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Governor
RUSSELL BARRON
Administrator

State of Idaho

Division of Occupational and Professional Licenses

Idaho Electrical Board

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Minutes of 04/24/2024

Board Members Present: Rick Stark, Chair
Greg Eagy, Vice Chair
Casey Wilson
Chad Fields
Jim Swier
Alex Owens
Jeff Bradley
Jim Marchetti
Josh Madsen

Division Staff: Amy Lorenzo, Executive Officer
Mark Kubinski, Lead Legal Counsel
Jessica Spoja, Licensing Prgm. Mngr.
Erin Einarsson, Board Support Spec.

The Board meeting was called to order at 9:00 AM MT by Chairman Rick Stark.

APPROVAL OF 01/24/2024 MEETING MINUTES

A motion was made and seconded to approve the 01/24/2024 meeting minutes. The motion carried unanimously.

DIVISION BUSINESS

Financials Update: Executive Officer (EO) Lorenzo will present a detailed financial report at the next board meeting. Third Quarter financials are being finalized. The proposal to transfer the cash balance to the Launch Program was not supported by JFAC. Jeff Fitzloff, Independent Electrical Contractors (IEC), asked if those funds are dedicated and cannot be moved to other agencies. EO Lorenzo will review statutory authority and present more information at the next board meeting.

OASIS Update: EO Lorenzo provided an update on the OASIS Licensing system. OASIS will be live on July 1, 2024. Public Member Jeff Fitzloff (IEC) asked if the current license search functionality will be available with the OASIS system and EO Lorenzo replied that the same search capabilities by either name or number will be available with OASIS.

Legislative Update: EO Lorenzo reviewed House Bill 478, which passed and provides a more comprehensive framework to allow cities and counties to enter into contracts with each other or private entities for inspection and enforcement services. HB478 went into effect immediately. EO Lorenzo reviewed House Bill 505, which passed and updates all licensure renewals under DOPL to a biennial renewal cycle, with an expiration date at the licensee's birth month. This bill does not affect the three-year journeyman and master electrician license renewals. HB505 will go into effect on July 1, 2024, with full implementation by 2028. House Bill 704, which codified certain exemptions to the 2023 Electrical Code and prevented any city, county, or any other political subdivision from requiring the installation of an electric vehicle circuit as part of any new construction, was heard in the house, but not the senate, and did not pass.

The pending rules were presented to the House Business Committee twice. EO Lorenzo presented the pending rules to the Senate Commerce and Human Resources Committee and the rules were approved in their entirety. The pending rules were then approved by the House. However, the concurrent resolution with the House and the

Senate did not occur. To ensure continuity with the rules, DOPL Administrator Russ Barron signed off on the temporary rules with the Governor's Office on April 18, 2024, and ~~those~~ will remain in place while the Board enters negotiated rule making this year.

Representative Lance Clow, Chairman of the Business Committee, presented the Committee's views on the pending rules. When House Bill 337 was passed in 2023, it was with the previously accepted exclusions that had been put in place in 2017. When the 2023 Idaho Electrical Board pending rules were presented to the House this year, the Committee noticed that many of those 2017 exclusions were not included, specifically with the arc-fault circuit interrupters (AFCIs) and ground-fault circuit interrupters (GFCIs) requirements. Representative Clow noted that the home building community reached out with questions about the additions and concerns about increased costs that will be incurred. The House Business Committee is requesting that the Board review the AFCI and GFCI requirements during the 2024 negotiated rule making sessions.

Chairman Stark commented that the AFCI requirements in the proposed 2023 rules are in line with the 2017 rules and the temporary rules. However, some of the GFCI requirements that were included in the 2017 rules have been deleted from the temporary rules.

Board Member Bradley requested information outlining the cost increases the home-building community provided to Representative Clow, including their sources and pricing. He also referred to documents regarding GFCIs and safety that Jeff Fitzloff (IEC) had presented to the Board at previous meetings.

Board Member Owens asked for clarification on how the temporary rules were created. Chairman Stark answered that they were drafted by members of the House Business committee, based on HB704, and presented to the Governor's office. Representative Clow added that the temporary rules were created with the intention of following the 2017 rules. Chairman Stark added that he understands the intent of the legislature and that the Board can work with that knowledge when reviewing the rules this year.

