to be in place to support that direction, a lot of changes and modifications. So, we have to work within our framework for this conversation.

Jeremy Redman – Do the statutes say that you have to be part of the state of Idaho registered apprenticeship program.

Michael Hyde – Specifically in rule? For electrical apprentices?

Jeremy Redman – Is it in statute or rules that it says that you have to be enrolled in the program?

Michael Hyde – Say that again, I'm sorry.

Jeremy Redman – Is it in statute that it says that you have to be enrolled in a program?

Michael Hyde – There's options in our statute, our electrical statute, that says what someone may, or may not do, but if it did say that they had to, we wouldn't have the 16,000 hour allowance. I think depending on the interpretation, you could go a couple of different ways for our electrical statutes relating to such.

Jeremy Redman – Is it explicit authority there that you have to be enrolled in a program?

Michael Hyde – I don't think it specifically states that.

Jeremy Redman – So you could, by rights and rules, require somebody to be part of a registered apprenticeship program for their licensing requirements.

Michael Hyde – To renew?

Jeremy Redman – Yes.

Michael Hyde – It's open for discussion if that's the route we need to go.

Jeremy Redman – I'm talking philosophy here versus what I believe we're going to end up with and, like I said to me if you're an apprentice, you're there to become a journeyman. How we ever got to this you can be a forever apprentice deal, I don't understand, but that's where we're at.

Yvonne Dunbar – Jeremy, I have a question. You mentioned everybody should have to do 24 hours of CE's. Are you saying they should have to do them every year, or every three years?

Jeremy Redman – To renew. So, if it's a three-year license cycle, like for a journeyman, then you would do 24 hours for those three years to renew. If you're an apprentice with a one-year registration you do 24 hours to renew. The whole point of apprenticeship, and I know I heard you speak to this before, and you've got to understand, an apprentice is there to learn a trade to become a journeyman. So that's why, if you got to renew every year, 24 hours. It used to be at the five-year license you had to do two years of education in those five years to renew, and somehow, somebody called and complained, and then it was you didn't have to do anything. So, you'd have ten-year apprentices out there before the 16,000 hour deal but if you look at the definition of an apprentice, it tells you that you're there to learn, you're learning a trade from a journeyman to become a journeyman and that's when you're there to engage, to learn the trade, you're going to need that more education, and that is why they have to go to 144 hours of schooling a year if they're registered in a program.

Yvonne Dunbar – I was just curious.

Jeremy Redman – Do you know why there is a three-year license for journeyman? Because the code cycle is every three years. So, you do a code update as part of your continuing ed, right? It's code related training. I know that the Division, we got the new people in the Division, and everybody's looking at this with fresh eyes but these rules are written in accordance that way. So that's why there's a three-year license for the journeyman is because there's a three-year code cycle.

Michael Hyde – Right, and that's why we had a five-year apprenticeship there for a while. Giving them the opportunity to complete the apprenticeship program, which is typically four years.

Larry Geyer – I agree with what Jeremy is saying. At some place, the apprentice needs to be involved in an educational opportunity and if he's not, then the other requirements have to fall in place. I mean, either you're planning on being a journeyman or you're not. If you're going to be a labor for the rest of your life, then be a labor for the rest of your life but don't make it a path to get to your journeyman license.

Michael Hyde – I appreciate the comment and as we're talking about this and having a good discussion, I'd like to tie it back to something Tom and Jeremy were stating earlier in the conversation. You know, this requirement for renewal only covers really one aspect of an apprenticeship in training, right? There was discussion earlier about back in the day these rules originally stated you should have so many hours in one area, residential, and so many hours in commercial. Part of the apprenticeship training is on the job, learning from a journeyman, and then the code knowledge, and code studies that are done through the apprenticeship program. How can we only mandate one side of it and not the other? Like, in order to renew we don't say, provide proof of X number of hours. You know, why are we only doing it from one angle?

Jeremy Redman – I think to advance from your apprentice one or apprentice two, or whatever in those licensure deals is, you have to have so many hours and pass the test, correct?

Michael Hyde – Honestly, it's not regulated by us.

Jeremy Redman – But it is being regulated there right there.

Michael Hyde – No. That's just feedback for CTE to see where the status of the school program is.

Jeremy Redman – You know, I'm totally with you. I'm good with requiring hours because, like, in my employment, I get phone calls from guys that have been to two years of CWI that have never turned a screwdriver, not even in their own house.

Michael Hyde – Is that a problem?

Jeremy Redman – So let's talk about this for a second here. What used to be, when you registered to be an apprentice, you had to be enrolled in a program. That, right there, as far as the apprentice registration, that could solve a couple of things there. One you got a guy that you're going to require education now and then, if they're enrolled in a program, they should be getting that on-the-job training as well. That's a

problem but what we have right now, we have private entities that provide the schooling, but don't do anything with the employment and the same thing on the employer side. They'll give you a job but they don't do anything or require anything as far as education goes. That's the whole point of the program. That's apprenticeship at its core but now we've dumbed it down so much here that you could go through four years of schooling without ever turning a screwdriver and the same thing, you can do 16,000 hours of education without opening a book or even understanding what Ohm's law is.

Michael Hyde – Sixteen thousand hours of on-the-job. I get what you're saying and that's kind of back to my question is, it looks like historically we've only required code training to renew, nothing from a work verification standpoint but I also know the thought process was we don't want to kick anybody out of the industry, right?

Jeremy Redman – And you got the economy, of course, that deals with the hour requirement that you got the up and down of the economy. It's feast or famine. There's going to be years where you get slim hours but to show something that you've been employed and that you're working towards becoming a journeyman because that's the definition of an apprentice.

Michael Hyde – Warren, you had a comment?

Warren Wing – There was an hour requirement when it was a five year apprenticeship registration. They had to show at least 4,000 hours of experience and they had to show two years of school in order to get the renewal for apprenticeship. I can give you a little background on how all that changed.

Michael Hyde – I just think direction, where we should go if you have an opinion on what your thoughts are. I mean, because taking that into account like, if there's, so, I mean, let's not go down that rabbit hole. Let's just stick to the red lines and what we extracted, which is continued education and eliminating the twenty-four hours.

