

**IDAHO ELECTRICAL BOARD
VIDEOCONFERENCE MEETING**

Wednesday – July 25, 2018 – 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 JULY 25, 2018 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 9:30 a.m. (MDT)

Board Members Present:

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

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
Patrick Grace, Regional Manager, Region 2
Gary Sonnen, Regional Supervisor, Region 1
Shelly Farris, Regional Supervisor, Region 3
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

There were no new items or concerns to discuss under open forum.

◆ **Approval of the July 25, 2018 Agenda**

MOTION: Dale Pippitt made a motion to approve the agenda as presented. Jeff Wheeler seconded. All in favor, motion carried.

◆ **Approval of the April 25, 2018 Board Meeting Minutes**

MOTION: Greg Eagy made a motion to approve the minutes as written. Jim Marchetti seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Super D Electric, LLC--NOV ELE1804-0001 – There was no representation for Super D Electric, LLC; therefore, the Chairman moved to the next hearing.

Chris Lewis-Advanced Insulation--NOV ELE1803-0005 – Chris Lewis nor representatives for Advanced Insulation were present; therefore, the Chairman moved to the next hearing.

Blaze Sign & Graphic Design, LLC--NOV ELE1801-0010 – Nathan Johnson represented Blaze Sign & Graphic Design, LLC, Compliance Program Specialist Amy Kohler represented DBS, Inspector Gino Endo was a witness for DBS, and Deputy Attorney General Spencer Holm was the facilitator. Mr. Johnson did not object to the introduction of Exhibits A through K into the record. The Board entered Exhibits A through K into the record. The Board reviewed a work order by Mr. Johnson for Bengal Car Wash in Pocatello.

MOTION: Joe Harbacheck made a motion to admit the exhibits into the hearing. Todd Feusier seconded. All in favor, motion carried.

All parties were sworn in and provided testimony to ELE1801-0010, violations of IDAPA 07.01.11.011.02 “Employees” and 05 “Supervision”.

MOTION: Todd Feusier made a motion to uphold NOV ELE1801-0010 as presented. Joe Harbacheck seconded. All in favor, motion carried.

Blaze Sign & Graphic Design, LLC--NOV ELE1802-0012 – In addition to the above-mentioned individuals, Kyle Noyes was a witness for Blaze Sign & Graphic Design, LLC. All parties provided testimony to ELE1802-0012, violation of IDAPA 07.01.11.011.05 “Supervision”.

MOTION: Greg Eagy made a motion to overturn NOV ELE1802-0012. Allan Perman seconded. All in favor, motion carried.

The Deputy Attorney General explained the rights of Blaze Sign & Graphic Design, LLC, and the Division will refund the civil penalty fee on NOV ELE1802-0012.

ACTION: The Deputy Attorney General will create written decisions for NOV ELE1801-0010 and NOV ELE1802-0012 for the Chairman’s signature, and the Division will provide signed copies to Blaze Sign & Graphic Design, LLC.

Super D Electric, LLC--NOV ELE1804-0001 (Cont’d) – With no representation for Super D Electric, LLC, the appeal was abandoned.

MOTION: Dale Pippitt made a motion to enter a Notice of Intent to take Default on the appeal by Super D Electric, LLC. Jeff Wheeler seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will create a written decision for NOV ELE1804-0001 for the Chairman’s signature, and the Division will provide a signed copy to Super D Electric, LLC.

Chris Lewis-Advanced Insulation--NOV ELE1803-0005 (Cont’d) – With no representation for Chris Lewis and/or Advanced Insulation, the appeal was abandoned.

MOTION: Allan Perman made a motion to enter a Notice of Intent to take Default on the appeal by Chris Lewis-Advanced Insulation. Rick Stark seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will create a written decision for NOV ELE1803-0005 for the Chairman's signature, and the Division will provide a signed copy to Chris Lewis-Advanced Insulation.

◆ **Apprentice Ratio**

Several years ago, the Board agreed to the 3-1 apprentice ratio as a "blanket" policy. Stephen Kren, Stephen's Electric, requested his company be able to use the 3-1 ratio with the following parameters: 1) Residential one and two family dwellings, 2) One of the three apprentices be a third or fourth year apprentice with 6,000 hours, and 3) 400 amps or less service.

In rule, the contractor must obtain permission from the Division, not the Board, and show special circumstances exist that are peculiar to the work done by that contractor which allows for effective supervision. Upon further discussion, the Board decided to table the topic, and for Mr. Kren to meet with DBS.