Board Member Fields noted that the Board is composed of experienced members of the industry and that the rules are created with their knowledge and expertise and expressed frustration that their recommendations are not being considered by the legislature. Board Member Fields also noted that the State of Wyoming adopts the NEC Codebook in full.

Chairman Stark commented that the intent of the Board moving forward is to reach an equitable agreement with the legislature. Chairman Stark noted that the requirements for single and two-family dwellings could be acceptable, but that he had concerns about the removal of certain commercial requirements, especially those where the public is in contact. Chairman Stark also requested clarification on the Residential Electrician license application being limited to single and two-family dwellings. Representative Clow responded that he believed that was the intention but could not confirm at this meeting.

Public Comments:

Jeff Fitzloff, IEC, provided a brief history of GFCI additions to the Electrical Rules. With regards to the temporary rules, Mr. Fitzloff identified that Article 210.8(D)(1) with regards to Automotive Vacuum Machines was unclear. Mr. Fitzloff also noted rules that have been included prior to 2017 were removed from the temporary rules.

Raub Owens, City of Twin Falls Electrical Inspector, noted that the negotiated rulemaking process included the perspectives of all experienced parties in the industry. Mr. Owens added that because the rules have been rejected and temporary rules are in place until the next legislative session, the correct implementation of those rules is confusing for electricians in the field. Mr. Owens requested that the legislators consider the collective voices of the Electrical Board and participating industry during the next session of negotiated rulemaking. With regards to the temporary rules, Mr. Owens expressed concern that the deletion of the AFCI code has eliminated the methods

of installation that are available to electricians and requests that it be included in the new rules. Representative Clow noted that the direction from the Governor's office is to remove duplicative language. Therefore, if the code was adopted in statute, it would not be included in the rules. The rules include exceptions to the code.

Gary Sonnen, independent electrical contractor, asked if the temporary rules had been posted online. EO Lorenzo confirmed that the rules have been posted on the Governor's website and that they will be posted on the DOPL website as well.

Kelly Lamp, Idaho Chapter of the National Electrical Contractors Association (NECA), identified items that were included in the 2023 code that were excluded in the temporary rules. Under 600.01(M), Surge Protection, NEC Article 230.67 was deleted. This is contrasted by Article 215.18 and Article 225.42. Additionally, under 600.01(N), Emergency Disconnects, Article 230.85 was deleted, but reappears in Article 225.41.

Jeremy Redman, IBEW 291, stated that the negotiated rule making process is when the industry experts work cooperatively to design rules with consumer safety and protection in mind. He expressed that members of the House Business Committee would benefit from participating in these meetings.

Tom Brown, B&B Electric, stated that additional GFCI requirements in residential kitchens and laundries were added to the rules at the end of the negotiated rule making process. Mr. Brown conducted an analysis of a recent home build to include the 2023 NEC Code requirements of 250V and 125V and the cost was an additional \$3,200.

Bret Stoddard, Building Official, City of Rexburg, emphasized that the Idaho Electrical Board is appointed by the Governor. Mr. Stoddard recommended that the industry and representatives of the legislature work together during the negotiated rule-making process to improve communication and efficiency. Chairman Stark confirmed that the sessions are a public process and encouraged representatives of the legislature to attend.

Josh Scholer, Deputy General Counsel to the Governor, who oversees the rule-making process for State Agencies, spoke on the development of HB 704 and the temporary rules. Mr. Scholer acknowledged that there are corrections that need to be made to the temporary rules and those can be done during the negotiated rulemaking process this year. The legislative goal is to return to the 2017 code and that any requirement the Board wants to add to their rules beyond 2017 will require evidence that can be reviewed. EO Lorenzo asked, and Mr. Scholer confirmed that the temporary rules will be in place until Sine Die of next year. However, if the Board sees it as necessary to replace a part or parts of the temporary rules, they will need to contact the Governor's office before April 27, 2024.

Board Member Owens asked for clarification on what the legislature would approve for AFCI in bedrooms. Mr. Scholer confirmed that the AFCI in the bedrooms is included in the temporary rules.

