

ATTACHMENT 1

Tim Frost, January 18, 2022

PENDING RULES REVIEW BOOK

IDAPA 24.39.60 (Rules Governing Uniform School Building Safety) (Page 414)

- To remove four definitions that were duplicative of section, 39-8004, Idaho Code (division, administrator, imminent safety hazard, serious safety hazard)

IDAPA 24.39.80 (Idaho Minimum Safety Standards and Practices for Logging Safety) (Pg 417)

- To remove definitions not used within the rule chapter nor do they provide any benefit regarding enforcement of logging safety. (Page 1, rule 007-010)
- To remove redundant and unnecessary language to simplify the rule. (Page 9, rule 013)
- Removed language from the rules describing logging equipment that does not assist with enforcement of safe logging operation practices (Page 37, rule 4S3)
- Removed picture diagrams from the rules that conveyed options for logging operations to utilize and thus created unnecessary rule language as these were merely options rather than requirements. (Page S2, rule 456)
- In total, the rule chapter is simplified and reduced by 17%. We appreciate the assistance of working with the Associated Logging Contractors on these rule changes.

PENDING FEE RULES REVIEW BOOK

IDAPA 24.05.01 (Rules of the Board of Drinking Water and Wastewater Professionals) (Pg 173)

- To provide for an apprenticeship program model for individuals obtaining a Class III operator's license. This rule was amended in request from the Idaho Rural Water Association to provide additional education options outside of two years college experience. (Pg 1, rule 335)

IDAPA 24.32.01 (Rules of the Idaho Board of Professional Engineers and Professional Land Surveyors) (Pg 393)

- Throughout the rule chapter, the Board of Professional Engineers and Surveyors removed definitions and rule language that were duplicative of statute Title 54 Chapter 12
 - Examples: Pg 1, rule 010; Pg 3, rule 016; Pg 10, rule 020
- To remove arbitrary rule language when statute Title 54 Chapter 12 clearly defines the waiver of an examination when a specified number of years' experience is provided (Pg 10, rule 022).
- To remove rule language addressing "public statements" as the Board does not have the statutory authority or jurisdiction over public statements (Pg 12, rule 102).
- To modify rule language regulating professional development and continuing education, moving to one national standard. Of note, NCEES is a standard and not a CE provider, so the change does not limit our rules to one CE entity to allow for multiple providers (Pg 15, rule 200).
- Added new rule language for surveying practices that adopt one "State Plan Coordinate" system to describe land for all of Idaho. This rule language is the implementation of SB1011 from the 2021 session (Pg 18, rule 400)
- In total, the rule chapter is simplified and reduced by 17%

IDAPA 24.39.10 (Rules of the Idaho Electrical Board) (Pg 511)

- To remove the unnecessary term or phrase "electrical" from all rule sections applicable to this chapter (Pg 1, rule 011)
- To remove any duplicative language between these rules and statute Title 54 Chapter 10 {Pg 6, rule 100}
- To remove all redundant rule language that was reiterated throughout the electrical rule chapter (Pg 10, rules 150 & 151; Pg 11 rule 152; Pg 13, rule 154)
- To simplify the rule language addressing electrical license exam criteria in a way that allows for consistency across all the different electrical licenses issued by the state of Idaho and maintains the minimum exam scores so that our reciprocal agreements with other states is not jeopardy (Pg 14, rule 200)
- To remove unnecessary rule language regarding agency policy for the acceptance, review and approval process for electrical continuing education course applications which limited and restrained education providers from innovative ideas and technology (Pg 18, rule 301)
- To remove duplicative appeal process requirements from these rules as they are clearly defined within the Administrative Procedures Act, Idaho statute Title 67 Chapter 52. (Pg 20, rule 350)
- To add rule language that would allow for the Electrical Board to impose a civil penalty on an individual that fails to request an electrical inspection after performing electrical installations (Pg 22, rule 450.08)
- In total, the rule chapter is simplified and reduced by 27%

IDAPA 24.39.20 (Rules Governing Plumbing) (Pg 527)

- To remove any unnecessary rule language that was duplicative of statute, Title 54 Chapter 26.
- To remove rule language that addresses an administrative appeal process as this is clearly defined in statute, Title 67 Chapter 52 (Pg 1, rule 002)
- To remove the mobile home plumbing specialty license from rule as it is exempt from licensure as per 54-2602(i), Idaho Code (Pg 9, rule 208)
- In total, the rule chapter is simplified and reduced by 10%

IDAPA 24.39.30 (Rules of Building Safety "Building Code Rules") (Pg 542)

- Add rule language that accounts for the installation and use of "Mass Timber" products from the 2021 International Building Code. This provision implements the allowance of HB 143 from the 2021 session. (Pg 2, rule 004.01.j)
- Add a rule amendment to the energy code, addressing the global supply shortage of insulated flexible ductwork used primarily in residential construction and to require duct insulation only in areas of the residential structure where potential life safety concerns may exist if ducts are not insulated (Pg 9, rule 004.04 n & o).
- Removed duplicative rule language governing factory-built structures from the building rules as they are within IDAPA 24.39.31, 24.39.32, 24.39.33 (Pg 10, rule 026).
- In total, the rule chapter is simplified and reduced by 30%

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Commented (TF1):

- That Factory Built Structures Board consolidated four rule chapters {24.39.31, 24.39.32, 24.39.33 & 24.39.34} into one rule chapter; 24.39.31. (Consolidated Chapter - Pg 10)

- Within the consolidated rule chapter, the following was addressed:
 - o To remove rule language that was duplicative of statute (Pg 5, rule 010)
 - o To remove unnecessary rule language that does not assist with the enforcement or compliance of the Factory Built Structures program (Pg 7, rule 029.02)
 - o To remove antiquated rule language (Pg 9, rule 032.02.b)
- In total, the rule chapter is simplified and reduced by 20%. We are appreciate working closely with the Idaho Manufactured Housing Association on the consolidation of these chapters .

IDAPA 24.39.70 (Rules Governing Installation of Heating, Ventilation, and Air Conditions Systems) (Pg 587)

- The following changes were made for the rules governing HVAC installations during omnibus rulemaking July 2021:
 - o To remove duplicative appeal hearing language from the rules as they are defined under the Administrative Procedures Act statute , Title 67 Chapter 52 (Pg 1, rule 003).
 - o To remove unnecessary rule language that was only informative office hours, locations, internal division filing of documents, and duplicative language of the public records act compliance in Title 74, Chapter 1, Idaho Code . (Pg 4, rules 005, 006 & 007).
 - o To remove rule language that prohibits innovative electronic application submittal processes (Pg 5, rule 020).
 - o To remove antiquated fee rules that are currently not used by the agency as they have been accounted for within the calculated HVAC permit fee schedule (Pg 10, rule 051.04).
 - o To remove duplicative rule language identifying inspection requirements that are set forth in the adopted mechanical codes (Pg 10, rule 060.01)
- The following changes were made for the rules governing HVAC installations during "Proposed Rulemaking" in the October bulletin:
 - o To remove antiquated mechanical code amendments from the 2012 versions as they no longer apply because the 2018 mechanical codes have now been adopted (Pg 12, rule 002)
 - o To modify the rule language of Specialty Contractor and Contractor requirements to ensure consistent enforcement and applicability, in addition to removing duplicative rule language between rule sections (Pg 15, rule 011).
 - o To modify rule language eliminating the in-state versus out-of-state experience requirements to qualify for the Contractor and Journeyman licenses, ensuring that the experience requirements for Idaho applicants is equal to that of those coming from out of state (Pg 17, rule 013.03)
 - o To remove Inspector Qualification rule language that is duplicative of Statute 54-5021 (Pg 20, rule 053).
- In total, the rule chapter is simplified and reduced by 30%