Jeremy Redman – You could even look at stiffening the requirements to be part of the state registered program. If you're not in a DOL program and you're in a state registered program, there could be something that goes with approving those programs but I think if you have a phone and somebody's phone number you can register an apprenticeship with the state. I don't know what those requirements are, if they even require anything, but there's all these pieces out there. CWI provides the schooling portion to sit for the state test. That's not an apprenticeship, that's providing education. Apprenticeship is education and training that goes hand in hand. Anybody can tell you a light doesn't work, right? An electrician can tell you why the light doesn't work and if you're only learning to install, you're an installer, not an electrician. You have to understand the theory behind that stuff in order to be an electrician. Does that make sense, and the education piece is not going to get you there alone. The same as on-the-job. They have to go together.

Larry Geyer - I'm basically going to agree with him. Those concepts that they're learning in that classroom, if they're not being reinforced on the job, then they're receiving the education but they may not understand the concepts they're learning in the classroom and they need the OJT piece to be able to bring them all together, and if you're going to school, and I agree with what Jeremy is saying, I interview apprentices on a monthly basis. I see it happen time and time again. These guys are going through the classroom but not getting any experience in the field and who knows what those reasons are but they are there. Those two need to mirror with each other. They need OJT experience to go along with the classroom experience, and if they're only getting one side or the other, to me, they should not be renewed.

Michael Hyde – In your opinion you think that should be stated as a requirement for renewal.

Larry Geyer – That is correct.

Mark Zaleski – So quick question if I may. I apply for an apprentice license because I think it's something I want to do. I sign up for education at an independent school somewhere in the state. I'm really enjoying the training I'm getting but I've yet to work for an electrical contractor. So, my license is going to expire but I have more than 24 hours, which I can show you, so I will get that renewed without any proof of on-the-job training. So that's, I think, one of the big things we should be focusing on as the conversation because the definition of an apprentice in statute is someone engaged in electrical installations. So, I believe we have possibly people that aren't engaged in electrical installations, carrying an apprentice license.

Larry Geyer – That's reality. I believe that is absolutely reality.

Michael Hyde – Any other comments on apprenticeship continuation training? Section 102.

Alex Owens, city of Rexburg Electrical Inspector – Just a quick question for you. Do you have any documentation or anything showing the individuals that have 16,000 hours and their passing rate on the journeyman test?

Michael Hyde – We do not. That is not being tracked at this time. Do we have that information? I'm not sure, we'd have to look into that.

Daryl Nelson – The last time I remember seeing that was at the October 2020 board meeting was the last time that you could actually reference some of that information. I had it broken down into programs, out of state and everything else. That was the last time I remember seeing something tracked. It was in the board meeting as part of the packet,

Michael Hyde – But not to my knowledge at this time, Alex.

Alex Owens – Okay, thank you.

Michael Hyde – Any other comments on continuing CE, apprentice, journeyman, or master, before we move on? Okay, next section, 103-*Examination and License*. Any feedback, comments?

Jeremy Redman – I think this might be a good spot, potentially, to put that universal licensure information in here. If we're going to put that in the rules, that's something that's in statute, at least address those requirements, I guess, for universal licensure. I don't know if that's even posted anywhere. Currently, as far as what you would need to submit for universal licensure.

Daryl Nelson – Under B, would it be applicable to throw back in what used to be there of out of state work experience for that 16,000 hours?

Michael Hyde – And not allow it for Idahoans? Why?

Daryl Nelson – Going back to apprenticeship is on the job and school training.

Michael Hyde – Well, why would it be different for Idahoans versus out of state?

Daryl Nelson – Different states don't have the schooling requirements and that goes back with the universal licensing. If they do have that license, they come here, they can still get the license.

Michael Hyde – Understood. I'm just trying to think through the perspective analysis that we have to complete and if we allow one opportunity for one group, we have to answer why don't we allow that same opportunity for another group, and in this case, it's Idahoans.

Larry Geyer – I think that's where the education piece and the on-the-job piece mirror with each other. We, in the state of Idaho, require you, when you are going to school, that you are also receiving on-the-job training at the same time. That would have to go in conjunction with that.

Daryl Nelson – On D, what if you just struck that out and said there's only one path to license? It's four years and the schooling.

Jeremy Redman – Yeah, and then the universal licensure because universal licensure, even if you come from another state, you got 16,000 hours you have to sit for that exam.

Michael Hyde – The way it's written now, yes., our rules, not necessarily the universal.

Jeremy Redman – You have to show the education and hours or all hours in order to qualify. So, like, California, if they require 80 hours of education to sit for the journeyman exam but they come here, they still have to prove that 16,000 hours to sit for the exam, if the state doesn't require the same requirements as the state of Idaho does for that piece, right?

Michael Hyde – Well you know, we're still working through a lot of the parameters of universal licensing right now. So, I don't think it's a definitive yes, no, there.

Jeremy Redman – You meet the requirements for reciprocity, you meet the requirements for universal licensure, or you meet the requirements to sit for the exam. Tell me, I'm wrong on that one.

Michael Hyde – No, I don't think you are not wrong.

Jeremy Redman – If you have to provide a license from a state that meets those minimum requirements like the state of Idaho does, even if we don't reciprocate for the universal licensure, you still have to prove those minimum requirements.

Michael Hyde – Yes, that's correct but we got to remember right now, the way the rules read is we allow for 16,000 hours to take the test without that education component.

Daryl Nelson – But if we remove that, there's only one path to get that license.

Michael Hyde – You're correct.

Yvonne Dunbar – That's doing the opposite. It's creating a barrier.

Jeremy Redman – It's removing words though.

Yvonne Dunbar – So removing words is the last thing. This rule rewrite is really focused on what the regulation is, what the substance is as opposed to just removing words.

Michael Hyde – I think that would be a challenge because we'd have to argue, or not necessarily argue, but prove how this is beneficial to Idahoans.

Jeremy Redman – That's where I come back to the testing.

Michael Hyde – Okay, it's noted.

Daryl Nelson – When you look back down to the next one there that has 16,00 hours. So, this is just a requirement to take the license.

Michael Hyde – You wanted to keep the out of state language.

Daryl Nelson – If it's not in rule then it doesn't exist. So.