◆ **Proposed Amendments to Electrical Rules**

IDAPA 07.01.01--Electrical Inspection Tags – To align with statute changes approved at the 2018 legislature, the proposal modifies language in rule to reflect the Division's new technology and online system. In addition, there is a new definition for "Person", significant changes to IDAPA 07.01.01.011.03 "Power Supply Company", and new language pertaining to installation connected prior to inspection.

MOTION: Jim Marchetti made a motion to approve the proposed changes in IDAPA 07.01.01--Electrical Inspection Tags as presented. Jeff Wheeler seconded. All in favor, motion carried.

IDAPA 07.01.02--Fees – The proposal aligns with the recent changes in statute; covering the fees for electrical permits and inspections. There is a new definition for "Person", language to clarify temporary power permits for temporary construction services, removal of subsection 03, "*Residential Electrical Space Heating and Air Conditioning*", and new language for transferring a permit.

It was determined to leave subsection 03, "*Residential Electrical Space Heating and Air Conditioning*", in the rule as the fee is for a change-out; i.e., electrical furnace to gas furnace, and is a means for electrical contractors to purchase permits to perform the work legally.

MOTION: Allan Perman made a motion to send the proposal on IDAPA 07.01.02--Fees to the 2019 legislature. Greg Eagy seconded. All in favor, motion carried.

IDAPA 07.01.04--Electrical Licensing and Ratio – Added to the rules of electrical licensing and registration is language on limited electrical installers, as well as new language clarifying the 3-1 journeyman to apprentice ratio under "Direct Supervision".

A lengthy discussion ensued. The Board decided to remove references to the 3-1 ratio in the proposal since the Division already has the authority to grant the ratio to a contractor on a case-by-case basis.

MOTION: Jim Marchetti made a motion to approve the proposal to IDAPA 07.01.04--Electrical Licensing and Ratio, with the deletion of references to the 3-1 apprentice ratio. Dale Pippitt seconded. All in favor, motion carried.

IDAPA 07.01.04--Electrical Specialty Licensing – The proposal changes Electrical “Specialty” to “Limited” Electrical License and Registration, aligning with statute.

Upon speaking with several tradesmen, Board Member Dale Pippitt stated the term “Installer” is mildly degrading, and the industry would have been happier with the term “Limited Electrical Electrician Installer”.

MOTION: Jim Marchetti made a motion to send the proposal on IDAPA 07.01.04--Electrical Specialty Licensing to the 2019 legislature. Joe Harbacheck seconded. Eight ayes and one nay, motion carried.

IDAPA 07.01.05--Examinations – The proposal replaces “Specialty Journeyman Electrician” with “Limited Electrical Installer”, and “Specialty Electrical Contractor” to “Limited Electrical Contractor”; thus, aligning with statute.

As addressed at a previous meeting, the Division will change the score requirement for electrical inspectors to receive their certifications from “70” to “75” percent.

MOTION: Todd Feusier made a motion to approve IDAPA 07.01.01--Examinations with the change requiring electrical inspectors to have a minimum pass rate of 75 percent. Greg Eagy seconded. All in favor, motion carried.

IDAPA 07.01.06--National Electrical Code – The proposal clarifies the Division’s interpretation that NM cables, located in attics and underfloor areas of other structures are not designed to be occupied, are considered concealed. In addition, the proposal allows the use of gray HDPE water pipe, rated at two hundred (200) PSI instead of two hundred fifty (250) PSI, for use as a chase under certain circumstances.

MOTION: Dale Pippitt made a motion to approve IDAPA 07.01.06--National Electrical Code for submission to the 2019 legislature. Allan Perman seconded. All in favor, motion carried.

IDAPA 07.01.07--Continuing Education Requirements – The proposal allows licensees to obtain continuing education units (CEU) for attending board and negotiated rulemaking meetings. In addition, it defines code-related programs, and requires journeymen and master electricians to obtain eight hours of code update for every three-year cycle with the remaining 16 hours of their CEU in any of the three categories.

MOTION: Todd Feusier made a motion to approve IDAPA 07.01.07--Continuing Education Requirements with the addition of the language clarifying the types of CEU hours required. Joe Harbacheck seconded. All in favor, motion carried.

IDAPA 07.01.08--Electrical Inspection Tag Appeals – The proposal aligns with the recent changes in statute, and updates the Division’s procedures and technology to conduct electrical inspection appeals.

MOTION: Joe Harbacheck made a motion to approve IDAPA 07.01.08--Electrical Inspection Tag Appeals as presented. Allan Perman seconded. All in favor, motion carried.

IDAPA 07.01.11--Civil Penalties – The proposal updates terminology for electrical facility accounts, and electrical licensing and registration; therefore, aligning with the recently passed amendments to Title 54, Chapter 10, Idaho Code.

MOTION: Jim Marchetti made a motion to approve IDAPA 07.01.11--Civil Penalties as presented. Greg Eagy seconded. All in favor, motion carried.

