

**IDAHO ELECTRICAL BOARD
VIDEOCONFERENCE MEETING**

Wednesday – April 26, 2017 – 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 26, 2017 MEETING

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

Chairman Bob Scott called the meeting to order at 9:30 a.m. (MDT)

Board Members Present:

Bob Scott, Chairman
Jeff Wheeler, Vice-Chairman
Rick Stark
Dale Pippitt
Denis Duman
Allan Perman
Greg Eagy
Joe Harbacheck
Mark LaBolle

DBS Staff Members Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Patrick Grace, Deputy Attorney General
Warren Wing, Electrical Program Manager
Jeff Egan, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Shelly Farris, Regional Supervisor, Region 3
Terry Blessing, Compliance Program Manager
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

License Renewal – Board Member Mark LaBolle addressed an e-mail the board members received from an out-of-state company whose signing journeyman license had expired. The company was advised to contact the Board if dissatisfied with the Division’s decision not to renew the license.

The individual’s license had been expired for over one year. In rule, an individual whose license has expired can revive within the 12-month period following the expiration date. Based on the information provided, the Board concurred with the Division’s decision.

City and County Concerns – There were no items or concerns to discuss.

◆ **Approval of the April 26, 2017 Agenda**

Chairman Scott requested agenda item 13 *Homeowner Permit Policy* be discussed immediately after agenda item ten *Primary and Secondary Residences*.

MOTION: Mark LaBolle made a motion to approve the agenda with the change. Allan Perman seconded. Vote called. All in favor, motion carried.

◆ **Approval of the January 25, 2017 Board Meeting Minutes**

The Chairman called for a motion.

MOTION: Joe Harbacheck made a motion to approve the minutes as written. Dale Pippitt seconded. Vote called. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Frank Carpenter – NOV ELE1701-0009 – Neither Frank Carpenter, nor a representative for Mr. Carpenter, was present at the hearing. The Board voted to proceed with default in the matter of NOV ELE1701-0009.

MOTION: Rick Stark made a motion to begin the proceedings of default on Frank Carpenter. Allan Perman seconded. Vote called. All in favor, motion carried.

ACTION: The Deputy Attorney General will create a Notice of Intent to Take Default for the Chairman's signature and provide a signed copy to Mr. Carpenter.

◆ **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 ...”.

Chairman

MOTION: Rick Stark made a motion to reappoint Bob Scott as chairman. Vote called. All in favor, motion carried.

Vice-Chairman

MOTION: Allan Perman made a motion to reappoint Jeff Wheeler as vice-chairman. Vote called. All in favor, motion carried.

◆ **Memorandum of Understanding (MOU) with HVAC Board**

Garret Christofferson, Idaho Falls City Inspector, brought forth concerns HVAC apprentices are performing electrical work incorrectly and unsupervised. Mr. Christofferson would like to see either direct supervision or the HVAC trade not perform electrical work.

Provided was the history of the MOU between the Electrical and HVAC Boards. The original intent was for trained HVAC journeymen to conduct the work.

The HVAC Board has agreed a supervisor must be able to reach a job site the same day an issue occurs. The topic *Apprentice Supervision* is on the May 2017 HVAC Board meeting agenda as an informational item.

The language in the Electrical and HVAC statutes are identical and allows the HVAC industry to perform specific electrical work. In order for the HVAC industry to no longer install electrical equipment, it will require changes in both statutes.

The Electrical Program Manager will attend the May HVAC Board meeting to discuss the licensing requirements to install electrical equipment. Depending on the HVAC Board's response, the Electrical Program Manager may bring a proposed statute change to the July Electrical Board meeting.

ACTION: The Electrical Program Manager will attend the May 10, 2017 HVAC Board meeting to explain the license requirements to provide electrical installations.

ACTION: Depending on the outcome of the HVAC Board meeting, the Electrical Program Manager may bring proposed legislation to the Electrical Board's July 2017 meeting to remove verbiage allowing licensed HVAC individuals to install electrical equipment.

◆ **Apprentice Journeyman Testing Results**

The Journeyman First Exam Attempts Report shows the number of graduates, from various schools, who pass the journeyman exam the first time.

Due to a backlog of license renewals and staff shortage, the report was not available. The Division's current system, TRAK-iT, does not have the ability to extract the required information from its database. Therefore, a staff member manually generates the report. The Administrator offered to provide the report at the July meeting.

ACTION: The report on the apprentice/journeyman testing results will be provided at the July 25, 2017 Electrical Board meeting.

