

**IDAHO ELECTRICAL BOARD
VIDEOCONFERENCE MEETING**

Wednesday – April 24, 2019 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

MINUTES OF THE APRIL 24, 2019 MEETING

NOTE: The following report is not a verbatim transcript of the discussions at the meeting; however, is to record the significant features of those discussions.

Chairman Bob Scott called the meeting to order at 9:32 a.m. (MDT)

Board Members Present:

Bob Scott, Chairman
Jeff Wheeler, Vice-Chairman
Joe Harbacheck
Jim Marchetti
Greg Eagy
Rick Stark
Dale Pippitt

DBS Staff Members Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
Warren Wing, Electrical Program Manager
Larry Jeffres, Regional Manager, Region 1
Adam Bowcutt, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Shelly Farris, Regional Supervisor, Region 3
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Street Light Exemption – Jeff Fitzloff, Electrical Controls and Instrument, expressed a need to address the street light exemption when the Board adopts the National Electrical Code (NEC).

Consortiums at Legislative Hearings – Although there were industry-related individuals that spoke at the 2019 legislative session, Jeff Fitzloff expressed concern there needs to be more representation of consortiums. Mr. Fitzloff offered to volunteer for the consortium of the NEC; stating he would defend what NEC decides as a consortium at the 2020 Legislature.

Schooling Update – Mark Swinney, College of Western Idaho (CWI), explained that Senate Bill 1105 extends dual credit monies to high school students to non-credit programs; i.e., apprenticeships. School districts can utilize this in the fall of 2019. CWI is currently working with the school districts of Weiser and Boise.

◆ **Approval of the January 23, 2019 Board Meeting Minutes**

On page one of the draft minutes, under the topic *Street and Traffic Lights*, “hand pole” should be “hand hole”.

MOTION: Dale Pippitt made a motion to approve the minutes with the amendment. Joe Harbacheck seconded. All in favor, motion carried.

◆ **Approval of the April 24, 2019 Agenda**

Adding an item to the agenda within 48 hours of the start of the meeting requires a motion and second to amend the agenda, a good faith reason why the item was not included in the original agenda, and a vote adopting the amended agenda.

The good faith reason why agenda item five, *Authorize Notice of Omnibus Rulemaking and Notice of Omnibus Fee Rulemaking with regard to IDAPA 07.01.01., .02, .03, .04, .05, .06, .07, .08, .10, .11*, was not included in the original agenda is because in the late afternoon of April 23, 2019, DBS received a memo from the Division of Financial Management requesting action be taken to reauthorize rules beyond July 1, 2019.

MOTION: Rick Stark made a motion to add item five to the agenda. Greg Eagy seconded. All in favor, motion carried.

MOTION: Jeff Wheeler made a motion to approve the agenda as amended. Jim Marchetti seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Copperhead Electric--NOV ELE1811-0001 – Casey Fouts, representative for Copperhead Electric, attended the beginning of the meeting; however, left before the appeal hearing began.

◆ **Petition to Initiate Rulemaking**

Lyle Dieter, Glanbia Nutritionals, petitioned the Board to proceed with the adoption of the 2020 edition of the National Fire Protection Association (NFPA) 70 NEC. Currently, the 2020 code is in the proposal stage. It was suggested the collaborative group begin meeting, and in 2020, DBS commence with the negotiated rulemaking process for a draft proposal to be presented at the 2021 legislature.

MOTION: Rick Stark made a motion to begin the collaborative rulemaking process for adoption of the 2020 NEC, upon publication in August 2019, for presentation at the 2021 legislative session. Greg Eagy seconded. All in favor, motion carried.

◆ **Election of Officers**

Idaho Code §54-1006(4) “Idaho Electrical Board” states in part, “The members of the board shall, at their first regular meeting following the effective date of this act and every two (2) years thereafter, elect by majority vote of the members of the Board a chairman ... and a vice chairman ...”.

Vice-Chairman

MOTION: Rick Stark nominated Jeff Wheeler as vice-chairman. Greg Eagy seconded. All in favor, motion carried.

Chairman

MOTION: Greg Eagy made a motion to re-nominate Bob Scott as chairman. Jim Marchetti seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing (Cont'd)**

Copperhead Electric--NOV ELE1811-0001 – Mr. Fout did not return to the meeting; therefore, it was recommended the Board begin the process to enter a Notice of Intent to Take Default.

MOTION: Joe Harbacheck made a motion to proceed with entering a Notice of Intent to Take Default on Copperhead Electric. Jeff Wheeler seconded. All in favor, motion carried.

◆ **Authorize Notice of Omnibus Rulemaking and Notice of Omnibus Fee Rulemaking with regard to IDAPA 07.01.01., .02, .03, .04, .05, .06, .07, .08, .10, .11**

Each year, the Idaho legislature reauthorizes all existing administrative rules through June 30th of the upcoming year. This year, the 2019 Idaho legislature did not pass a bill; therefore, existing rules will expire on July 1, 2019.

