

# Hailey Plumbing Hearing

August 10, 2021

Recording Name:  
[Hailey Plumbing 8\_10\_2021]

Transcript Prepared By:



TRANSCRIPTION  
OUTSOURCING, LLC

720-287-3710  
1780 S. Bellaire St.  
Suite 400  
Denver, CO 80222

DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097

1 Nielson: All right, we're rolling now. So, I appreciate  
2 you guys showing up 2:30 in the afternoon. I know  
3 it's not the best time to be holding a public  
4 hearing, but we had electrical, HVAC, building,  
5 all before us, so. Again, my name is John  
6 Nielson. I'm the plumbing program manager for  
7 Occupational and Professional Licenses. There we  
8 go, which is now 11 self-governing agencies which  
9 DBS formed, but now we're under DOPL. Put them  
10 under one name, so we'll have cosmetology,  
11 masseuses, morticians, we'll all be under the same  
12 roof, nursing, occupational licensing, they're all  
13 gonna be under DOPL. So, what brought this along  
14 -- or I shouldn't say what brought this along,  
15 what we're here for today is to get -- to hear  
16 from the industry. And basically, what this is,  
17 is strictly the rules, IDAPA rules. And it's  
18 based on zero based regulations. And Governor  
19 Little put out an executive order 2020-01, also  
20 known as zero based regulations, which  
21 institutionalizes the process by which every  
22 regulation that an agency wants to keep must  
23 before a retrospective analysis of the rule, and  
24 to determine, one, what are the benefits of the  
25 rule intended to achieve are being realized, what



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

did those benefits justify cost, so if there's anything out there that really isn't life safety, but it's costing you, the consumer, money, we need to look at it and know about, and whether there are less restrictive alternatives to accomplish the benefits. So, DFM has this zero-based analysis. We are gonna look at each rule and ask -- they want us to define the specific problem that the proposed rule is attempting to solve, the problem being addressed by nonregulatory means? How have other jurisdictions approached the problem on this proposed rule? What evidence is there that the rule as proposed is followed? What is the anticipated impact of a proposed rule (inaudible - 00:02:47) process? This right here is part of that. But then, literally, there is a fill in the blanks form that I'm gonna have to do to get the rules back in. So, when you hear zero-based regulations, we're not throwing the rulebook out. Basically, we have to repeal those rules and justify what we put back in based on this analysis or questions. So, that's what we're doing here. We're not here (inaudible - 00:03:25) get your input, again, pretty much strictly on the rules. So, if you would -- what I'm gonna do is kind of



1 go through stuff -- well, let me back up just a  
2 little bit. So, this is not the only thing we're  
3 doing. You know, we talk, we come up with some  
4 solutions, or you can give us some ideas. It's  
5 not going to go in effect tomorrow. We'll compile  
6 all the information, come up with our proposed  
7 rule package. It'll go before the Board. You  
8 know, through the 2022 year, there will be Board  
9 meetings. We'll (inaudible - 00:04:06) you can  
10 send in comments and everything that whole time.  
11 Before you leave, I'll throw my cards out. You  
12 don't have to wait for that official posting. You  
13 can email me, you know, again, just thoughts,  
14 ideas. It doesn't have to be anything formal.  
15 And then, once it gets to that point, we will then  
16 take it down to the 2023 legislative session.  
17 Then they will kick it around the committees. So,  
18 you would not see -- you won't see the new  
19 rulebook, new IDAPA rules, until May -- actually  
20 March, depending on when they get out. Or you  
21 might see temporary rules again. (inaudible -  
22 00:04:50). But I figure spring of 2023 before you  
23 see anything new that's a rule that would be  
24 enforced. So, with that, I'm gonna go through  
25 some topics that have come up in other meetings



1 we've had. This is our third one. I'll ask for  
2 you to come up to the podium, state your name, who  
3 you're with, and then feel free to give your  
4 comments or suggestions. So, the first one,  
5 pretty simple, the residential permit fee  
6 schedule. Would anybody like to see that change?  
7 Fees, you know, be the square footage? We were  
8 talking earlier, I'd like to see the multiple  
9 (inaudible - 00:05:45) just go under commercial  
10 and we don't have to deal with it. So, does  
11 anybody got any comments on the residential permit  
12 fee structure? I'm gonna take -- if nobody says  
13 anything, I'm gonna take it you're fine with it.  
14 And I'm assuming there's nothing to do with  
15 commercial. That's pretty simple, based on  
16 (inaudible - 00:06:17), or is there anything else  
17 commercial you'd guys like to see? So, there's  
18 also been talk -- I'm gonna to the apprentice  
19 registration, just the actual cards and what  
20 apprentices need to currently go through. So,  
21 currently, rule requires that the apprentice needs  
22 constant on the job supervision. Does anybody  
23 feel that that's over restrictive, not restrictive  
24 enough? We've got both ends of the spectrum.  
25 We've got HVAC with no journeyman on the job.