Wendi Secrist, Idaho Career and Technical Education (ICTE), stated an additional source of data is the *Eligible Training Provider List*. The Workforce Innovation and Opportunity Act requires each state to approve training providers before using the funds to pay for occupational training. Effective January 1, 2018, a "performance" list will be available on the Idaho Department of Labor's (DOL) website. The Division will work with both the ICTE and DOL to produce the information required by the Chairman.

Jim Webb, College of Western Idaho, stated a pilot program, to assess years one, two and three of the electrical apprenticeship programs, will begin in 2018. The data gathered by the apprentices will create quality improvement, and the ICTE will be able to report to the Board the end-of-course assessments from all the schools.

◆ **Unlicensed Alarm Companies**

At a previous meeting, it was expressed unlicensed electricians were installing alarm systems, specifically cameras, and questioned the guidelines to install them.

Power over Ethernet (PoE) is a technology for wired Ethernet LANs (local area networks) that allows the electrical current necessary for the operation of each device to be carried by the data cables rather than by power cords.

There is no rule in place; therefore, no avenue for a limited energy contractor to obtain/pay for a permit or get an inspection. In the past, the Board has addressed this issue; however, it stalled as it was so diverse and no one could agree on what to regulate.

The Administrator offered to begin preliminary work, to include possible statute and rules changes or additions, and bring back the topic to a future board meeting.

ACTION: The Division will research the topic *PoE/Limited Energy License*, bringing proposed statute changes and a new rule proposal to a future meeting.

◆ **Photovoltaic Specialty Journeyman License**

At the January 2017 Board meeting, Daniel Dow, Electrical Engineer/Homeowner, asked for an exception in the rule to waive license requirements. To change the rule, the Chairman suggested Mr. Dow meet with the DBS, put together proposed rule changes, and bring back to the Board for review and possible consideration for the 2019 legislature.

The Electrical Program Manager received a call from a solar collaborative group stating they will bring to the Board proposed legislation. It was suggested Mr. Dow speak with the group to incorporate his ideas.

◆ **Proposed Statute Changes**

The Electrical Program Manager brought forth proposed statute changes. The Chairman suggested the proposal be reviewed section by section. Many of the changes are due to current technology.

§ 54-1001. *Declaration of policy* – The word “new” was added to the first sentence and read, “...all new installations in the state of Idaho ...”. It was determined the word was not necessary and should be removed.

There was unfavorable feedback to adopt the 2017 National Electrical Code (NEC), with amendments, as the new Idaho Electrical Code (IEC). A suggestion was to leave the code as the NEC, continue to look at new changes, and make exceptions where the Board thinks prudent.

For clarify in rule, the Deputy Attorney General suggested a phrase be added to the IEC allowing the Board to make additional amendments as deemed necessary.

ACTION: The Deputy Attorney General will add a phrase to clarify the Board has the ability to make additional amendments to the rule.

§ 54-1003A. *Definitions* – Currently, employers decide what constitutes a “full-time” employee since the state of Idaho does not have a definition in statute.

This issue was brought forward because an individual is leasing his master electrician license to one company while working full-time for another company as a journeyman. The concern is the individual is not available in the supervisory capacity of master electrician. The following ideas were offered: 1) Add “The master electrician shall work for no other contractor during the period he is the master electrician for the job”, 2) Allow the individual to use only one license; journeyman or master electrician, and 3) Define “full-time employee” as “An employee using all of his available working time; typically 40-hours” OR “Using the whole of someone’s time

for one firm only”. With the ideas provided, the Electrical Program Manager will rework the language.

ACTION: The Electrical Program Manager will bring to the July Board meeting, proposed language to deter an individual from using both licenses.

§ 54-1004. Inspection of electrical installations-Notice of defects-Disconnecting electrical service – With electronic technology, paperless is the way of the future; thus, the words “in writing”, as it pertains to notifying the interested party upon inspection of any electrical installation not found to be in conformity, is obsolete.

Upon further discussion, the verbiage “in writing” will remain as is and “or electronically” will be added to the sentence.

ACTION: The Electrical Program Manager will leave the verbiage “in writing” and add “or electronically” to § 54-1004.

§ 54-1008(5). Duration of license – “Industrial accounts” to be replaced with “facility accounts”; issued/renewed through the DBS every three years. The Deputy Attorney General recommended a “facility account” definition be included in statute.

For clarity and consistency, Board Member Dale Pippitt stated, “licensing for” should be added as well.

ACTION: The Electrical Program Manager will add the definition of “facility account”, and “Facility accounts licenses shall be issued ...” to § 54-1008(5).

