

**IDAHO HEATING, VENTILATION AND
AIR CONDITIONING BOARD
VIDEOCONFERENCE MEETING**

Tuesday – January 8, 2019 – 9:30 a.m. (MST)

**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 JANUARY 8, 2019 HVAC BOARD 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 Ted Sermon called the meeting to order at 9:32 a.m. (MST)

Board Members Present:

Ted Sermon, Chairman
Mark Ferm
Judy Van Cleave
Bill Hatch
Garret Christoffersen

DBS Staff Members Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
John Nielsen, HVAC Program Manager
Spencer Holm, Deputy Attorney General
Larry Jeffres, Regional Manager, Region 1
Patrick J. Grace, Regional Manager, Region 2
Chuck Knapp, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Permit Fees--Square Footage vs. Per Appliance

Passionate about this topic, John Rubert, Comfy Fire, stated it is unfair for HVAC specialty contractors, who only install fireplaces, to be charged the same fee as HVAC contractors installing the whole HVAC system in new residential construction. The Board nor DBS has the authority to internally change the fee schedule. When asked about an emergency change, Chairman Sermon explained it must go through the negotiated rulemaking process and the earliest a proposal could go before the legislature is 2020. HVAC Program Manager John Nielsen stated this issue would be further discussed under the topic *Permit Fees*.

◆ **Approval of the January 8, 2019 Agenda and November 14, 2018 Meeting Minutes**

MOTION: Judy Van Cleave made a motion to approve the agenda and minutes as presented. Mark Ferm seconded. All in favor, motion carried.

◆ **Election of Officers**

Idaho Code § 54-5004 (4) “Idaho heating, ventilation and air conditioning board” states in part, “...At the board’s first meeting, and every two (2) years thereafter, the members shall

elect one (1) of their number to be chairman and one (1) of their number to be vice-chairman.”

Chairman

NOMINATION: Mark Ferm nominated Ted Sermon for chairman. Bill Hatch seconded. All in favor, motion carried.

Vice-Chairman

NOMINATION: Ted Sermon nominated Bill Carter for vice-chairman. Mark Ferm seconded. All in favor, motion carried.

◆ **Licensing Requirements for the Apprentice/Journeyman Program**

At the November 2018 Board meeting, Chairman Sermon asked, and Jeff Cox of Right Now Heating & Air agreed, to bring to the Board a possible solution to better fit everyone’s licensing needs. Mr. Cox nor representatives for Right Now Heating & Air were at the meeting.

Provided was a handout of an excerpt from Governor Brad Little’s State of the State Address where his first executive order is to have sunrise/sunset processes for future occupational licensing laws. With the Governor wanting barriers to come down for licensure, the following options for rule changes were provided: 1) Stay as is, 2) License only contractors and register everyone else, 3) Two-year residential journeyman, 4) Endorsements, 5) Reciprocity, and 6) Out-of-state individuals take placement test(s).

Currently in rule, there is no way for an out-of-state person to become an HVAC contractor in Idaho without first holding an Idaho HVAC journeyman license for two years. HVAC Program Manager Nielsen explained the requirements for individuals from out-of-state to be an HVAC journeyman, as well as plumbing requirements to be an Idaho plumbing contractor.

This year, the Electrical Board is proposing apprentices go back to a one-year rather than five-year registration. This would include “life time” apprentices as well. The HVAC/Plumbing Program Manager will propose the same for the HVAC/Plumbing Boards. To renew yearly, apprentices will need to show completion certifications from school or continuing education units (CEU).

Board Member Garret Christoffersen suggested creating a subcommittee. J.R. Finlay, Sheet Metal Workers Local Union 55, volunteered to be on any subcommittee. It was determined a simple rule change was all that was needed for an out-of-state HVAC contractor to become an Idaho HVAC contractor; therefore, a subcommittee was not necessary.

HVAC Program Manager Nielsen offered, and the Chairman agreed, to draft proposed language on the requirements for out-of-state contractors to be Idaho HVAC contractors, as well as a yearly apprentice registration based on verification of schooling or CEUs.

