

IDAHO PLUMBING BOARD MEETING

Thursday – May 20, 2021 – 9:30 a.m. (MDT)

Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
155 North Maple Street, Blackfoot

*DRAFT MINUTES OF THE MAY 20, 2021 MEETING

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

Chairman Matt Gardner called the meeting to order at 9:40 a.m. (MDT)

Board Members Present:

Matt Gardner, Chairman
Gilbert Pond, Vice-Chairman
John Kierce
Rick Garrett
Bob King

DBS Staff Members Present:

Ron Whitney, Administrator
Spencer Holm, Deputy Attorney General, Telecon.
John Nielsen, Plumbing Program Manager
Adam Bowcutt, Regional Manager, Region 3
Chuck Knapp, Regional Supervisor, Region 1
Josh Nyman, Regional Supervisor, Region 3
Renee Bryant, Administrative Assistant 2

♦ **Open Forum**

There were no new concerns to address under open forum.

City/County Concerns – There were no new city/county concerns to address under open forum.

♦ **Approval of the May 20, 2021 Agenda, February 24, 2021 (Special) and March 18, 2021 Meeting Minutes**

MOTION: Rick Garrett made a motion to approve the agenda as presented and meeting minutes as written. Gilbert Pond seconded. All in favor, motion carried.

♦ **Zero Based Regulation**

Based on Governor Brad Little's Executive Order (E.O.) 2020-01 *Zero-Based Regulation* (Regulation), and meeting with the Administrative staff of the Division of Occupational and Professional Licenses (DOPL), Plumbing Program Manager John Nielsen was authorized to move forward with proposed rule changes for the 2023 legislative session. In the board packet, as well as on the Division of Financial Management's (DFM) website, is an agency guide on how to complete the Prospective Analysis form, as outlined in the E.O.

DOPL Operations and Regulatory Bureau Chief Tim Frost explained the history behind the creation of DOPL, which is now comprised of all occupational licensing boards within three distinct sections: Building Construction and Real Estate, Occupational, and Healthcare.

In addition, Mr. Frost expounded on the Regulation; citing every state agency that does rulemaking is on a slotted schedule where their entire rule chapter(s) and rulebook gets repealed

and replaced. The Plumbing Bureau will comply with the Regulation throughout 2022, with the Board having multiple meetings and public hearings for stakeholders to provide input. Bureau Chief Frost described the Perspective Analysis that will go to DFM for approval.

Bureau Chief Frost answered the following questions posed by Darcy Neidigh, DeBest Plumbing, College of Western Idaho (CWI) Representative Steve Bennett, Board Member Gilbert Pond and Board Member Rick Garrett: 1) When will DBS's information be replaced with DOPL's information in the statute and rules, 2022 or 2023 legislative session; 2) Authority over regulations, State (less restrictive) versus city/county jurisdictions (more stringent); 3) Will the rules be repealed and replaced; and 4) Does the State control the federal government regulations. Deputy Attorney General Spencer Holm recapped that the State sets the minimum standards for codes. Local jurisdictions cannot go below the State's minimum standards; however, can be more restrictive.

The topic changed to finances with Mr. Frost and Ron Whitney, Delegatee of the Administrator, answering the following questions posed by Board Member Rick Garrett and Chairman Matt Gardner: 1) With the merger, where will DBS's equipment and Board funds be placed; 2) When will the Board begin to see the new fiscal report; 3) Who generates the financial report; and 4) Will the cost to move to the Chinden Campus be equally shared with the 11 agencies and numerous self-governing board's now under DOPL.

◆ **Code Changes**

The Plumbing Program Manager addressed the following proposed changes to the permit fee schedule in IDAPA 24.39.20.102:

- .01 *New Residential* – Added was “one and two-family dwellings”. Townhouses would be considered residential due to the way they are built. Anything beyond would be considered commercial, including apartments.
- .02 *Miscellaneous* – Verbiage was removed from the table in this subsection. The most notable changes were the addition of the language “shops, remodels, additions, gray water, hydronic and fuel gas systems”, and “water heater replacement”, as well as their inspection fees “\$130” and “\$65”, respectively.

The Board questioned whether a plumbing contractor could pull a mechanical permit for gas piping. If the job is within the State's jurisdiction and a plumbing contractor does not have a mechanical license, the answer is no. When a contractor has both licenses, it is preferred the permit be issued under the mechanical license. For a job in another jurisdiction, a mechanical permit will be required as the definition of a mechanical systems is in the HVAC code. However, in statute, a plumbing contractor can run gas piping/hydronics under his license when working within the foundation of a one and two-family dwelling unit.

◆ **Program Manager Report**

NOV Activity Report – Steve Bennett, CWI, noticed there were more violations than usual; asking if something has changed with enforcement. The Division has a full-time compliance officer checking licenses and ratios throughout the State of Idaho, as well as inspectors.

Revenue – A breakdown of revenues, July 1, 2020 through March 31, 2021, is as follows: 1) Permits--\$2,267,968 (96.7%), 2) Licensing and exams--\$60,173 (2.5%), and 3) Civil penalties--\$18,000 (.08%).

Inspections – For the first three months in 2021, the following plumbing inspections were performed: January--2,546 (134/day); February--2,007 (130/day), and March--3,272 (150/day).

♦ **Administrator Report**

DBS Merging Under DOPL – The Division has been given direction to begin removing the DBS logo and title from all printed material, changing them to DOPL.

Proposed Legislation – At the February 24, 2021 special meeting of the Board, the Notice of Adoption of Temporary Rule Chapter IDAPA 24.39.20 was approved and then presented to the 2021 legislature. In order for Idaho administrative rules to become final, both the Senate and House of Representatives must pass a concurrent resolution to approve administrative rules that impose a fee or charge, with exceptions, and reject certain agency rule dockets that are not approved. The Senate introduced and passed Senate Concurrent Resolution 108; however, the House of Representatives did not take up or address the resolution. Similar to the two previous years, the only pathway for agencies to reauthorize administrative rules is through the Governor's temporary rulemaking authority pursuant to Section 67-5226, Idaho Code.

DOPL – A project manager and business analysis have been hired and will begin the "Request for Proposal" process for a new licensing software. Permits have been submitted for time and material on the remodel of Building Four at the State Chinden Campus.

Financial Report – Projected revenue, through March 2021, is 107 percent of what was budgeted, and 97 percent for expenditures.

Permit Activity – For the first four months of 2021, compared to the same time in 2020, permit activity is up 19 percent, and 2020 was ten percent higher than 2019.

♦ **Adjournment**

MOTION: John Kierce made a motion to adjourn the meeting. All in favor, motion carried.

The meeting adjourned at 11:02 a.m.

MATT GARDNER, CHAIRMAN
IDAHO PLUMBING BOARD

RON WHITNEY
DELEGATEE OF THE ADMINISTRATOR
DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSES

DATE

DATE

*These DRAFT minutes are subject to possible corrections and final approval by the Idaho Plumbing Board. 08/09/2021rb