◆ **Proposed Amendments to Idaho Code Chapter 10, Title 54**

Idaho Code §§ 54-1002, -1003A, -1007, -1008(1), -1014(3), and -1017--Electrical Installer – Electrical Program Manager Warren Wing provided the background on the collaborative meetings with regard to rules. Since statute supersedes rules, the decision was to concentrate on the proposed statute changes at this meeting, and consider rules in 2019.

Reviewed were the additions to Title 54 Chapter 10, Idaho Code, on the creation of an electrical installer license.

MOTION: Rick Stark made a motion to approve the language in statute, which allows the creation of an electrical installer category that follows the guidelines in the bullet point on the agenda item 06a cover page. Joe Harbacheck seconded. All in favor, motion carried.

Idaho Code §§ 54-1007, -1008(3), -1013(2), -1014(2), and (3) – Licensing and Registration Requirements – There are several bullet points on the cover page for agenda item 06b that are suggested rule changes. Statute prevails over rule; therefore, the decision was to focus only on the statute changes.

- Remove Requirement to Repeat 4th Year – The Electrical Program Manager would like to do away with the requirement to test within two years of finishing school or go back to fourth year of school. The Board chose not to take any action.
- Register Apprentices on a Yearly Basis – Currently, apprentices register for five years. The proposal is for apprentices to re-register every year. To move to the next level of apprenticeship, an individual would have to show 144 hours of school and 2000 hours of work experience, or complete eight hours of CEUs.

MOTION: Jeff Wheeler made a motion to change to a one-year registration period for apprentices. Jim Marchetti seconded. All in favor, motion carried.

The Deputy Attorney General explained the proposed changes to Idaho Code §§ 54-1007-- Issuance of Licenses, -1008(3)--Duration of License, -1013(2)--Renewal of Licenses or Registration--Inactive Licenses, -1014(2)--Fees and (3)--Fees.

The Board does not want the removal of 54-1007(2)(b), which pertains to an apprentice who has not taken or passed the journeyman exam within two years of the completion of the instruction training.

MOTION: Greg Eagy made a motion to approve the proposal with changes discussed earlier. Todd Feusier seconded. All in favor, motion carried.

◆ **Notification of Buildings within 20' of Overhead Utility Lines**

Recently, there has been a great deal of issues with buildings built within 20 feet of overhead utility lines, violating the Overhead Power Line Safety Act. Idaho Power asked DBS to assist with watching for anyone in violation of the Act.

◆ **Electrical Specialty License for Signs**

James Carpentier, Representative for Northwest Sign Council and International Sign Association, brought forth a concept to expand the scope of work to individuals with a specialty license, allowing them to repair and/or provide maintenance type work on exterior and interior luminaries. Mr. Carpentier was encouraged to work with DBS and bring back draft language to the Board's July 2019 meeting for possible approval to go before the 2020 legislature.

◆ **HVAC Direct Supervision**

Rather than pursue the direct supervision aspect, the Division will cross-train its HVAC inspectors on how to properly inspect certain electrical installations; as well as provide the necessary resources.

◆ **Program Manager Report**

National Electrical Reciprocal Alliance (NERA) Annual Meeting – Electrical Program Manager Warren Wing is currently the chairperson for NERA, and will host its annual meeting in August 2018.

2018 IAEI Meeting – In September, the Electrical Program Manager will attend the 2018 IAEI NW Section 92nd Annual Section meeting in St. George, Utah.

CEU Classes – The fourth Friday of every month the Division holds a free eight-hour CEU class.

Statute and Rules Classes – Two weeks in June, Electrical Program Manager Wing traveled throughout the state, providing classes on updated statute and rules. Approximately 200 individuals attended.

Verbal Judo Class – The Idaho State Police presents this de-escalation class on how to talk to difficult customers.

◆ **Compliance Program Report**

NOV Report – For better guidance on the number of violations, the report has changed from a pie chart to a graph.

Fee Structure – Changes to the fee structure are more stringent, as well as consistent among the electrical, HVAC and plumbing trades.

◆ **Administrator Report**

Financial Report – Addressed was the Electrical Board Fund, FY 2018 financial statement, as of May 31, 2018.

Naval Reactors Facility – This project is ramping up and could have as many as 1,200 electricians.

Small Scale Reactor Project – This is a new facility in eastern Idaho and estimated to hire 1,000 workers and take ten years to complete.

◆ **Adjournment**

MOTION: Rick Stark made a motion to adjourn the meeting. All in favor, motion carried.

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

BOB SCOTT, CHAIRMAN
IDAHO ELECTRICAL BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

09/18/2018rb