1                   Plumbing, we got -- we need to have one  
2                   journeyman, no ratios. We've got electrical.  
3                   Depends on who you talk to, 1 to 1 or 1 to 4.  
4 Rod:               What drove that with HVAC?  
5 Nielson:           Could you come up, please?  
6 Rod:               Sure. And it's just general question, but.  
7 Nielson:           (inaudible - 00:07:23).  
8 Rod:               What drove the idea to not have journeyman for  
9                   HVAC on the job site?  
10 Nielson:           Honestly, I couldn't tell you.  
11 Rod:               Okay.  
12 Nielson:           A former Board member is here. I don't know,  
13                   Bruce, was you there at the inception of HVAC?  
14 Bruce:             If I was -- I'm sorry, what is the question?  
15 Rod:               Well, I was just wondering why HVAC isn't required  
16                   to have journeyman on a job site. Now, the reason  
17                   why I'm asking is because if we have questions of  
18                   why they might have done something, then there's  
19                   nobody to talk to. That's the real question. I  
20                   don't know if any of you guys have ran into that,  
21                   but all they say is they just got to call their  
22                   journeyman. That might not be until the next day.  
23 Nielson:           Can I get your name?  
24 Rod:               My name is Rod, with Apex Plumbing. Yeah. That's  
25                   all I had. I was just --

1 Nielson: Let see if there was any kind of answer for that.

2 Paul: I'm Paul with Sawtooth Plumbing. I think we need  
3 to keep the registration for the apprentices. I  
4 think it's what dictates keeping -- and I think we  
5 need to have a ratio as well. It keeps our wages  
6 where they are and keeps our trade was it is.  
7 Without that, I think we may as well throw it all  
8 out.

9 Nielson: Thanks, Paul. Anybody else for or against?

10 Male: I agree with Paul.

11 Neilson: Come up and get your name on the record. You  
12 don't have to face the crowd, even if you just  
13 come up and state your name and who you're with.

14 Justin: Justin with (inaudible - 00:08:47) Plumbing, and I  
15 agree with Paul. I think that we should  
16 definitely keep supervision on the jobs and just  
17 make sure things are done right.

18 Nielson: It protects the trade, right?

19 Justin: Yeah.

20 Nielson: It protects the trade.

21 Justin: Exactly.

22 Nielson: All right.

23 Higginbotham: Ted Higginbotham, Sawtooth Plumbing and Heating.  
24 I just wanted to say about as far as the licensing  
25 go is that I believe that it should be for the

1 contractor to make sure that the licensing -- or  
2 their employees are licensed, and that they're  
3 hours are registered with that state, so that  
4 people coming into the trade aren't trying to  
5 chase down their hours for verification. And if  
6 it was put onto the contractor to do this and  
7 report it, you know, every year with the state,  
8 then I think it would be a lot better for our  
9 whole program and whole -- I know that maybe the  
10 contractor's it's a little bit more work, but  
11 right now I've been doing it for 15 or 20 years.  
12 I pull all my men's licenses, and make sure  
13 they're enrolled in school. I pay for their  
14 schooling. That's obviously not what I'm asking  
15 here, but I'm thinking that it should be mandatory  
16 of the contractor to maintain that integrity for  
17 the employee that works for them and their  
18 integrity to be able to go to another contractor  
19 with that knowledge registered, so they're not  
20 trying to chase it down.

21 Male: Can I ask a question?

22 Higginbotham: Sure.

23 Male: So, what do you think the --

24 Nielson: Please stand up and state your name.

25 Male: I'm (inaudible - 00:10:43). I'm an electrical



1 program manager. I'm just interested in this  
2 question also for the electrical side. What do  
3 you think the result would be for a contractor who  
4 failed to comply with that? He doesn't report the  
5 hours.

6 Higginbotham: You know what, I've never had a problem with it.  
7 I've always been able to -- if an employee comes  
8 in, you know, to make it mandatory for me -- I  
9 mean if I was mandatory, it's not a burden for me  
10 to make sure that he's immediately licensed with  
11 the state, so that I can put him on a job site  
12 legally. And I think it's in the best integrity  
13 of our, you know --

14 Male: Trade.

15 Higginbotham: -- our trade. And it's also to the benefit of  
16 that person. And it's really not that hard. It's  
17 10 bucks from apprentice. You know, so I make  
18 sure he has that, and then I know I'm legal. I'm  
19 following the rules. And also, it verifies to  
20 that employee that they will be able take that  
21 they're -- that we're registered. I also try to  
22 make sure -- we missed the start on school dates,  
23 so that kind of hurts a little bit for them. If  
24 it is, I mean, there's no way to take a student in  
25 halfway a semester, so. Some of them have to wait

1 to start their schooling the next semester.

2 Nielson: And as far as compliance goes, I think it would be  
3 the same as it is now. It has a fine, and if you  
4 fail three times, then you have the repercussions  
5 of your licensing and everything else.

6 Bowton: Dave Bowton, Red Hawk Plumbing, loader operator.  
7 I concur with these guys. You know, I think it  
8 really is what protects our trade, having that  
9 apprenticeship program. We've all been through  
10 it, and, you know, the opposite of this is what?

11 Nielson: Well, I'd just like to clarify that, you know,  
12 because it's not getting rid of the apprenticeship  
13 program.

14 Bowton: Okay.

15 Nielson: What we're discussing -- well, currently, we're  
16 just discussing cost in on the job supervisors.

17 Bowton: Right. And, you know, isn't there a little gray  
18 area there? I mean -- you know, my issue is I  
19 can't get a journeyman. You know, there's nobody  
20 out there. You know, so I've got one apprentice,  
21 and, you know, he's not really service, but I can  
22 leave him to run PEX for, you know, 45 minutes  
23 while I go and clog a disposal that's generally  
24 down the street in our time. You know, that  
25 doesn't apply for the whole state. But that's one

1 thing I started with. Do I have to bring him with  
2 me, and everything stop right there for an hour  
3 while we go, you know, learn how to do a disposal,  
4 or can I keep that guy going forward and go take  
5 care of my client and head back to the job?

6 Nielson: And that's what we're here to discuss, because,  
7 you know, by the letter of the law, you're  
8 supposed to grab him, throw him in the --

9 Bowton: But I don't think he should be on the job all day  
10 by himself waiting for the next -- you know, the  
11 next day for an answer. I think there's maybe a  
12 common ground in there.

13 Nielson: All right, thank you.

14 Bowton: That's my two cents.

15 Nielson: No, I appreciate it. And just a point of  
16 clarification, the reason we're recording -- I'm  
17 asking you to come up is because we're gonna get  
18 it all transcribed and stuff and it's gonna be  
19 public record, so, you know, I guess you might --  
20 dependent on if you get all fired up and say  
21 something, you might want to hit stop or  
22 something. So, out of state apprentices -- well,  
23 I shouldn't say out of state. If you come in from  
24 out of state, currently in the rule, all you have  
25 to do is show 8 years of work legally in that

1 state or states where you came from, which is they  
2 signed affidavits saying they've done it. That's  
3 what we go off of. And they can test for  
4 journeymen. There's talk -- you know, are we  
5 punishing Idaho guys by saying you do 40 years of  
6 school, 40 years of OJT, or you don't do anything  
7 but stay an apprentice? Does the industry think  
8 that giving Idaho guys the same opportunity -- I  
9 mean, you know, again, they'd have to pass the  
10 test, but if they want to double their time and  
11 work 8 years out in the field, should IDOPL make  
12 them go to school? Is that -- you know, as the  
13 state, something we should be enforcing -- and  
14 again, look at it, you know, whether enforcement  
15 side, but aren't we kind of handicapped our own in  
16 state guys to a degree? And again, if you don't -  
17 - we don't have -- we're not gonna solve all the  
18 issues here in the day. So, you know, if you  
19 don't have anything to say right off the bat, but  
20 you go home and pop a beer, and you're like I need  
21 to get this to John. Send me an email. But  
22 again, ponder it and (inaudible - 00:15:38)  
23 something say.

24 Higginbotham: So, Ted with Sawtooth Plumbing again. On that one  
25 -- so, we've had employees come to get a job with

1 us out of Colorado. Colorado is the international  
2 plumbing code. They've got their four years of  
3 schooling here ready to test. You guys don't  
4 recognize any of their schooling?

5 Nielson: They would have to show their 40 years of school,  
6 and then we would have them go to, you know, one  
7 of the local --

8 Higginbotham: Placement?

9 Nielson: Not placement but -- just like regular college, if  
10 what they took in Colorado is comparable to our  
11 standards, and if it was then they would not have  
12 -- those four years wouldn't count.

13 Higginbotham: And you guys analyze that or the schooling does?

14 Nielson: We leave it to the schools. But I guess I would  
15 say if they had an international plumbing --

16 Higginbotham: Yes, which is different.

17 Nielson: -- they're probably not gonna --

18 Higginbotham: No.

19 Nielson: -- meet our standard.

20 Higginbotham: Nor would they be able to pass the test.

21 Nielson: Well, I'm gonna say it would be a lot more  
22 difficult.

23 Higginbotham: Yes.

24 Nielson: Trying to be a politician. Anybody else?

25 Olsen: Starr Olsen, Evans Plumbing. I don't think it

1 penalizes Idaho workers. If you've worked in the  
2 field for -- you're supposed to be a registered  
3 apprentice anyway in the state of Idaho, so if  
4 it's taken you 8 years to get through the  
5 apprenticeship program, you have other issues not  
6 related to your work. You know, I know we make  
7 exemptions with students with learning and reading  
8 disabilities. I know you can have the state test  
9 read to you. I don't feel like we're penalizing  
10 anyone in the state of Idaho if you can't -- by  
11 not having that 8 year wait list. So, I don't  
12 think that it benefits our students that are  
13 currently enrolled, and I don't think it benefits  
14 our companies in any way. I actually think it  
15 takes the rug out from under us, because then all  
16 you have to do is say, oh, I've worked 8 years,  
17 let me go take the test. So, I think it devalues  
18 our apprenticeship program if you take that away.

19 Nielson: I guess punishing is a bad term, because  
20 realistically it's another path. I mean, if you  
21 guys (inaudible - 00:18:01) on his way.

22 Male: I'm just gonna second what Starr said.

23 Male: Third.

24 Nielson: Anybody going the other way on it? All right, I'm  
25 gonna take that as a no. So, one more on the

1 apprentice. There's been some discussion on  
2 whether or not a person actually has to be  
3 registered with DOPL to be an apprentice. So,  
4 they're like what safety factor does that card  
5 hold for industry -- the customers, when we have  
6 on the job supervision? And again, I'm saying the  
7 registration, not the program. Still have to show  
8 four years of OJT, still have to show four years  
9 of school to test for journeyman.

10 Male: So, I have just a question on that. So, if you  
11 don't have the registration, how do you do the  
12 compliance?

13 Nielson: On the compliance side, there would not be anymore  
14 (inaudible - 00:19:11) written for unregistered  
15 apprentices, because, you know, we get people that  
16 say I wanted to test drive the apprentice or test  
17 drive the person. I want my grandkids to come out  
18 and work with me for the summer or my kids. You  
19 know -- and so, as far as that goes, there would  
20 be no civil family. We roll up -- or compliance  
21 guy rolls up and you've got somebody working  
22 there, and he's claiming to be an apprentice, you  
23 would not receive an (inaudible - 00:19:46).

24 Male: Or if you didn't have a journeyman on site are you  
25 still gonna be required to have a journeyman on



1 site?

2 Nielson: He would still be required to have a journeyman on  
3 site. Everything else would apply. It's just  
4 think what does that piece of plastic that we  
5 charge 50 bucks for five years do for industry and  
6 the consumers, honestly and that person? Because  
7 I'm looking to the contractor to verify work --  
8 you know, who he has worked for, somebody that  
9 knows he's been working, dependent on the schools  
10 to give you four years of certificates.

11 Higginbotham: Ted with Sawtooth Plumbing. So, you're asking us  
12 to take the word of the person applying for the  
13 job that, oh, I'm an apprentice, but if he has the  
14 card, I take a photocopy of it, and I know that  
15 he's good, because there's an expiration date on  
16 it. And if it's expired, then I would make him  
17 register immediately right there before I put him  
18 to work. So, how are you gonna keep track if you  
19 don't have that card?

20 Nielson: Honestly, right now, we don't keep -- I mean, he  
21 can come in and say, yeah, I've been registered  
22 with the state, but I don't know how many hours  
23 he's worked. I don't know how many years of  
24 school he's got until they bring that to me.

25 Higginbotham: Right. But then, you have (inaudible - 00:21:07)



1 goes onto the job. How would you know the person  
2 is even registered or if he's even in school?

3 Nielson: That's why this is an open discussion.

4 Higginbotham: I mean, so you -- I think you have to have that to  
5 verify that he is actually registered and allowed  
6 to be on the job.

7 Nielson: All right. Anybody else?

8 Male: I actually think if anything the stipulations  
9 should be stricter, or they should be required to  
10 be in school longer to keep that card current. I  
11 think that they should have to be doing everything  
12 that an apprentice is asked of to keep that card  
13 and working for a contractor, or whether we do it  
14 or they do it, somebody should have to verify that  
15 they're actually working and enrolled in school.

16 Higginbotham: Once again, if it was back on the contractor to  
17 make sure that all employees are licensed, whether  
18 it's apprentice or journeyman, they couldn't hire  
19 them without making sure that that was done, which  
20 only takes a few minutes, as you know, to have  
21 that happen.

22 Nielson: So, Ted, I'm not -- so, would you be okay then if  
23 there was a civil penalty? There is not at this  
24 time, but if there was a civil penalty for a  
25 contractor put in -- you know, sending out an

1 unregistered person or apprentices out there  
2 unsupervised?

3 Higginbotham: Yes.

4 Nielson: All right.

5 Higginbotham: Yes, I would. It just holds the integrity of this  
6 division.

7 Nielson: Because HVAC, there is a civil penalty, you know,  
8 knowingly hiring an unlicensed person and plumbing  
9 does not have that.

10 Male: I think I can speak for everybody in here that we  
11 all know some people that have been on the 15  
12 years apprenticeship program. I think we need to  
13 work our way away from that.

14 Male: Yes, sir.

15 Male: That's how we get more journeyman, so we can have  
16 more journeymen on site as if there's some kind of  
17 repercussions for these guys to (inaudible -  
18 00:23:08) school.

19 Nielson: All right, absolutely. So, onto journeymen.  
20 Nothing to do with licensure except the practical  
21 side of it. How do people feel about the current  
22 situation as far as the practical portion of the  
23 exam? Like it, don't like it, more or less?  
24 Because there are those that say, again, the  
25 contractors and industry should know what their

1 employees are doing and dry fitting some stuff in  
2 a lab doesn't really accomplish anything.

3 Male: Is it --

4 Nielson: Please, come up. I just don't want to --

5 Male: (inaudible - 00:23:49) Plumbing. Is it still -- I  
6 took my practical 19 years ago. What -- it was on  
7 the job. It was like, Bob, come look at it. Here  
8 is my practical. I did all this stuff. It's on  
9 the test. Solid.

10 Nielson: So, currently, you can still do it on the job, but  
11 more people find it more convenient to go to labs.  
12 A lot of halls have a lab. Some of the  
13 apprenticeship programs have labs. So, it's  
14 either or.

15 Male: So, just kind of give them a little bathroom group  
16 and a little toolbox and put it together, dry fit  
17 it?

18 Nielson: In the lab, yes, because --

19 Male: I don't know if that's practical, to use the word,  
20 'cause it's dry fit.

21 Nielson: So, you know, and that's where, you know, in the  
22 lab -- like I said, I myself don't think it's  
23 worth the time. And some labs charge. But that's  
24 the convenience because --

25 Male: Right.

1 Nielson: -- Paul and Ted aren't gonna have 200 homes to do  
2 this year and throw an apprentice out there to  
3 rough-in a two bed, two bath house just for a  
4 practical.

5 Male: I'm with you on that. It's not practical.

6 Male: Yeah.

7 Rod: Rod with Apex Plumbing. I don't think it's  
8 practical to go to a lab to put parts together.  
9 Like you said, it's not holding air, water.

10 Male: Right.

11 Rod: And there's certain things on a job, like  
12 structural stuff that somebody's got to figure out  
13 and not just, well, here it is, here -- I don't  
14 know what you're gonna do in a lab.

15 Nielson: So --

16 Rod: It's always changing. And then, they've also got  
17 to take time off to go do it.

18 Nielson: So, are you okay with the practical portion, just  
19 maybe revamping?

20 Rod: I'd say on site is the best way to do it, like we  
21 have been doing.

22 Nielson: Okay.

23 Rod: I'm sure it comes down to like manpower --

24 Male: You know, even like you're saying with these  
25 bigger houses that are taking two years, maybe

1                   that apprentice -- maybe he just does a certain  
2                   section, the kitchen, and the bathroom --

3 Nielson:           That's the way it is now, the bathroom.

4 Male:             You know --

5 Male:             Bathroom group.

6 Male:             Yeah, in the kitchen or the water heater, you  
7                   know, get some components in there. But, you  
8                   know, the whole -- the other 10 baths are gonna be  
9                   a while. Two cents.

10 Nielson:          No, I appreciate it. That's why were here.

11 Male:             I think I disagree with the practical all  
12                   together. There's guys that don't do that kind of  
13                   plumbing, their service plumbers too, and I don't  
14                   know if these service plumbers need to know how to  
15                   do a practical, for one, and they just wouldn't  
16                   have the opportunity if you did go to a hall to do  
17                   it. So, those guys shouldn't be -- you know, not  
18                   be able to get their license just because they  
19                   don't have that opportunity. I think that Joel  
20                   or whoever the inspector is has to come out and  
21                   inspect your work anyway, so if you don't know how  
22                   to plumb, you're gonna fail anyways. So, I think  
23                   the practical part doesn't need to be there.

24 Nielson:          And like I said, there's people that want it,  
25                   people that don't. There's --- we have proposed -

1 - when I say we, the Board, some industry guys,  
2 school guys, got together down in Meridian, and  
3 discussed the possibly of putting that practical  
4 on the schools. So, as a first year went through,  
5 you know, 'cause, again, some have lab, some  
6 don't. So, it's kind of a catch 22, 'cause -- but  
7 if they did in the first year, you know, they'd  
8 have to show (inaudible - 00:27:13) or something.  
9 In the second, how to properly (inaudible -  
10 00:27:15). But work it through there, so when  
11 they did get them to school, they'll have to do a  
12 (inaudible - 00:27:23) test and they don't have to  
13 do the practical. So, that is being discussed  
14 currently. It's another option. When it comes to  
15 contractors -- I've been in this job too long,  
16 'cause it's probably been more like 6 or 7 years  
17 ago. At one time, the Board discussed creating a  
18 master plumbing license. And basically, what it  
19 is is what you currently now as a contractor,  
20 would be a master plumber, and then there would be  
21 a business license over here that would be non-  
22 trade -- I'm not gonna say non-trade specific.  
23 Anybody could test for that business license. But  
24 they would have to have a master plumber on staff,  
25 and journeymen, and apprentices, but it just

1 separates the business from the trade person. And  
2 I say that to (inaudible - 00:28:22). You would  
3 be able to be a one man shop or, you know, you'd  
4 hold the business license, your masters, and be  
5 able to continue to run business that way also.  
6 There are just people out there that -- there's a  
7 big company in Meridian and -- well, I went to  
8 school with his daughters, and one of the  
9 daughters is running the company now. Currently,  
10 you know, not a tradesman, she can't test and get  
11 a contractor's license. She's got her people  
12 lined up in case they start dropping off, so that  
13 she has a contractor's license always there. But  
14 in that case, where she could take the business  
15 license and continue to run a business as long as  
16 there was a master. Is that even something, you  
17 know, you would even consider or want to look  
18 into?

19 Bowton: Back her up a little. So, Redhawk Plumbing.  
20 What's the definition difference between a master  
21 and a contractor? I guess that's it, it's the --  
22 that's it.

23 Nielson: As it sits today, you're -- instead of contractor,  
24 we'd say master.

25 Bowton: What does that mean to me?

1 Nielson: If you have this other business license, whoever  
2 held it -- an electrician could take it, but he  
3 would have to have you on staff to run that on the  
4 field site. Because you get guys that come in and  
5 don't think that they can't do it now the way it  
6 currently is, 'cause, I mean, my contractor  
7 license is inactive right now. Per statute, I  
8 can't do plumbing business, 'cause I work for the  
9 state.

10 Bowton: Right.

11 Nielson: But if not, I could hold this job, and be like  
12 hey, go ahead and open up a business, it's my  
13 contractor's license. As long as they're a  
14 journeyman, they can go out and --

15 Bowton: Right.

16 Nielson: -- plumb all they want. I'm just -- basically,  
17 all I'm doing is allowing you to pull permits  
18 under my contract. So, our licenses are ours.

19 Bowton: Yeah.

20 Nielson: You know, where this would be -- the master would  
21 be yours, but the business would be whoever took  
22 that exam.

23 Bowton: It doesn't sound like it's helpful to the cost.

24 Paul: I think to existing contractors, it kind of hoses  
25 us, makes it so that we lost -- anybody could have



1 a -- the owner of McDonalds down here could decide  
2 they want to have a plumbing job, and then all of  
3 the sudden there's McDonald's Plumbing here in  
4 Hailey, and it doesn't benefit us in any way, so I  
5 don't see any reason why we would want to change  
6 it.

7 Olsen: Starr Olsen, Evan's Plumbing. I agree with Paul.  
8 What it does is it open's the door for  
9 corporations to come in and be your competition,  
10 and that's not what the trades are about.

11 Male: Period. Like it.

12 Nielson: Anybody on the opposite end of the spectrum?  
13 Didn't figure. Another one that gets tossed  
14 around as far as contractors are concerned,  
15 currently, even out of state, to get a contractor,  
16 we have to get our journeyman's license, hold it  
17 for 2½ years, test for contractors. Does anybody  
18 think we should have to maintain the journeyman  
19 once you get the contract?

20 Male: Not really.

21 Nielson: No?

22 Male: Yeah, I do.

23 Nielson: One at a time. Come up to the podium.

24 Male: (inaudible - 00:32:01) Plumbing and Heating. I  
25 think it -- you have to maintain your journeymen

1 and your contractor, because of the last question  
2 we had basically is being able to maintain the  
3 integrity of that. You know, I've maintained my  
4 contractors and journeyman both HVAC and plumbing,  
5 and I think it's important that it stays that way.

6 Nielson: Okay.

7 Olsen: Starr Olsen, Evans. I think it's important to  
8 maintain your license. I think the requirements  
9 that we have of 10 hours of continuing education  
10 credits and those things that -- 8? Yeah.  
11 They're minimal enough that if you're not willing  
12 to do that, you don't want to be in this  
13 profession. And you should be willing to -- you  
14 should always continually be bettering yourself  
15 and your company or business. I adamantly feel  
16 like it's important to maintain those licenses if  
17 you're gonna be in that profession.

18 Nielson: Okay. Opposite side? Another one is bonds. You  
19 know, as we go through the analysis for rules, are  
20 bonds cost effective and do they accomplish  
21 anything for you or the consumer? Because  
22 currently, plumbing holds a compliance bond, which  
23 means you can go in, dump the roof, take their  
24 money, and if you ran 10 feet of pipe, as long as  
25 you strapped it every 32 inches and have met code,



1                   they're not gonna get you bond. You know, and I'm  
2                   assuming you guys carry a ton of insurance for  
3                   everything else that comes along, you know, a  
4                   \$2000 bond is just kind of a little cherry on top  
5                   of everything else. Or is it that big of deal?  
6                   The only time I know that there's a bond issue is  
7                   when you go to renew your license and you don't  
8                   have your bond.

9   Male:            Yes.

10   Nielson:         And again, usually I don't hear about it unless it  
11                   gets, you know, past licensing, but.

12   Bruce:           I'm not a plumber, but --

13   Nielson:         But your -- you own a business, and you get a  
14                   bond.

15   Bruce:           But I'll put into this. So, basically, the bond  
16                   issue, it really doesn't mean a whole lot except  
17                   the fact that if you're doing shitty work, your  
18                   bond company has to forfeit that bond more than a  
19                   couple times, your bond rates are gonna go way up  
20                   or you're not gonna get a bond. And so,  
21                   basically, you essentially put yourself out of  
22                   business, because you can't get a bond if you keep  
23                   doing shitty work over and over. So, even though  
24                   the \$2000 bond isn't squat, I think it's a good  
25                   deal.

1 Nielson: Thanks, Bruce.

2 Male: I'll second what he said.

3 Nielson: All right. So, the next topic -- and it got  
4 touched on here just a second ago, continuing  
5 education. Right now, plumbing is in the middle  
6 of the road. Eight hours journeyman, 16 for  
7 contractors. The eight hours rolls over toward  
8 the 16 for the contractors. Electrical, 24 and  
9 three years. So, they're 24 hours every three  
10 years. HVAC, it's on the apprentice -- their  
11 lifetime apprentice. To renew their registration,  
12 they would have to show that they went to school  
13 and apprenticeship program, show that completion  
14 certificate or 8 hours of continuing education.  
15 So, good, bad, just right?

16 Male: Just right.

17 Nielson: Thank you. Anything different besides that?  
18 Again, three years, you know, just like the bond.  
19 I don't hear about continuing education now until  
20 the guy calls me up and he's -- you know, his  
21 license expired that day. He was trying to  
22 figure out how to get all his hours. So, I think  
23 everybody has pretty well got it under control  
24 now.

25 Male: I'd like it to be a little bit more (inaudible -

1 00:36:58) changes and things that are going  
2 through and not just --

3 Male: Handicap?

4 Male: Yeah. (inaudible - 00:37:04) and doesn't get  
5 anything from it. I like to see it more based on  
6 what we're actually doing.

7 Nielson: So, keep the number of hours the same as 8 hours  
8 of code for journeyman?

9 Male: And maybe code change, like 'cause the codes  
10 constantly evolving.

11 Male: Or just quit changing the code.

12 Nielson: All right. So, that is the major portion of  
13 everything. And this -- the new rules are out on  
14 our website, which is still [dbs.idaho.gov](http://dbs.idaho.gov). It's  
15 gonna change. But the last topic I want to go  
16 over in the rules is actual code changes. We have  
17 50 amendments to the Uniform Plumbing Code -- or  
18 the Idaho State Plumbing Code. So, I sit on the  
19 technical committee for the plumbing code, so I  
20 get to see what's coming up in 2024. Currently,  
21 we're work on 2024. So, a lot of these amendments  
22 that are in here, we're actually three years ahead  
23 of what the world sees if the code goes through  
24 the Board. But is there anything off the top of  
25 your -- again, what's costly but not life safety?

1 Electricians will lie to you all day long about  
2 everything is life safety. You know, if you've  
3 got an outlet on an island or something. And  
4 plumbing, yes, there's some life safety. But  
5 clean outs -- I mean, this is the third meeting,  
6 but I've thrown clean outs and everybody just  
7 stares at me like --

8 Male: Yeah.

9 Male: (inaudible - 00:39:00) just stick with it.

10 (inaudible - 00:39:04) wrapped around a general  
11 contractor is okay with building thicker walls for  
12 toilet vents and clean outs, but it still seems a  
13 little ridiculous.

14 Male: And we're (inaudible - 00:39:14). That's the  
15 problem.

16 [CROSSTALK]

17 Male: They're in la la land. They want to see a clean  
18 out.

19 Male: Nope.

20 Male: A cleanout that nobody is ever gonna use. That's  
21 my thing. If you're gonna put it in, at least put  
22 it in somewhere where it's gonna get used.

23 Male: We have the 5 foot rule from the crawl spaces.

24 Male: Yes, we went from 20 to 5.

25 Male: Yeah, I think it needs to go back to 20.

1 Male: I concur with that.

2 Male: And not having the crawl spaces is totally  
3 ridiculous, because then you're (inaudible -  
4 00:39:42) clean things out when -- (inaudible -  
5 00:39:44). You've got to get in the crawl space  
6 and cut the pipe, because you don't have a clean  
7 out. So, you might as well make your (inaudible -  
8 00:39:52) in the crawl space and do what you got  
9 to do what he's got to do to clean it out.  
10 (inaudible - 00:40:00).

11 Male: I think the toilet should be allowed to be a clean  
12 out too, but.

13 Male: I agree.

14 Male: Yes.

15 Male: As a service plumber, that's 99% of what I'll do  
16 every single time and that's the way we all do it.

17 Nielson: Well --

18 Male: (inaudible - 00:40:14). It works.

19 Male: Well, it doesn't say it's readily accessible, so  
20 readily accessible is removing the door panel.  
21 So, pulling a toilet is considered a clean out.  
22 There's a gray area there, right? I mean, I know  
23 it's --

24 Male: The toilet is more readily accessible than half  
25 the cleanouts that are buried behind them.

1 Male: I agree.

2 Nielson: Well, are you guys when I'm down at the  
3 legislature trying to run this three years ago?  
4 Toilets is cleanouts, back with 20 feet. Nobody  
5 showed up. And you know what the legislature  
6 said? What use is a clean out? We do this all  
7 the time. There was not one industry person in  
8 that room.

9 Male: Oh, sorry.

10 Nielson: So, this is part of my story --

11 [CROSSTALK]

12 Male: I'm sorry I wasn't there.

13 Nielson: Oh, but it's -- you know, they need to see  
14 industry in those rooms. One of the best stories  
15 is we went down there two years ago, and the room  
16 was packed with women and --

17 Female: Was it me?

18 Nielson: I'm just saying -- and one of the female  
19 legislators got up. She was running a bill and it  
20 had to do with cosmetology and had to deal with  
21 glue on eye lashes. The room was packed. And she  
22 got up, made her little spiel. They saw how many  
23 people were there for that one topic. They sent  
24 it to the full committee for a hearing, and they  
25 all got up and left, and there was me and my



1 former boss sitting there. They do take that into  
2 consideration. So, Jason, he's down there all the  
3 time. Probably got lots of stories like that.  
4 So, keep that in mind as we're going through this  
5 process.

6 Male: Are you -- have you been notifying us of these?

7 Nielson: No, but they are on the legislative website. I  
8 mean, 'cause a lot of times, honestly, we won't  
9 know until the day before, if we're lucky, two  
10 days before. So, I don't think anything is gonna  
11 change. We go through the house business  
12 committee, and the senate, and human resources,  
13 and business committee. And you can get on their  
14 -- on the legislative website during the session  
15 and keep an eye out. Again, obviously, you know,  
16 trying to get from here, you could, but down there  
17 for a 1:30 hearing on clean outs, you've got to  
18 prioritize, but emails, phone calls, all that  
19 stuff works too.

20 Male: Here's the problem is I think is says 24 hours or  
21 48 hours post it in advance, but they don't,  
22 right, it's two hours, it's four hours. I've  
23 tried to drive from Grangeville down, and I'm  
24 watching and watching. They posted it two hours,  
25 I can't get from Grangeville to Boise in two

1 hours. (inaudible - 00:43:19).

2 Nielson: That's why I wouldn't be able to get notice out to  
3 you. You know, what I can do -- or, you know, we  
4 put on our website when we get all this put  
5 together and start, you know, going before the  
6 Board, it'll be there for you to review, red,  
7 line, striped, the whole nine yards. Again, open  
8 for comments.

9 Male: How often does that happen?

10 Nielson: Since this executive order, they put everybody on  
11 a five year cycle, so -- Tim, he's our admin  
12 bureau chief. He deals with all the regulatory  
13 stuff. And correct me if I'm wrong, but pretty  
14 much a five year cycle. I don't think we'll be  
15 running bits and pieces unless it's major in  
16 between that five years. So, legislature wise,  
17 the vast majority of our rules will go through  
18 review in the committees. Almost always the first  
19 two weeks of session. So, if the first week of  
20 sessions starts usually around the 5th or 6th of  
21 January, all of our rules would go through some  
22 form of reviewal within those first two weeks.  
23 They pop it out pretty quick. But, you know, part  
24 of what's happened in the legislature in past  
25 three years is the committees do a review of those

1 rules, but the senate and the house are in a power  
2 struggle might be the right terminology, and  
3 there's not an agreeance on rules. Essentially,  
4 one body of the house would like to reject a rule  
5 and that to be final. And currently, both bodies  
6 of the house have to have a concurrent resolution  
7 and agree on those rules. And so, what's happened  
8 in the last three years if the legislature just  
9 decided because they don't like the set up of one  
10 being able to approve or deny, and both have to be  
11 concurrent. Well, they just haven't passed the  
12 concurrent resolution. What that means for the  
13 day to day rules is all of our rules are in this  
14 perpetual temporary (inaudible - 00:45:24). In  
15 other words, rules never go final. And so, for  
16 three years in a row we've had pending rules that  
17 are ready to be finalized and all the legislature  
18 has to do is put their final checkmark on it, pass  
19 a concurrent resolution and they have to pass that  
20 resolution. And so, what it causes is it causes  
21 this ominous rulemaking. The only way for our  
22 rules to stay in place -- in other words, for us  
23 to have any public safety protections and having  
24 rules is for the governor to reauthorize. So, I  
25 mean, the executive branch essentially has to step

1 in and reauthorize rules on a temporary basis.

2 So, that's all you've seen, temporary rules, upon  
3 temporary rules, upon temporary rules. It's not  
4 easy to follow for anybody. It's not easy for an  
5 agency to follow let alone --

6 Male: Yeah, but in these agencies, how are these people  
7 that agreeing upon these rules. Are they educated  
8 in plumbing at all? I mean, do they hold any type  
9 of licensing or understand the trade, or are they  
10 just --

11 Male: They're not as educated on plumbing, but.

12 Male: Oh, so John is standing up for us.

13 Nielson: Used to. I think that's all changing, you know,  
14 coming under DOPL, currently anyway. But I can  
15 tell you there are tradesman on these committees.  
16 So, the committee that reviews these rule changes,  
17 they're actually, you know, skilled plumbers or  
18 licensed plumbers at some point?