Michael Hyde – Point is noted. It will be documented, commented as such. Next section, 104-*Limited Electrical Installer*. Any suggestions, or comments here? Moving on, section 105-*Master Electrician*. Any additional comments or feedback? Okay, section 106-*Electrical Contractor and Limited Electrical Contractor*. Any additional comments or feedback?

Jeremy Redman – So, I don't agree with the strike through of the master or journeyman requirement for the electrical employer.

Michael Hyde – Master or journeyman?

Jeremy Redman – Yeah, I believe that's how it reads, isn't it?

Michael Hyde – You don't agree with deleting both.

Jeremy Redman – No, I don't agree with deleting either. The statute says an electrical contractor will employ a journeyman or master. This explains why prior to 2008, it could be a journeyman, post 2008, it's got to be a master.

Daryl Nelson – I would second that. I would keep those top “a” through “ii”, part of it.

Jeremy Redman – I think you got to keep all of that. Spencer was talking about deleting the, what was it 3, or whatever in here? Where it talks about contractor may be his own signing master or supervising electrician. If you leave the first part of it, and then remove that, that means you are a one-man shop, so you'll have to employ a supervising electrician.

Michael Hyde – Okay, go ahead and jump into the next section.

Unidentified speaker – Did somebody bring this up? Is that why this guy struck out? Did somebody complain about this because the contractors in the state have been abiding by this since this rule was put in place. Did somebody complain about it? Is that why it got struck out?

Michael Hyde – We went through the ZBR process perspective analysis looking at what statute says, and what rule says, and with the statute saying, or it was hard to answer the questions to bring this back because the way statute reads, it is an option. It doesn't say as of this date you shall be a master; it says journeyman or master at this time. The way the statute reads.

Jeremy Redman – That's opinion, though. That's how you read it. I read it as two separate scenarios and I believe that's how the industry looks at it is you're looking at two separate scenarios just like the education piece.

Michael Hyde – From a time perspective? Two different scenarios?

Jeremy Redman – If you were a contractor prior to 2008, the requirement is not there for the master electrician.

Michael Hyde – Why didn't they write that in statute?

Jeremy Redman – Well, Jeff Fitzloff I believe, spoke to it last time as they talked about grandfathering and everything else, and whoever decided that wasn't the way to write that but the way to write it was to put it like this and explain it in rule and that's exactly how it's written and explained is that prior to 2008, your journeyman can be your supervising electrician. Post 2008, you have to have a master because that's when that came about. I know Tom is not in favor of this, but Tom, you were on the Board when this happened, right?

Tom Brown – Yes.

Jeremy Redman – So, is that the scenario is that it was laid out in statute and explained in rule?

Tom Brown – It was set up in statute and rule was going to be written and apparently, as a Board, we didn't follow up on how it was written.

Tim Frost – So, for clarity in the contractor scenario, there's never been a statute that has required this. So, if you look back on the basis of where it came from, the requirements in 2007 and 2008, the changes that the Board made that was not spurred by legislative change to, and I know the term is not grandfather but that wasn't spurred from a legislative change. If you look prior to the 2007 language, there were requirements for journeymen, journeyman requirements plus years of experience, and the statute at the time in 2007 just said that language just said journeyman, it didn't say journeyman or masters. It wasn't until the 2018 bill that the agency ran added the language journeyman or masters and so, the basis for, I think the question that we've been reviewing is, what statutory authority did the Board have to have it prior to 2008 and after 2008 to require the masterpiece of it. So, there's just some complexity there I wanted to make sure that we were clear. The statute has never allowed it.

Jeremy Redman – But it does say in statute now that it's a journeyman or a master.

Tim Frost – That's correct.

Jeremy Redman – And the rule explains that journeyman, prior to 2008, master post 2008 for your contractor requirements. It's two separate scenarios because if you have a shop, pre-2008, and you're supervising electrician leaves, then what? So, that's what I'm saying it's laying out two separate scenarios.

Tim Frost – So, Jeremy, I have no arguments with the history of this particular rule and the changes of what you're saying of what it previously was, versus what it changed to. The area we're struggling is we're struggling to find it to be legally defensible to say that we can create that limitation after 2008 to say it must require a master. That's the part that we really are needing feedback on.

Jeremy Redman – I'll argue that one all day long. Like I said, I believe that if you look at it from my scenario, and probably a lot of other people's scenario, there is that's laying out two separate scenarios not one.

Michael Hyde – So, if I may, just going down that path outside of the history, why would we, why would it be beneficial to the industry to say that every electrical contractor must have a master instead of a journeyman, from now moving forward, from a life safety aspect or any rhyme or reason for that.

Jeremy Redman – The code speaks a lot to qualified personnel and qualifications as far as a lot of the, like, if you're going to do arc fault calculations and those kinds of things, especially if you're working energized circuits, somebody's got to know how to do those arc fault calculations. Are there arc fault calculations that are on the journeyman's test? I don't believe there's any of that stuff on that test. I do believe the masters test, though I haven't taken it, does have a lot more of that. The calculations portion on there that is not covered in the journey men's exam. So, if you're going to, if you're going to be doing that kind of work anything above and beyond design build or plan build or any of that stuff, you should have somebody that understands how to do all of that work and if it's not your general journeyman, if your journeyman is not qualified, competent, as set forth here, then you should have somebody that's qualified to be competent. I think that's what this is saying. This is the next level of competency. I know that if you look at the surrounding states, I know Washington and Oregon, Wyoming, I do believe Montana, Utah, all have masters. Washington, they call it a supervising electrician, in Oregon it's supervising electrician as well.

Michael Hyde – Is that design aspect that you're referring to with these calculations, is it applicable in any type of installation, residential, commercial, industrial, let's refrain from the limited, just your general licensure.

Jeremy Redman – If we want to go down the rabbit hole of before, as far as what's residential, if it's a 26,000 square foot residential house, there's going to be some aspects there. Even in your residential, you have a square foot load calculation there and derating your grounded conductor.

Michael Hyde – So, the journeyman cannot make those calculations, in your opinion.

Jeremy Redman – Are they qualified to do that by the state exam?

Michael Hyde – There's calculations on the journeyman exam. I don't want to get down the rabbit hole.

