

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, January 15, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Agenbroad, Senators Martin, Lakey, Guthrie, Thayn, Souza, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chairman Agenbroad to introduce the presenters for the rules being heard.

**DOCKET NO. 07-0101-1801** **Rules Governing Electrical Inspection Tags. Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), reported this pending rule was updated to account for changes in technology, terminology, and procedures used by the IDBS in issuing electrical permits. Recent amendments to Idaho Code updated terminology and procedures for electrical facility accounts and issuing electrical permits. **Mr. Wing** noted the word "tags" was deleted and "permits" was added.

**Mr. Wing** noted there are no changes to the pending rule and it is being adopted as originally proposed. There is no fiscal impact on the General Fund. There is no incorporation by reference.

**DISCUSSION:** **Senator Guthrie** queried if more fees would be included by migrating from inspection tags to permits. **Mr. Wing** replied in the negative.

**Senator Burgoyne** referred to pages 16 and 17 and asked under what circumstances would permits be transferred. **Mr. Wing** explained an exception would be when a homeowner or contractor has fired the original contractor. The new contractor could pass on new permit fees.

**MOTION:** **Chairman Patrick** moved to approve **Docket No. 07-0101-1801**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 07-0103-1801** **Rules of Electrical Licensing and Registration - General. Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), stated there are no changes to the pending rule and it is being adopted as originally proposed.

**Mr. Wing** noted that currently a contractor is presumed to be in violation of the ratio (journeymen supervising apprentices) by hiring more apprentices than journeymen. The new language makes it clear there is no violation unless the apprentices actually work out-of-ratio. This change would allow contractors to "adjust" the ratio by permission of the IDBS.

**Mr. Wing** explained that negotiated rulemaking was conducted. There is no fiscal impact to the General Fund. There is no incorporation by reference.

**DISCUSSION:** **Chairman Patrick** complimented Mr. Wing for the summary page and for making changes to be more user-friendly.

**Senator Guthrie** stated according to written statutes, apprentices have to be directly supervised by journeymen. **Senator Burgoyne** agreed. He inquired what it meant "to supervise" if the construction manager supervised 200 people on the site. Would the construction manager be responsible for the apprentices and was the rule clear. He remarked he was not confident the rule included the first level supervisor. The rule seemed to be aimed at the person who would have the 1:2 ratio. **Mr. Wing** remarked the rule applied directly to journeymen electricians and apprentices. He stated not all construction personnel on a job site would be included. One journeyman can oversee two apprentices. Specific permission must be given for exceptions, for example, if an apprentice was in the third year of the program.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 07-0103-1801**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 07-0103-1802** **Rules of Electrical Licensing and Registration - General.** **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), stated this pending rule updates terminology for electrical licensing and registration. These updates align the terminology with terminology in recently passed amendments to Idaho Code § 54-10.

**Mr. Wing** announced there is no fiscal impact to the General Fund. There is no incorporation by reference.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 07-0103-1802**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 07-0104-1801** **Rules Governing Electrical Specialty Licensing.** **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), explained that many provisions in this pending rule have not been updated to account for changes in technology, terminology, and procedures used by the IDBS for limited electrical (specialty) licensing and registration. Recent amendments to Idaho Code § 54-10, updated terminology and procedures for limited electrical licensing and registration.

**Mr. Wing** asserted there is no fiscal impact to the General Fund. There is no incorporation by reference.

**MOTION:** **Chairman Patrick** moved to approve **Docket No. 07-0104-1801**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 07-0105-1801** **Rules Governing Examinations.** **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), noted this pending rule updates terminology for electrical licensing and registration. These updates align the terminology with terminology in recently passed amendments to Idaho Code §54-10.