19 Nielson: So, I think the (inaudible - 00:46:59) of the  
20 situation, the authority to adopt rules is still  
21 with the Board. In other words, all these rules  
22 will continue to go before the plumbing board with  
23 subject matter experts, licensed plumbers, for  
24 them to weigh in on what it should be, what it  
25 shouldn't be. When the Board approves that, those

1 rules go from temporary, to proposed, then to a  
2 pending status, make it reviewed by legislature.  
3 The only reason they get reviewed in Idaho is  
4 because Idaho is one of the few states that  
5 there's both executive agency process for rules.  
6 And a final legislature sign off? In most states,  
7 you just have -- it's just your Board, which would  
8 be just the plumbers at this point. So, I don't  
9 think in any instance in the past three years, the  
10 legislature has rejected regarding the plumbing  
11 board.

12 Male: Coming from the Board.

13 Nielson: Coming from the Board. I'm not aware of anything  
14 being rejected from the plumbing board. There has  
15 been other boards that particular rules have come  
16 into play and it's been controversial and we've  
17 had to work through that. But everything so far  
18 with the plumbing board, (inaudible - 00:48:05)  
19 are reviewing the rules, making determinations of  
20 what's life safety, what's not life safety, what  
21 level of licensure we need, all the  
22 specifications, all those pieces, decisions by the  
23 plumbing board. It's just a review on the  
24 legislature.

25 Male: So, John, where do we go to look and see what the

1 plumbing board is discussing on changing before it  
2 changes? How do we see what they're trying to  
3 change or what they're wanting to change?

4 Nielson: So, go to our website, which is [dbs.idaho.gov](http://dbs.idaho.gov), and  
5 there's a little section that says boards.

6 Male: Okay.

7 Nielson: It'll give you all the boards. It'll give you the  
8 agenda and I believe on the website there's  
9 actually five years' worth of past meeting  
10 minutes.

11 Male: Okay.

12 Nielson: So -- but that's where anything I take -- or even  
13 just propose, throwing something out there, put it  
14 on the agenda and I'll have whatever documentation  
15 with it, so you can see it there. So, then --

16 Male: And then, so how do we -- if we want something  
17 changed how do we get it to go in front of the  
18 Board?

19 Nielson: Contact me.

20 Male: Okay.

21 Nielson: Or come to a Board meeting. You guys are kind of  
22 in the middle of, you know, Blackfoot or Boise.

23 Male: Hey, John, one time the board minutes didn't get  
24 posted until they were approved at the next board  
25 meeting, but I think they're posted right after

1 now, don't they, before it's approved?

2 Nielson: There may be a draft -- there will be a draft  
3 before that Board meeting, but the meat and  
4 potatoes of what you're looking for, you know, is  
5 on the agenda and in the packets.

6 Male: The Board meetings are not like televised though.

7 Nielson: We have (inaudible - 00:49:47) conference in Coeur  
8 d'Alene, Meridian, and Blackfoot. And you can  
9 call in. And on the website, there's a phone  
10 number there you can call in, put yourself on  
11 mute, listen to the whole thing, and then, you  
12 know, (inaudible - 00:49:59).

13 Male: Once a month.

14 Nielson: Well, we're gonna have to kind of relook at the  
15 calendar. Because it used to be about once a  
16 quarter, and then before we transitioned with DFMs  
17 deadlines and everything, I threw the first three  
18 up front, so it'd be like every other month just  
19 to get all the paperwork and the process, so we  
20 can be ready to go in August. That may or may not  
21 change. But the next one is in September. And  
22 there's always -- and that'll be the last one for  
23 this calendar year. And so, probably this one  
24 they'll be looking into 2022's dates.

25 Male: So, the stuff we're talking about today is

1 preparation for board meetings in 2022, not things  
2 that the Board is going to discuss and vote on in  
3 September if that makes sense?

4 Male: Yeah.

5 Male: It's kind of prep work for future conversations in  
6 the future or rulemaking. You'll have more  
7 opportunity for public comment, opportunity for  
8 written comment, all of that.

9 Nielson: We still like to go up north for three meetings  
10 and come back and we'll have -- this week will  
11 have Meridian, then we'll hit Twin and McCall.  
12 So, you will not see red line stripes and all that  
13 in September's packet. That will be next year.  
14 And the question got brought up at the last  
15 meeting. When will, you know, these changes take  
16 effect? Again, you won't see any changes to the  
17 rules until spring of 2023. And by then, we'll  
18 know what's coming. It'll get (inaudible -  
19 00:51:42). And then, I will send info out to  
20 industry say, hey, this change, that change, be  
21 aware. So, that's all I had on ZBR. I mean, we  
22 got a little bit of time of anybody's got any  
23 general questions. Michelle Byrd is here. She's  
24 the bureau chief for our construction section, so  
25 she's --



1 Male: Oversees you?  
2 Nielson: -- all of our bosses right now.  
3 Male: Time to clean house.  
4 Nielson: No? If not, thanks for coming. And like I said,  
5 let me grab some cards and you're gonna have to  
6 wait (inaudible - 00:52:26). Thank you.  
7



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
TRANSCRIBER'S CERTIFICATE

I, Holly Massanelli, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 40, was reduced to typewritten form from a digital recording of the proceedings held in this matter; and that the foregoing is an accurate record of the proceedings as above transcribed in this matter.

DATED this 29th day of September, 2021.



Holly Massanelli  
Transcription Outsourcing, LLC  
1780 S. Bellaire St.  
Suite 400  
Denver, CO 80222  
Tel: 720-287-3710  
Fax: 720-952-9897

DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097