On April 23, 2019, DBS received a memo from the Division of Financial Management (DFM) explaining the process to reauthorize rules beyond June 30, 2019. State executive agencies, by approval of their boards having rulemaking authority, must submit completed Notice of Omnibus Rulemaking and Notice of Omnibus Fee Rulemaking to DFM no later than May 10, 2019. Rules will be published as both temporary and proposed rules concurrently in a special edition of the Idaho Administrative Bulletin in June 2019. The temporary rules will have an effective date of June 30, 2019 to ensure there is no gap with the expiring rules.

MOTION: Joe Harbacheck made a motion to authorize the Notice of Omnibus Rulemaking and Notice of Omnibus Fee Rulemaking with regard to IDAPA 07.01.01., .02, .03, .04, .05, .06, .07, .08, .10, .11. Dale Pippitt seconded. All in favor, motion carried.

◆ **Governor's Executive Orders**

In January 2019, Governor Brad Little issued the following executive orders:

Executive Order 2019-01 *Licensing Freedom Act 2019* – Provides additional information on the Licensing Freedom Act, which was introduced in Executive Order (EO) 2017-06. The top two recommendations are a “sunrise” review process for new proposed licenses and a “sunset” review process on existing licenses.

Executive Order 2019-02 *Red Tape Reduction Act* – Requires agencies to designate an existing employee as its Rules Review Officer, which Regional Manager Patrick Grace is for DBS. Prior to proposing a new rule, each agency shall submit to the DFM an impact statement; identifying the impact the proposed rule will have on individuals and small businesses. In addition, at least two existing rules will need to be repealed or significantly simplified, or a statement clearly and thoroughly stating why existing rules cannot be simplified or eliminated.

◆ **Program Manager Report**

2020 NEC Changes – A couple of months ago, Tim McClintock, NFPA, provided a presentation on the 2020 NEC, including all major changes.

Solar Classes – Two solar classes were held in November 2018 and March 2019. DBS informed the solar industry that plan reviews and inspections will be completed within ten days.

Leasing Licenses – Within the solar industry, DBS has seen an increase in the number of master electricians and contractors leasing their licenses, primarily to out-of-state non-licensed individuals.

Inspector Meetings – The Division has begun to hold monthly inspector meetings with all municipalities via videoconference and “GoToMeeting”.

Washington Apprenticeship – Electrical Program Manager Warren Wing met with North Idaho College to discuss Washington State’s apprenticeship program, which will become more restrictive than Idaho effective July 1, 2023. Washington State will require all electrical apprentices be part of a registered apprenticeship program approved by Washington State. One of the barriers for Idaho contractors is these federally registered apprenticeships are limited to a one-to-one journeyman ratio.

Classes – The fourth Friday of every month, except November and December, DBS hosts free continuing education unit (CEU) classes. In addition, the Electrical Program Manager will be traveling throughout Idaho giving free statute and rules classes.

CEU Requirements/Credit – DBS launched the new CEU requirements; allowing individuals to take eight hours of code update with the additional 16 hours in any of the other categories. Electrical license holders attending Electrical Board meetings are eligible to receive CEU credit.

◆ **Compliance Program Report**

There is not a lot of new activity. Compliance Program Specialist Amy Kohler continues to investigate complaints; receiving positive feedback from local inspectors. At the July meeting, there will be a new report showing how many violations/complaints were issued by DBS staff, as well as from local inspectors.

◆ **Administrative Appeals Hearing (Cont’d)**

Copperhead Electric--NOV ELE1811-0001 – The Compliance Program Specialist received a voice message from Mr. Fout’s stating there was an emergency at one of Copperhead Electric’s job sites.

◆ **Administrator Report**

Financial Report – The Board’s finances are in good condition with revenue exceeding one-year in reserve.

Legislation – The proposal on the installer classification received negative feedback and was held in committee by the chairman. Administrator Chris L. Jensen explained the requirements of the provisional journeyman classification. The apprentice registration has gone back to a one-year registration. Both the provisional journeyman classification and one-year apprentice registration become effective July 1, 2019.

House Bill 229 – Representative Brent Crane sponsored House Bill 229, which was drafted by Stephen Kren, Stephen’s Electric. The bill creates an Idaho Residential Electrical Code, as well as increases the apprentice to journeyman ratio to 4:1 for residential construction. The bill passed the House Business Committee; however, was not heard by the Senate Committee.

One issue is the word “residential” is not defined. Upon further discussion, Mr. Kren offered to draft bill 229 as a proposal, to include a definition of “residential”, and bring it to the Idaho Electrical Board for its input.

Construction – The Expended Core Facility in Idaho Fall is estimating to use 1,200 electricians at its peak. Currently, Idaho’s unemployment rate is under two percent; making it difficult for many to hire qualified individuals.

◆ **Adjournment**

MOTION: Jeff Wheeler made a motion to adjourn the meeting. Jim Marchetti and Rick Stark seconded. All in favor, motion carried.

The meeting adjourned at 11:10 a.m. (MDT)

BOB SCOTT, CHAIRMAN
IDAHO ELECTRICAL BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

06/27/2019rb