Jeremy Redman – There's some loads that you can derate. Some of the conductors and that, is anybody qualified to do that?

Michael Hyde – I'm just trying to look for the piece that says a journeyman doesn't hold these qualifications in order to make those calculations, where a master does, and this is why we need to have a master.

Yvonne Dunbar – So, let me just back up a second. When it comes to who is performing the work on behalf of the contractor, they're going to be limited by the scope of what the licensee holds. So, if the licensee only holds a journeyman, the scope the contractor can work is going to be limited to what a journeyman can perform. If a contractor has a master, the scope will be broader. There's oftentimes, and we heard an argument related to the exam, the fact that there shouldn't be calculations on a journeyman exam because journeymen don't tend to do calculations in the field and they hire electrical designers and different things like that. So, there's arguments to be made both ways. I think the bigger point to be made is the fact that the scope is limited to the licensee.

Daryl Nelson – So when you look at statute 54-1003(a), under journeyman, I'm paraphrasing, it says they're allowed to install. Under a master, they are allowed to design and install. So, there's a difference between having two different classifications going back to the 2008, which is roughly where I can go back to why having a distinction between you had that before here. I don't know when all of those definitions were updated by any means but I can see in the definitions there's different qualifications of those licenses.

Michael Hyde – I'm not trying to get into the scope necessarily. I'm just trying to answer, for us moving forward, if we were to keep this language, how do we provide a response as to why masters are required for every electrical contractor license.

Daryl Nelson – We don't really have a different type of license for your general contractor with design ability, your electrical contractor that can only do installs.

Michael Hyde – Valid point.

Mark Zaleski – It's required because the Board set the rule.

Tim Frost – So, our question, Mark, I appreciate that, our question is, reviewing from the analysis is we have to justify why the Board set the rule and if the only reason that the Board set the rule was, at that time, it was their interpretation that it was required, that's different than there's a relevant safety reasoning and we know that in other states that don't have this, this is a serious issue.

Jeremy Redman – Well, Larry, you might be able to speak to some of the newer facilities, like Jump. In those facilities they're only engineering, like, 60% of those buildings. Am I wrong in this?

Larry Geyer – Even in the design build businesses that we're all getting into, well, we've been involved with quite a bit, we're actually the ones that are doing a lot of those calculations. In Oregon, you have the same ability as an electrical engineer being a supervising master. I have the same ability. I can design over there. I can sign off on drawing over there. We don't have that same ability over here. What it does is it gives a certain level of competence; it gives the public a certain level of confidence in that we are doing the right things and making sure that our contractors have a certain level of understanding. That's how I feel about it.

Jeremy Redman – Even if plans are put out to the nth degree, we still have to verify those, right, and you want to talk about calculations pipe fill calculations, box fill calculations. If you're doing any electrical work, you're doing calculations. It might not be the vaulted arc fault current or those kinds of deals but you're doing some kind of calculations, on the minimum side, as far as conductor fill and box fill.

Michael Hyde – Okay, any other comments from the Section 01? Okay, we'll jump into Section 02-*Electrical Contracting Work Defined*. Any additional feedback?

Jeremy Redman – Is it (b) here under the new section? Is that 2 or 3 where it's talking about a person or entity performing or offering to perform contract and was that moved someplace else? Never mind it says right there. Sorry.

Michael Hyde – Okay, next section, 03-*Qualification and Duties for Supervising Electrician*. Any additional comments?

Jeremy Redman – I think this lays out the scenario of the two separate scenario deal there as well.

Michael Hyde – Okay. Subsection 05-*Direct Supervision and Training*.

Warren Wing – Can we go back? I got a question on that one. A journeyman who is an employee of a company, corporation, firm or association with a facility account may sign as supervising electrician for that facility account in addition to signing as a supervising journeyman for his own contractor's license so long as the journeyman is listed as the owner. So, what's the difference between that journeyman and journeyman as contractor? They're doing the same exact work, if not more in an industrial setting.

Jeremy Redman – I think what this is referring to is that because currently you can only be a signing supervising electrician master journeyman for one contractor, correct? What this is saying is if you can be a signing journeyman for a facility account and still be a signing journeyman if you're a contractor because currently, you can't be a signing supervisor for two contractors, correct?

Warren Wing – That's correct but this is letting a journeyman be that signing supervisor, so that's my question.

Jeremy Redman – It should probably read supervisor or master or journeyman or master, like the two scenarios there.

Warren Wing – Right but that brings my question to the earlier, why is there a difference between journeyman and master in this environment but it's not in the contracting environment?

Jeremy Redman – Because you only have to be a journeyman to be the supervisor for a facilities account.

Warren Wing – I'm asking why?

Daryl Nelson – When you look at a facility account, it's limited to only the property that they own. As a contractor, you're able to work on anybody's property that you're performing a work to. Your liability for what type of work you're doing encompasses a lot more when you're looking at that. So, having this, the journeyman for a facility, you're limited to the liability of what work facilities they can actually do work on, and work legally.

Michael Hyde – But is that consistent with the discussion on why requiring a master license now versus...

Daryl Nelson – A facility account is a whole different entity than a contractors. A facility account is just for, like say Simplot. That's a big one but they can only supervise the work done that's owned by their facility. It's not you can go across the street and help the old lady, you know, change out a receptacle. Your liability is there and that goes back to the businesses insurance liabilities.

Michael Hyde – Any additional comment there before we transition.

Jeremy Redman – I'd be curious to see how many facility accounts are just journeyman, not masters. Same with the contractors.

Warren Wing – We have facility accounts but it's masters.

Michael Hyde – Next subsection 05-*Direct Supervision and Training*. Open it up for comment.

Jeremy Redman – I have a question on this one here. If this is something that we might need to talk about if it gets to the limited license there, at the one to four ratio in that statute, will that still apply?

Michael Hyde – If we go down the path of creating a specialty or a different license.

Jeremy Redman – Limited residential license or limited electrical residential license.

Michael Hyde – It would just be as it reads for 05 with requiring

Jeremy Redman – That ratio would still exist even under the limited.

Michael Hyde – No ratio. The way it's written.

Warren Wing – So, that's limited energy.

Jeremy Redman – I'm on an old copy of this one here.

Tim Frost – I guess I have some questions on this. We talked at the last two board meetings on statutory authority related to ratio, and I know the Board asked us to provide some, what are their options? In a way, I think it's a risk-based question that the Board is asking. So just from the individuals in the room, do you draw a distinction between the needs of a ratio in a commercial setting versus a residential setting? So that's the first question I have. The second question is currently our limited electrical installer scenarios do not have a ratio but our residential does have a one to four. Do you particularly view it differently? The settings and the risks of we need a ratio in a commercial setting but we don't need a ratio in a residential setting. I just wanted to open it up because one of the pieces that we're trying to navigate, the next step to the Board is, both their legal authority but also, from a policy standpoint, where they want to land, and I think we've heard from the broader piece of the listening sessions that just, I'm going to try to give context,

the broader piece of the listening sessions and negotiated hearings, that the request has been to keep the ratio at a one to two for a commercial industrial, and it seems over the last three years, most of the requests on the legislative side, and on a rulemaking hearing side that the ask to expand ratio have been in a residential type of scenario. So, I guess I just offered the question up. Do we need a ratio in a residential setting and do you view it differently than commercial?

Daryl Nelson – On the ratio, can we keep a ratio as a definition of what direct supervision means?

Tim Frost – If you're asking for our interpretation, we provided our interpretation to the Board at the last meeting, and that came from both our legal guidance that was internal and outside legal counsel guidance. So, the Board has the ability to make a decision on how they want to promulgate the rules. Whether or not those rules are legally defensible turns into a risk based decision, and so, part of the reason I'm asking some of these questions today is, if we're talking risks, are the risks different in having a ratio in commercial versus having a ratio in residential. I'm trying to navigate the middle ground of what the law says versus what we should do for public protection. Yes, Mark.

Mark Zaleski – Your first question I would say yes. A ratio is valid in both scenarios, commercial industrial and residential, just by the definition of apprenticeship and learning, and DBS had the past practice of special variance, and as requested from electrical contractors, they could call in and say, hey, on this project or in my shop. I'd like to have this and I don't think anyone was turned down from that. I think they were all granted that and the list wasn't that big but I think that's kind of between that and some legislative action and some legislators coming to DBS. That's how that residential did get expanded because it was already being used but I guess I'm still on that first question is, I believe it needs to exist in both scenarios.

Tim Frost – In your scenario, Mark, do you think they should be the same in both scenarios?

Mark Zaleski – One hundred percent.

Shari Hall – I just disagree a little bit because in some jobs it's a little different. We are multifamily and we're large multifamily and sometimes we're commercial and sometimes we're residential but we are an assembly line and one journeyman can look at four apprentices to do nail plates, to do boxes, to do pulling feeders and the wires not for makeup, et cetera but then that journeyman goes back and he inspects the work. He is still monitoring what's happening and to put us into that box of we're only residential, and we can only have two people at a time, it just limits the amount of work we need to accomplish in this industry in this valley right now.

Tim Frost – I appreciate your comments. Can I ask a follow up question of do you think the residential ratio should be expanded beyond one to four or not have a residential ratio?

Shari Hall – I do not. I think one to four is a nice, safe working environment for our parameters. We don't do single family homes, so I can't speak to that.

Tim Frost – I appreciate the comments. One of the things that we've been trying to wrack our brains around a little bit on the residential side is a couple of things. First there's the decision two years ago to differentiate to Mark's point of, from previously two to one to now, two to one, four to one split in residential. The fact that we don't have ratio for any of our limited electrical installers and other states treating residential as different from a ratio requirement than commercial, and so other states, either having an expanded ratio in residential or not having a ratio in residential but they pretty consistently maintain a ratio in commercial. So again, I'm just trying to get some feedback on how to navigate recommendations with the Board so to give them the best potential scenario to make a decision.

Jeremy Redman – On the ratio, to me, when I look at that direct supervision and training, direct supervision to me is one on one. I believe that if you get outside, as a journeyman electrician, you get outside supervising one apprentice, that training piece is really going to drop out. When you get outside two apprentices and one journeyman, I do believe that you're going to lose production on your journeyman and you're going to end up, for lack of a better term, babysitting those electricians, depending on their skill level. If you have upper period apprentices that can be left alone it's one story. If it works, like the industry does, we have a mass influx of people coming in as work picks up so you have a bunch of unskilled workers, a portion of those are going to drop out and you're still going to have limited skilled workers on that end. That being said, I don't do residential work. I understand the argument that a lot of the people will make is

it's a lot easier to supervise four people in a 1,200 square foot environment versus a 30,000 square foot environment. The limited side there, as far as not having a ratio there, I don't think I've ever seen more than two guys installing an elevator, which is one of those limited licenses. I think that's kind of a different scenario there is you are not going to have 30 people on a job doing that limited work. At least what I can think of there, so that kind of takes care of itself. As far as electrical work, to me, electrical work is electrical work. To me, direct supervision is one to one, which I know is not the popular answer on that one but I do believe in a stiff ratio and good training as far as that goes for the industry. Companies are going to come and they're going to tell you that the work that they do is completely different from every other work that's out there. I do just this little thing right here. You know, that's what I do and that's why our company's special. Ultimately, it's one license, it's the same license for everybody, and it's all electrical work. So, what's done today is not necessarily what's done tomorrow, as far as the guys can move from shop to shop. They still have the one license.

Tim Frost – Appreciate the comments. Any other thoughts, considerations related to ratio? Again, specifically, I think it's been very clear in our conversations around the state where individuals feel about commercial industrial setting of either keeping it at two to one. When we were in North Idaho, there was a number of individuals, similar to Jeremy, that asked for actually tightening it and moving it to one to one. Any other considerations around the residential side of things?