§ 54-1010(1)(3)(4). Installations by electrical contractor performed by licensed journeymen-Prior certificate holders entitled to license-List of electricians in contractor’s employ – Remove the following dates as they are obsolete: (1) July 1, 1961, (3) July 1, 1986 and (4) July 1, 1999.

ACTION: The Electrical Program Manager will remove the following dates: (1) July 1, 1961, (3) July 1, 1986 and (4) July 1, 1999 from § 54-1010.

§ 54-1013. Renewal of licenses or registrations-Inactive licenses – For consistency, the word “specialty” needs to be replaced with “limited” throughout this section.

ACTION: The Electrical Program Manager will replace the word “specialty” with limited” in § 54-1013.

§ 54-1014(5). Fees – Individuals with facility accounts are equivalent to electrical contractors, just limited in the type of work they install. Therefore, it was determined the facility account registration should be \$125.00.

ACTION: The Electrical Program Manager will add the fee of \$125.00 for facility account registration to § 54-1014(5).

§ 54-1016(2)(b). *Exemptions* – There was concern the wording “an employer” was vague and would allow a maintenance worker to replace fixtures, etc. without a license. It was determined the word “an” be replaced with “their”.

ACTION: The Electrical Program Manager will replace the word “an” with their” in § 54-1016.

§ 54-1016(2)(g) *Exemptions* – It was determined facility accounts will be licensed. Therefore, new subsection (g), as it pertains to any facility employing a full-time journeyman electrician, is not needed and will be removed.

ACTION: The Electrical Program Manager will remove subsection (2)(g) from § 54-1016.

§ 54-1016(3)(b)(iii) *Exemptions* – Subsection (b) describes the type of equipment individuals holding a current HVAC license can install. The last sentence in (iii) addresses plumbing certificate holders. The sentence is not related to HVAC licenses; therefore, will be removed.

ACTION: The Electrical Program Manager will remove the last sentence from § 54-1016(3)(b)(iii).

◆ **Primary and Secondary Residences**

Several individuals have pulled homeowner permits to flip homes. The Electrical Program Manager would like to develop language, in rule, to close the loophole.

The following ideas were offered: 1) Upon a final inspection, an individual cannot sell the home for 12 months if a homeowners permit was issued to work on the home, 2) The home can be sold; however, the homeowner cannot wire another home for 12 months, and 3) A homeowners permit can only be taken out every three years.

◆ **Homeowner Permit Policy**

Homeowner’s are exempt from licensing when performing work on their primary and secondary residences. Traditionally, family and friends help. The Electrical Program Manager expressed a need for guidelines on who can perform work under a homeowners permit.

◆ **Master Electrician & Full-Time Employee**

By statute, DBS inspectors cannot work in the electrical trade. The Electrical Program Manager came up with the idea of incorporating the following verbiage from Idaho Code § 54-1019--*Qualifications of Inspectors* to the requirements of master electrician. “... No inspector employed by the division of building safety and assigned to the enforcement of the provisions of this chapter shall be engaged or financially interested in an electrical business, trade, practice or work, or the sale of any supplies connected therewith, nor shall he act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation so engaged. ...”.

The Administrator offered to bring a draft proposal to the July Board meeting; specifying a signing master electrician can only work for one contractor.

ACTION: For the July Board meeting, the Electrical Program Manager will bring a proposal on the requirements of a signing master electrician.

◆ **Inspecting Power over Ethernet (PoE)**

The topic *Inspecting Power over Ethernet (PoE)* was discussed under agenda item 09 *Proposed Statute Changes*.

◆ **Board Meetings and Continuing Education Units (CEUs)**

A recommendation was to provide CEU's to licensees attending electrical board meetings. The Electrical Board has four meetings a year. If each meeting was worth one-hour of industry-related CEUs, a licensed individual would fulfill the required four hours in one year. To qualify for credit, a licensee would have to attend the meeting in its entirety; signing in before and after the meeting.

City of Twin Falls Inspector Raub Owens asked to have another videoconference site in Twin Falls.

ACTION: The Division will research the feasibility of a fourth videoconference site in Twin Falls.

◆ **Apprentice Ratio**

The Electrical Program Manager sent an e-mail to all schools asking for the number of registered apprentices enrolled in their apprenticeship programs. Only four of the nine schools replied.

There was discussion of the five-year apprentice registration and why the report, provided by the Electrical Program Manager, shows four apprentices registered/active since 1986. The Chairman recommended the Division research this issue, and anything 2011 or older be revoked with a letter to the apprentices stating their registrations are no longer valid. The Administrator will have the Compliance Program Specialist gather the names and information of the apprentices registered for more than ten consecutive years.