ACTION: The HVAC Program Manager will draft proposed language for out-of-state contractors, and one-year apprentice registration.

ACTION: The topic *Licensing Requirements for the Apprentice/Journeyman Program* will be placed on the March 2019 Board meeting agenda as an informational item.

◆ **Code Updates**

There were several minor changes between the 2015 and 2018 codes; however, nothing major; therefore, the HVAC Program Manager suggested to begin the negotiated rulemaking process to adopt the 2018 codes with no amendments. Board members Garret Christofferson and Mark Ferm agreed. Draft language will be provided at the March 2019 Board meeting as an informational item and an action item at the May 2019 meeting. If approved by the Board, and the 2020 legislative session, enforcement would begin January 1, 2021.

Kenny Calkins, Treasure Valley Master Plumbers Association and Cloverdale Plumbing, recommended everyone send a letter to their legislators explaining that new codes need adopted every few years to keep up with the new technology and changes in the construction industry.

ACTION: The HVAC Program Manager will post a notice to begin negotiated rulemaking in the Administrative Bulletin, as well as provide a draft proposal at the March 2019 meeting.

ACTION: The topic *Code Update* will be placed on the March 2019 Board meeting agenda as an informational item, and then an action item at the May 2019 meeting.

◆ **Permit Fees**

As of January 1, 2019, the Division no longer provides mechanical inspections for the city of Meridian. If the HVAC program continues to operate as it currently does, it will only have enough funds for approximately 64 months. Upon consulting with the Division's financial manager, if the Board only looked at funding from permits, the Division would need to charge \$128 per inspection. The following options were provided by the HVAC Program Manager: 1) Leave as is, 2) Base fee, 3) Count fixtures, 4) \$65 inspection fee per fireplace, and 5) Industry get rid of county options.

Chris Miller, College of Western Idaho, suggested sending a survey to the industry to see who would support increasing penalty fees, the amount to charge, and would they attend legislative hearings in support of proposed legislation. John Rubert, Comfy Fire, advocated charging a separate fee of \$65.00 for a fireplace and a \$10.00 fee for each additional fireplace. Kenny Calkins offered to work with legislators on any changes needed to keep the HVAC program operational. The Chairman requested, and the Program Manager offered, to provide additional information on a new fee schedule based on a base fee and fixture count.

ACTION: The HVAC Program Manager will post a notice to begin negotiated rulemaking in the Administrative Bulletin, as well as provide draft language at the March 2019 meeting.

ACTION: The topic *Permit Fees* will be placed on the March 2019 Board meeting agenda as an informational item.

◆ **Program Manager Report**

Legislation – One statute change, to replace “an HVAC specialty contractor” with “a representative of the HVAC industry” on the Board, will be presented at the 2019 legislative session.

◆ **Compliance Program Report**

Compliance Program – Compliance Program Specialist Amy Kohler had nothing to report.

Penalty Fees – Questioned were the penalty fees. Without a rule change, an alleged violator can be charged up to \$200 for a first offense and \$1,000 for a second offense. The Chairman suggested the Compliance Program Specialist increase the fines up to the legal maximum amount on all violations. Deputy Attorney General Spencer Holm clarified there is one exception, acting as a contractor without a license. That violation is \$500 for the first offense and \$1,000 for the second and each offense thereafter.

ACTION: The Compliance Program Specialist will increase future fines on all violations.

◆ **Administrator Report**

Legislative Session – The 2019 Legislature convened on Monday, January 7, 2019. DBS is scheduled to appear before the Joint Finance-Appropriations Committee on January 18, 2019, to address the Division’s proposed budget. Governor Little wants to consolidate the states IT staff; specifically, by having IT employees within several agencies work under the Department of Administration. There will be 48 state employees affected by this change, with only 36 being rehired.

◆ **Adjournment**

MOTION: Mark Ferm made a motion to adjourn the meeting. Judy Van Cleave seconded. All in favor, motion carried.

The meeting adjourned at 12:35 p.m. (MST).

TED SERMON, CHAIRMAN
HEATING, VENTILATION AND
AIR CONDITIONING BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

02/21/2019rb