Tom Brown – I think when you talk ratio, you're talking either training on the job or safety for the public or the safety for the individual. I think you do need some kind of a ratio. What that ratio is, I think should be the same for commercial and residential but I think ratio should be looked at as who are you watching. Are you watching a first year, that knows nothing? Are you were watching a fourth year that's been through the schools? Are you watching a fourth year that just has hours in? We have a broad spectrum of people that we need to watch and I think if you're going to do a ratio, you should look at qualifications of that person you're watching. At one time I believe Todd, the individual from North Idaho on the Board, proposed doing a ratio based on a number count and that number count was based on them going to school. If they were in an education program, you could have more fourth year because they should have training and less first year. I don't remember how the numbers went but he brought it to the Board but he couldn't get a second. I think it was a mistake on the Board's part, that's my opinion. We have four to one at times but there's some jobs it's one on one. It's kind of up to the contractor, I think, to watch out as far as the safety, it's the contractor, the safety of the public. You can say all you want about the commercial being harder work, when you do residential, you're dealing with people that are sleeping in their homes. They're all vulnerable. So you wire it wrong, you don't have anything to protect them. You're going to kill people. You have a fire in a big building you have fire sprinklers, fire systems. There's a better chance they're going to get out unless there's something massive. I think, when it comes to residential, you need to be careful when you say, it's so easy, we don't need a ratio or the ratio can be much higher.

Tim Frost – Tom, can I ask you a follow up question? If you think the contractor has the discretion of knowing when it needs to be one to one, when they have the authority to go up to one to four, why wouldn't that contractor have the same discretion to go beyond one to four when they know it's safe?

Tom Brown – I think it's the responsibility of the contractor. I think contractors need to take on responsibility. It's their liability insurance.

Larry Geyer – Greed, greed is why. If you give them an open-ended checkbook and allow them, that's what is going to come into play, greed.

Tim Frost – Our boards don't regulate based off of greed.

Larry Geyer – I understand that. I'm just saying you asked the question; I'm telling you that's exactly why they would put themselves in that position or they can't get the help. They can't get enough journeyman to be able to man the work that they have. They've got to make a decision at the end of the day, to get the job done that they have signed on to get done or don't do it. That's it in a nutshell. I think ratios are important. The educational piece, and I've said this before in a previous meeting, the educational piece, the apprenticeship program is designed for a certain level of OJT. It's designed for a journeyman's ability to manage multiple people. There are some skills that you can teach probably to two apprentices but we don't even operate at a one to one ratio in certain environments. In the healthcare environment, in the technology

environment where you have huge amounts of risk at stake, if you're dealing with hot work in the healthcare environment, where you're allowed to work things life safety systems hot, those are those pieces, and we don't even operate at the one to one ratio at that time. There does need to be ratios. There is only so much that an individual journeyman, master, whomever that person that's providing the training, can provide adequately to an apprentice, especially at a lower level. At the first-year level, they don't know anything.

Tim Frost – Thanks, Larry. Follow up. Do you think there should be a delineation and a separation of the risk of ratio in a commercial industrial versus residential setting. So similar to what I asked earlier, do you think it should be separate?

Larry Geyer – I don't understand what you're asking me.

Tim Frost – So, right now our ratio is two to one in commercial industrial and four to one. I simplify when you guys talk about dwelling units so I just call it residential and so, two to one in this setting, four to one in this setting. Do you think it's appropriate to continue to view ratios separately based on the settings and the risks.

Larry Geyer – I do, and this is my reasoning. We don't do residential and these individuals that are in this room that do that level of work, and they have the ability to effectively manage that, I do believe though, however, that the educational piece is designed around a certain level of ratio. Two to one ratio is pretty common around the country. Two to one or one to one ratio is pretty common around the country. When you change those ratios, you are changing the level of education that that person receives on the job. The journeyman does not have adequate time, I mean, listen, even if you split it for math reasons, this apprentice is getting four hours, and this apprentice is getting four hours on an eight hour day. If you put that times four, now you've got an apprentice that's getting two hours of supervision time from the journeyman electrician. You're changing the industry right there. You've changed what that journeyman can effectively train the other individual. I like the two to one ratio across the board, but we don't do residential. Tom and TRAX Electric do. We've got to rely on what they're saying. They're both successful businesses in this community and at some point in time, they need to rely on what they're saying.

Jeremy Redman – Ultimately, it's setting a basement, right?

Tim Frost – A ceiling?

Jeremy Redman – Well, however, you want to look at it. I look at the bigger number of apprentices you have the lower it is, right? So, ultimately, that's what you're looking at is what can you safely train and supervise. Ultimately, it's time limited. The amount of time that you have with an apprentice is time limited, and ultimately, the point is to get them to be a competent journeyman. So, where you have a structure in place and a limited timeframe, what is that number that you can effectively train somebody to be competent in that timeframe? That's what it comes down to. So they can perform safe installations. I don't think you can do it without a ratio.

Mark Zaleski – One more comment. As to why I think they should be the same is because we only have one journeyman license, and I understand the different types of work we're talking about within this room, and they might differ somewhat, but the ratio is about apprentices and learning the trade and we're building to only one journeyman license that we have so everything should parallel to get that apprentice the best training they can to become the best journeyman for our state, or wherever they end up, and I think while we have one journeyman license, apprentices should be treated the same under the ratio.

Shari Hall – One more question, and Warren may be able to help me with this. On our waiver, we're not allowed to have four first years, or even three first years and a second year. We have to have a multitude. So, we have fourth years working with first years, et cetera, and a fourth year knows more than a first year, and he doesn't need the hand holding for doing the basic boxing and such. So that's why the expanded waiver for us has worked.

Tyler Perot – I just support ratios, period. You have to have some sort of control measure over it otherwise there will be and could be, even are now contractors that run away with it. Like they were saying for greed and money and profit on cheaper labor is one thing. It's really about substantiating the trade and the electrical brotherhood of unions and non-union workers. It doesn't matter if you are union or not, it's still a brotherhood, it's still gaining as much knowledge as you can and then passing it on to those below you,

and you need to have close relationships with the journeyman and the apprentices in order to get well rounded journeyman to come out of that scenario.

Unidentified Speaker – And having a ratio instills that, and creates that opportunity, and then holds it there and makes it known within the trade, especially for the apprentices. They know they're going to have training. They're going to have a journeyman there to answer the questions and teach them what they need, and they have to have that.

Tim Frost – Appreciate the comments. One of the things that we asked during the listening sessions last year, we talked about at the last Board meeting, was we've been trying to find any studies that we can related to ratio and where to draw the line on ratio from an objective standpoint. Has there been anything that you and individually have reviewed that has set forth the federal guidance, or the state guidance, in an objective manner of this is why we need to draw the line at two to one versus four to one versus six to one or anything along those lines. Have any of you identified any of that research of, for example, why the federal government has a ratio and establishes ratio in their grant approval programs through the Department of Labor.

Daryl Nelson – They have guidelines on the US Department of Labor. It's not just electrical, it's apprenticeships in general. In that it states other things, federal regulations, CFR but in here it has ratios of one to one to two to one but that isn't just electrical, it's everything, but it's also a guideline. The closest I can come up to is for having ratios.

Tim Frost – No, I appreciate that. So, we've reviewed the federal law, CFRs, and the Davis Bacon requirements, and we have found guidelines that specify either a one to one or one to two. What we haven't found yet is what the federal government was basing those requirements and guidelines on. So, that's what we've tried to dive into the weeds. We just haven't been able to identify that yet.

Jeremy Redman – One of the documents that I read that speaks to dangerous industries, basically, which if you look at electrical construction, that's in the top 25 deadly industries every year. Even the safer it gets, it's still in the top 25 as far as deadly industries, and I know that was part of some of the figures that I saw as far as calculations go for your Department of Labor registered apprenticeship would be the industry which you are in.

Tim Frost – No, I appreciate it, Jeremy. I personally have drawn a distinction with the electrical industry on ratio being related to the health, life safety of the employee, and then ratio and whether or not is it impacted to actual consumer protection, and I think those are two different questions. We've had ratio conversations with all of our boards. In most instances, we don't have any potential employee hazard that you're considering. You're actually considering how is this going to impact the practice, the installation, whatever they're doing on the actual consumer, and that's what I've been trying to figure out on the national level is do they start drawing that distinction towards exactly what you're saying the hazard of the employee, like an OSHA requirement or a Labor requirement, rather than consumer protection.

Jeremy Redman – You can look at the OSHA statistics that say 35% or a third of on-the-job fatalities occur in the first year. We're in an industry that constantly changes. It's a rarity that you're on a project for longer than a year. It's a constantly changing environment and you're dealing with electricity, it's a known hazard. That's why the National Fire Protection Association writes the code, and then the code is written to protect property from fire. There's a lot of factors that go into that saying that the electrical industry is a deadly industry. Falls is another one. We're constantly on ladders. There's a lot of things that goes into that saying that it's in the top 25 deadly industries. As far as attributing a fire to a faulty electrical installation, I think that's what you're looking for, and how a ratio played a part in an electrical fire. That's the kind of verification that you're looking for.

Tim Frost – I think there could be a number of different things but yes.

Jeremy Redman – I think that's one of them. I think as far as something specific that I think you're looking for, I think it's going to be six degrees of separation to get their kind of deal.

Tim Frost – So, let me reverse that on you, Jeremy. If there's six degrees of separation and there's no clear evidence that connects it or doesn't connect it, how do you make an objective decision on policy?

Jeremy Redman – So, let's look at this. You could probably look at the people that are running an expanded ratio right now, and look at the notice of corrections, or notice of violations on those folks versus

the people that aren't. You could look at first time pass rates, because ultimately, that's if you're getting a notice of correction, notice of violations on those, that means they're not doing the proper installations, proper installations that potentially could lead to a fire. So, you're looking for a direct correlation and it's not like medical malpractice or those kinds of things. A doctor can only kill one person at a time. So that's kind of where you got to look at it. You have to look at it kind of objectively, as far as how you get to that. How do you prove that an expanded ratio is potentially dangerous, but you have to look to the inspections, because that's the failsafe of the program is that hopefully the inspector is going to catch anything that's wrong. Ultimately, the goal is to get it done right on the first time.

Tim Frost – So ratios are in place right now, though. So, if there's issues on inspections...

Jeremy Redman – Let's look at the people that have expanded ratios and look at the most notice of corrections and notice of violations for those people that are running a four to one versus the ones that are running a two to one or the ones that are running one to one. Same as the first-time pass rates for the programs. You can look at that first time pass rate for the programs and see the standards that are in those programs. Like, the people that take and pass the test first time after 16,000 hours and no formal training other than what's required to renew their license versus the ones that go through a program where they're going to get a 1,000 hours of education or better in that first time pass rate.

Tim Frost – So, in the scenarios that you're pointing to, if there's been no safety incidents and it's been caught on the inspection, how do we utilize that as an objective measure? In other words, if there hasn't been a consumer issue and there also hasn't been an employee hazard issue, why is that relevant?

Jeremy Redman – Why is it relevant because this is all the safety programs. It's the whole bill. It's like saying I don't need brakes because I've got a steering wheel and a windshield, then to say that if I crashed my car enough times nobody's going to get me another car insurance. That's kind of what we're talking about here. That this is all part of a program. You have competent people supervising incompetent people and then you have an inspection to make sure that it's done. Ultimately the state sets a basement as far as requiring an inspection, and they double check to make sure that this installation is done safely for public safety. It's all part of that same program. So that you just don't have anybody with a pickup truck and a dog doing electrical installations and selling a house to somebody that has no idea who did the installation. The state has deemed it as competent and a sound installation, and how you get to that without hiring 8,000 inspectors to go out and stand on a job and make sure somebody's doing this correctly is via a ratio and competent people. We're talking about minimum competency here. So, you got to look at this one way. If you're going to deregulate one side here, you have to increase the other side, and you could talk to Warren about Arizona. Talk to him about their inspection process because they don't have licensing. Their inspection process is way, way stiffer than ours is. So, in all this deregulation, you want to talk about a cost of the state inspections are going to go up, notice of violations is going to go up, corrections is going to go up. Any time you deregulate that, that cost is going to go up to the taxpayer ultimately but it's all part of a program. If everybody does their job, then it goes smoothly. Does that make sense?

Tim Frost – I hear you.

Jeremy Redman – And I know that's not the correlation that you're looking for.

Michael Hyde – It's hard to directly correlate those two things. There's so many variables that come into play. I mean, we can look at that, but there's so many outside determining factors that could affect those numbers outside of supervision in a ratio, or where they went to school, if they went to school. There's a lot of factors. Too many variables to where your standard deviation would be way too high in those projections. You can't directly correlate it back. So it would be hard, but I get what you're saying.