ACTION: The Compliance Program Specialist will provide information pertaining to apprentices registered for more than ten consecutive years at the July Board meeting.

In addition, prior to the July meeting, the Chairman asked for each school to breakdown the number of students per year of schooling; however, the total number of apprentices from each school would be fine.

ACTION: The Electrical Program Manager will contact each school and request the number of apprentices registered in their apprenticeship programs.

◆ **Program Manager Report**

Solar Plan Reviews – The Division is on track to perform over 600 solar plan reviews in 2017.

Facebook – There are approximately 300 people following the Electrical program's Facebook page.

Violations – Board Member Jeff Wheeler read an article that New York recently increased civil and criminal penalties for performing electrical work without a license. The maximum fine went

from \$5,000 to \$25,000, and the maximum prison term lengthened from six months to one year. Additionally, the civil penalty for a first time violation increased to \$4,800.

National Association of State Contractors Licensing Agencies (NASCLA) – The Division joined NASCLA, the leading association composed of state agencies that have enacted laws to regulate the business of contractors.

Multiple Feeders to Houses – The *Analysis of Changes, NEC 2017*, by the International Association of Electrical Inspectors is available. One-or two-family dwelling unit(s) can now have multiple feeders. An amendment to IDAPA 07.01.06 – *Rules Governing the Use of National Electrical Code* will be presented at the July Board meeting.

ACTION: For the July Board meeting, the Electrical Program Manager will bring a proposed rule change to include feeders in IDAPA 07.01.06.

Submersible Pump Legislation – Board Member Pippett requested an update on the draft proposal to install submersible pumps. Senator Robert Nonini approved the revised proposed statute change to include Article 682 *Bodies of Water*. The proposal, approved at the 2017 legislature, became effective March 24, 2017; however, has a sunset clause of March 31, 2018.

◆ **Compliance Program Report**

Classes – The Compliance Program Supervisor and DBS staff recently traveled throughout the state to provide training on code updates, the state compliance program, and public works licensing. During this time, six public works license packets were distributed.

◆ **Administrator Report**

Financial Report – Addressed was the Electrical Board Fund, FY 2017 financial statement, as of March 31, 2017.

Change in Employee Compensation – The Division of Financial Management approved a program the DBS put together to raise inspector base pay from \$18.31 to \$21.00. This becomes effective immediately and puts the Division more competitive in the field.

Legislation – Approved during the 2017 legislature were the following proposed statute and rule changes.

- Electrical – 2017 NEC.
- Building – 2015 International Building Code, 2015 International Existing Building Code, and 2015 International Energy Conservation Code (commercial only).
- HVAC – Pizza oven medium duty classification hood.
- Logging Safety – Numerous logging safety rules; bringing the Logging Safety Program up to current standard.

- Plumbing – 2015 Idaho State Plumbing Code, civil penalties for contractors, board compensation, and requirement to test for a journeyman license.
- Public Works – Clearer statutory language on what constitutes “acting in the capacity of a construction manager”.

House Bill 137 – Idaho Code § 54-1016--Exemption – Prior to the 2017 legislative session, the Board authorized the DBS to move forward with a draft proposal with regard to homeowners’ exemption. During the session, another proposal to the exemption was on the legislative calendar. A constituent of Representative Nate installed a solar program on his home. Discontent with the Board’s language, and support of Representative Nate, the individual created his own proposal, which passed at the 2017 legislative session. The verbiage of concern in the bill is “noncommercial”. The Division prefers “to perform residential work”. As an example, an individual placed a sawmill, deemed industrial, in a residential area. With the new language, the job is non-commercial and can be wired under a homeowners’ permit.

The Division will rewrite the proposal for review and possible approval by the Board for the 2018 legislative session.

ACTION: The Electrical Program Manager will bring, to a future Board meeting, a rewritten proposal on the homeowners’ exemption.

Public Works--13800 Instrumentation and Control – The Public Works licensing rule, *13800 Instrumentation and Control*, did not pass the legislature. The Division will rewrite the proposal for review and possible approval by the PWCL Board for the 2018 legislative session.

◆ **Adjournment**

The Chairman called for a motion to adjourn.

MOTION: Mark LaBolle made a motion to adjourn the meeting. Jeff Wheeler seconded. Vote called. All in favor, motion carried.

The meeting adjourned at 3:25 p.m. (MDT)

JEFF WHEELER, VICE-CHAIRMAN
IDAHO ELECTRICAL BOARD

RON WHITNEY, DEPUTY ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

09/20/2017rb

DATE