Mr. Lamp noted that with the changes to the 2023 NEC codebook, some of those changes are not necessarily new items, but are rules that already existed in code but are now paralleled or moved to a new location.

EO Lorenzo added that if anyone identifies an emergent life safety issue within the temporary rules, please notify DOPL immediately so that it can be reviewed and brought to the attention of the Governor's office. Dates for the next series of negotiated rulemaking have not been scheduled yet. Notifications for upcoming meetings can be set up through Townhall as well as the DOPL Electrical Email list.

SharePoint Transition: DOPL Boards will be following a standardized framework for sharing information through SharePoint. Agendas, minutes and documents that were formally prepared as a packet and emailed will now be posted on the Idaho Electrical SharePoint folder. Board members have been provided with access to review those files online prior to board meetings. Industry packets will no longer be available, and it will be at

the Board's discretion which documents will be shared with stakeholders after the meeting.

Public Member Training: Lead Counsel Mark Kubinski provided a PowerPoint presentation titled "Public Members-Board Training".

BOARD BUSINESS

Residential Electrician Discussion with Idaho State University (ISU): Paul Dickey, ISU's CEWT's Apprenticeship Programs Coordinator, reached out to the Board to determine the Electrical Industry's intentions for the Residential Electrician License and begin discussions of the requirements of the path to licensure. The Board will work this year to define the requirements. Mr. Dickey is setting up a monthly meeting with post-secondary schools in Idaho to discuss standards for the program and can bring that information to future Board meetings.

NASCLA Exam Update: DOPL has partnered with NASCLA as the exam provider and signed the professional services agreement with PSI as the testing vendor, expanding the available testing locations from the three DOPL offices to nine venues total. DOPL's Electrical Program Manager Steve Greene was invited to NASCLA as a subject matter expert to review questions as they relate to the 2023 updates and DOPL is continuously working with NASCLA to ensure that the test questions are relevant to Idaho State requirements. Information about this transition will be sent to post-secondary institutions and apprentices within the next 30 days, however the date for when this test will be available has not been announced. There is a structure in place for the Residential Electrician exam, but the exam will not go live until the program is finalized. Board Member Madsen asked if there have been applications for the Residential Electrician and Licensing Program Manager Jessica Spoja clarified that there have been inquiries, but because there is not a board approved program, there is not an official application process. Those inquiring about the licensing have been informed that while there is statutory authority to issue a residential electrical license, the program must first be approved by the Board and the Idaho Division of Career Technical Education.

International Energy Conservation Code (IECC): The energy code is under review for the 2025 rulemaking process. Stakeholders are encouraged to bring information that will be relevant to that process to the Board.

Limited Licensure for Substation Technician and Well Driller/Pump Installer: EO Lorenzo brought forward the concern that the in-house test for Well Driller/Pump Installer combines two fields into one test and the possibility of developing separately those into two separate exams. EO Lorenzo also introduced the possibility of pursuing an additional limited license for substation technicians. With the Board's approval, DOPL will work on the separation of the Well Driller/Pump Installer exam as well as the definition of a Substation Technician and will bring that information to a future meeting.

Electrical Apprentice Appeal: This topic was addressed in Executive Session.

Public Comment: Public Comments were made throughout the meeting.

EXECUTIVE SESSION – APPEAL

Motion to Enter into Executive Session: A motion was made and seconded for the board to enter into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session is to discuss documents relating to the fitness of a licensee to obtain or retain a license or registration. Roll call vote: Chairman Stark-aye, Vice Chairman Eagy-aye; Board Member Marchetti-aye; Board Member Wilson-aye, Board Member Madsen-aye, Board Member Owens-aye, Board Member Swier-aye, and Board Member Bradley-aye. Board Member Fields was absent during executive session. The motion carried unanimously.

Motion to Exit Executive Session: A motion was made and seconded to exit executive session. The motion carried unanimously. The Board was consulted by DOPL staff as subject matter experts. DOPL did not ask the Board to take any action on the appeal.

ADJOURNMENT

With no further discussion, the meeting adjourned at 1:11 PM.

05/28/2024ee