Larry Geyer – It's the training piece is where it really comes down. The majority of apprenticeship programs are based on that on-the-job training. When you change that, now you're changing the education piece that they're receiving. So, like Jeremy said, you're going to have to increase the education piece, if they're not getting it in the field. I mean, you can't do both, you're going to have to do one or the other. If they're not being adequately trained, and the owner of TRAX Electric was here last time, and he even said that his guys are not getting the adequate training in the field to be able to pass the test. Is that because of expanded ratios? I don't know that, but I'm not there, but if you change the structure of the educational piece, the two to one ratio, the one to one ratio or whatever it is, somehow you have to make up that

difference. They're not getting the same level of education in both places, and if we're testing for the same license, applying for the same license, it's not the same.

Jeremy Redman – Just to make sure I'm sure on this one, so the employee or the electrician side of this safety is not what you're concerned with. You're concerned with the consumer side of the safety. Am I understanding that's what you're looking for, is the consumer side, not the electrical side. You're looking for consumer side information on that?

Tim Frost – No, I, that's not what I'm saying. I'll summarize this and then I'll answer specifically what you're saying. When you look at the vast majority of other states practice acts, the legislative intent of how it details it out, it talks about the risk to both the individual and for electrical, we're just talking electrical here, It talks to the risk to the employee of electrical installations and then it talks about the broader consumer protection pieces and it covers the entirety of that. When you look at our legislative intent, it doesn't say any of it whatsoever. It doesn't talk about the safety of employee, it doesn't talk about labor laws, it doesn't talk about these are here for the safety of either the journeymen, the master, the apprentice themselves. It just details that the legislature intent to govern electrical installations and according to, and then allows the Board authority to adopt the code, and so, the legislative intent essentially is a code adoption of what the framework is for safety. The question I'm asking you is a little bit of a differentiation. I've read all of the NFPA fire hazard details. I've read the Bureau of Labor Statistics occupational hazards, electrical deaths, electrocutions, fires in the house, breaking it down from a commercial from a non-commercial and thus far it is not clear that there is a connection of ratio, from an evidential standpoint, to actual the installation be a safe installation for the consumer, especially when you layer in the fact that you have an inspection added on top of that before it ever goes to the consumer. I do think there's a separate conversation here that there is no evidence, there's no talk about at all of the safety of the employee side of the electrician, of the safety to them, or the safety to the apprentice, and I think that's a completely separate conversation that you do have to factor in the safety to the worker. So, I personally, I'm just detailing, I view those as being different. I think the Board has to balance both of the conversations.

Jeremy Redman – Sure, if we want to talk explicit, statutory authority, the Board doesn't have any authority to, with any regards to safety of the industry, only safety of the consumers. Is that what you're saying the act says?

Tim Frost – The Board's authority governs safe installations and they detail that according to code. There's no specific labor protections in the Electrical Practice ct. The Electrical Board does not exist to protect the industry or represent the industry. They are there to protect the public. That's all of our regulatory ports. Now, is there a symbiotic relationship between the employee and the consumer? Oftentimes there is. So, oftentimes the decision the Board makes related to the consumer is very much beneficial to the employee as well, and I think that's where the conversation is on this one.

Tyler Perot – I think the focus of apprenticeship and direct supervision and training should be focused specifically on that. Yes, there's the consumer side of it. The industry gets there as the end result but the main focus and purpose of a ratio is to educate the next group of people to perpetuate the trade and the industry, and if we're having trouble even getting people to come into the trade, much less getting them to come in, and then get them to feel and appreciate what they're doing, and why they're doing it, and why they're coming in every single day to do their job, and you're going to get a better outcome when you have a better ratio and better relationships built between the apprentices and the journeyman and better educational opportunities so that you then have more well-rounded journeyman being turned out of the apprentice program, to then repeat the cycle. So, I think it really needs to just focus on that education and training. If we're looking at ratio, let's be concerned with what are these apprentices quote, unquote, students of the trade, actually getting out of that on the job training, which is everything that drives us all to get licenses and tests and become contractors or whatever but that's where that's the main importance. If we're trying to simplify something that should kind of be like the focus.

Tim Frost – Any additional comments on direct supervision and training?

Michael Hyde – So, what we'll do is follow up. We do have a special meeting scheduled for Wednesday, August 17, to present all comments, summary of the occurrences that have taken place over the past few

months to the Idaho Electrical Board, and we will submit the draft in front of the Board for review and a vote whether to send this draft to a proposed status. Again, that was Wednesday, August 17, at 9:00 AM.

Tim Frost – The updated draft will get put on the dopl.idaho.gov website and the public should expect an opportunity to provide suggested comments to the Board before they have their complete conversation and deliberation on the rule chapter. So, there will be a public comment process. We'll treat it as a last scenario before proposed. Keep in mind, once it goes proposed, there's two more formal negotiated meetings, so it's not a last time but if you have an opportunity that you want to be explicit in front of the Board, you'll have the ability to do.

Shari Hall – Will email comments be accepted prior to April 17th about today's meeting? I'm sure Todd will have a few things he'll want to interject. I apologize, August 17th.

Tim Frost – So any email comments will be pulled together and put in the Board packet. We've received a number of comments, started getting some comments, like two days, three days before the last meeting, and so all of those comments will be consolidated and put into the packet for review.

Mark Zaleski – So the 17th is a full Board meeting, special board meeting with the Board?

Tim Frost – Yes.

Larry Geyer – Tim, do you know if the state is going to do something about the vacant board positions before that special meeting?

Tim Frost – I believe we just had one appointment that was issued in the past week. I don't have the member's name off the top of my head. I don't think we've filled the public members scenario yet but I do think the contractor position has been filled.

Michael Hyde – We've been in communication with the governor's office, specifically within the past few days, notifying them of that vacant public member seat. Joshua Madsen is our new electrical board member representing electrical contractors, who was just appointed last week.

Tim Frost – Any last questions? Appreciate you all coming. I say it every time, but the electrical industry always shows up and is willing to provide feedback for us. So, thank you.

The meeting adjourned at 11:48 AM.