**Mr. Wing** pointed out there is no fiscal impact to the General Fund. There is no incorporation by reference.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 07-0105-1801**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
07-0106-1801**

**Rules Governing the Use of the National Electrical Code.** **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), advised there are no changes to the pending rule and it is being adopted as originally proposed. He noted this summary corrects an error that occurred during the publication of the proposed rulemaking. The error was a transcription error of the rule in Section 004, Incorporation by Reference, which was added to the rule of the required informational sections. It incorrectly stated that no documents are incorporated by reference into the rule. However, Section 011 of this rule does incorporate by reference the National Electrical Code (NEC). Section 004 is now a "RESERVED" section. Basically, what the rule does is align with the way inspections the State of Idaho has always conducted inspections. **Mr. Wing** noted these changes make it easier for industry to buy certain types of supplies.

**Mr. Wing** advised there is no fiscal impact to the General Fund. Negotiated rulemaking was conducted.

**MOTION:**

**Senator Souza** moved to approve **Docket No. 07-0106-1801**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
07-0107-1801**

**Rules Governing Continuing Education Requirements.** **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), noted the Idaho Electrical Board (IEB) holds several regular meetings each year. In addition, the IEB and IDBS conduct several negotiated rulemaking meetings each year. These meetings are not always well-attended by industry members. In order to get the electrical industry more involved in the meetings of the IDBS, the IDBS wants to allow licensees to obtain continuing education credit for attending meetings.

**Mr. Wing** stated this rule requires journeymen and master electricians to complete 24 hours of continuing education every three years, including eight hours of code update and eight hours of code-related programs. Additionally, industry members have expressed a desire to be allowed to obtain continuing education in categories other than code update.

**Mr. Wing** advised this proposed pending rulemaking will allow licensees to obtain continuing education credit for attending meetings of the IDBS. This proposed rulemaking will also define code-related programs. Journeymen and master electricians will also be required to obtain eight hours of code update for every three-year cycle, but they will be allowed to obtain the remaining 16 hours of continuing education for every three-year cycle in any of the three categories.

**Mr. Wing** remarked there is no fiscal impact to the General Fund. Negotiated rulemaking was conducted. There is no incorporation by reference.

**MOTION:**

**Senator Guthrie** moved to approve **Docket No. 07-0107-1801**. **Senator Thayne** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
07-0108-1801**

**Rules Governing Electrical Inspection Tag Appeals.** **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), remarked many provisions in this pending rule have not been updated to account for changes in technology, terminology, and procedures used by the IDBS in issuing electrical permits and conducting electrical inspections. Further, recent amendments to Idaho Code updated terminology for conducting electrical inspections and issuing electrical permits. There was a grammar change which added the National Fire Protection Association (NFPA) 70 language to align with statute.

**Mr. Wing** explained there is no fiscal impact to the General Fund. Negotiated rulemaking was conducted. There is no incorporation by reference.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 07-0108-1801**. **Senator Thayne** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 07-0111-1801** **Rules Governing Civil Penalties.** **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), commented there have been recent amendments to Idaho Code that updated terminology for electrical facility accounts, electrical licensing, and registration.

**Mr. Wing** stated there is no fiscal impact to the General Fund. Negotiated rulemaking was conducted. There is no incorporation by reference.

**DISCUSSION:** **Senator Souza** inquired if the language was clarifying the scope of specialty for contractors and installers. **Mr. Wing** stated the contractor or the electrician can be fined for working outside the scope of their specialty. This has always been the policy of the IDBS.

**MOTION:** **Senator Souza** moved to approve **Docket No. 07-0111-1801**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 07-0102-1801** **Rules Governing Fees for Electrical Inspections.** **Warren Wing**, Electrical Program Manager, Idaho Division of Building Safety (IDBS), noted this fee rule has not been updated to account for changes in technology, terminology, and procedures used by the IDBS in issuing electrical permits. Idaho Code recently updated terminology and procedures for issuing electrical permits. This rulemaking also allows and adds a fee for transferring electrical permits. The fee is \$45 for transferring electrical permits.

**Mr. Wing** indicated there is no fiscal impact to the General Fund. Negotiated rulemaking was conducted. There is no incorporation by reference.

**MOTION:** **Senator Thayne** moved to approve **Docket No. 07-0102-1801**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Agenbroad passed the gavel back to Chairman Patrick.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:09 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary