

Dear Senators PATRICK, Agenbroad, Ward-Engelking, and
Representatives DIXON, DeMordaunt, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Building Safety:

IDAPA 07.05.01 - Rules of the Public Works Contractors License Board - Temporary and Proposed
Rule (Docket No. 07-0501-1901);

IDAPA 07.11.01 - Rules of the Division of Building Safety (New Chapter) - Proposed Rule (Docket
No. 07-1101-1901).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/03/2019. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/01/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Principal Legislative Drafting Attorney - Ryan Bush

DATE: September 13, 2019

SUBJECT: Division of Building Safety

IDAPA 07.05.01 - Rules of the Public Works Contractors License Board - Temporary and Proposed Rule (Docket No. 07-0501-1901)

IDAPA 07.11.01 - Rules of the Division of Building Safety (New Chapter) - Proposed Rule (Docket No. 07-1101-1901)

07.05.01 - Rules of the Public Works Contractors License Board

Summary and Stated Reasons for the Rule

The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.05.01 - Rules of the Public Works Contractors License Board. This rule change is to reduce the renewal fees for public works contractor licenses by twenty percent (20%).

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted and notice was published in the May edition of the Idaho Administrative Bulletin. The Division states that this rulemaking will have a negative fiscal impact of approximately \$122,040 in dedicated funds over the next year.

Statutory Authority

This temporary and proposed rulemaking appears to be within the statutory authority granted to the Division in Sections 54-1904 and 54-1907, Idaho Code.

07.11.01 - Rules of the Division of Building Safety (New Chapter)

Summary and Stated Reasons for the Rule

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.11.01 - Rules of the Division of Building Safety (New Chapter). This new chapter of rules provides criteria for military members, veterans, and spouses to obtain professional licenses. This new chapter is being promulgated pursuant to Chapter 94, Title 67, Idaho Code, that was enacted by the Legislature in 2019.

Negotiated Rulemaking / Fiscal Impact

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The Division states that negotiated rulemaking was not conducted because this new chapter of rules is required under Idaho Code. There is no fiscal impact associated with this rulemaking.

Statutory Authority

This proposed rulemaking appears to be within the statutory authority granted to the Division in Section 67-9404, Idaho Code.

cc: Division of Building Safety
Patrick Grace

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.05.01 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-1901

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 15, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-1904 and 54-1907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2019.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking provides a twenty percent (20%) reduction in renewal fees for public works contractor licenses. The Idaho Public Works Contractors License Board (Board) has been monitoring a steady increase in the balance of the Public Works Contractors License Fund. The fund increase is a result of efficiencies in the processing of public works licenses at the Division of Building Safety (Division). The Board and the Division are satisfied that the renewal fee reduction will benefit the industry while leaving the Public Works Contractors License Fund adequately funded.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking confers a benefit to public works contractor licensees. Licensees will collectively pay \$122,040 less over the course of the year to renew their licenses. Licensees can use these savings to compete in the market.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking will have a negative fiscal impact of approximately \$122,040 over the course of a year on the public works contractors license program and Public Works Contractors License Fund. The fund is made up entirely of dedicated funds. This renewal fee reduction is designed to cap future increases in the fund while leaving it adequately funded for the continued operation of the public works licensing program.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2019 Idaho Administrative Bulletin, **Vol. 19-5, pages 57 through 58**.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ron Whitney, Deputy Administrator, at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

Anyone may submit written comments regarding this rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2019.

Dated this 30th day of July, 2019.

Ron Whitney, Deputy Administrator
 Division of Building Safety
 1090 E. Watertower St., Ste. 150
 P. O. Box 83720
 Meridian, ID 83642
 Phone: (208) 332-7150
 Fax: (877) 810-2840
ron.whitney@dbb.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
 OF DOCKET NO. 07-0501-1901
 (Only Those Sections With Amendments Are Shown.)**

201. FEES.

01. Public Works Contractor Licensing Fees. In accordance with Section 54-1904, Idaho Code, ~~initial licensing and renewal~~ fees for each class of public works contractor licenses are as provided ~~in Table 201.01, Initial and Renewal Licensing Fees~~ below.

TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES		
License Class	Initial Fee	Renewal Fee
Unlimited	\$550	\$550 440
AAA	\$450	\$450 360
AA	\$350	\$350 280
A	\$250	\$250 160
B	\$150	\$150 120
CC	\$125	\$125 100
C	\$100	\$100 80
D	\$50	\$50 40

~~(6-30-19)T~~(7-15-19)T

02. Construction Manager Licensing Fees. ~~Initial licensing and renewal f~~ees for construction manager licenses are, in accordance with Section 54-4510, Idaho Code, as follows: ~~(4-9-09)T~~(7-15-19)T

- a. ~~The fee for i~~nitial examination and licensing ~~is~~ two hundred dollars (\$200). ~~(3-19-99)T~~(7-15-19)T
- b. ~~The fee for r~~enewal ~~is~~ two hundred dollars (\$200). ~~(3-19-99)T~~(7-15-19)T
- c. ~~The fee for an i~~nactive license ~~is~~ fifty dollars (\$50). ~~(3-19-99)T~~(7-15-19)T

- d. ~~The fee for~~L~~icense~~ reinstatement ~~is~~ two hundred dollars (\$200). ~~(3-19-99)~~(7-15-19)T
- e. ~~The fee for a~~A~~dministering~~ the examination ~~is~~ the standard fee established for taking that examination. ~~(3-19-99)~~(7-15-19)T
- f. ~~The fee for i~~ssuing and ~~for~~ reinstating a certificate of authority ~~is~~ one hundred dollars (\$100). ~~(3-19-99)~~(7-15-19)T
03. **Payment of Fees.** Fees are payable to “Division of Building Safety -- Public Works Contractors.” (3-20-04)
04. **Application Filed With Fees.** ~~Required fees must accompany all applications.~~ An application filed without the ~~required~~ listed fees is deemed incomplete and returned to the applicant. ~~(3-20-04)~~(7-15-19)T

IDAPA 07 – DIVISION OF BUILDING SAFETY
07.11.01 – RULES OF THE DIVISION OF BUILDING SAFETY
DOCKET NO. 07-1101-1901 (NEW CHAPTER)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-9401 and 67-9407, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2019.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking implements the provisions of Title 67, Chapter 94, Idaho Code, and provides processes, criteria, or both to accept military education, training, or service from military members, former military members discharged under honorable conditions, veterans, or their spouses (Military Applicants) toward the requirements for a professional license with the Division of Building Safety; and issue licenses by endorsement to Military Applicants.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

This rulemaking will not have a fiscal impact on any general, dedicated, or federal funds because this rulemaking merely provides processes and criteria regarding the qualifications, expedited applications, and licensure by endorsement of Military Applicants.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these changes are required pursuant to Title 67, Chapter 94, Idaho Code.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ron Whitney, Deputy Administrator, at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2019.

Dated this 2nd day of August, 2019.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840
ron.whitney@dbs.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-1101-1901
(New Chapter)

IDAPA 07
TITLE 11
CHAPTER 01

07.11.01 – RULES OF THE DIVISION OF BUILDING SAFETY

000. LEGAL AUTHORITY.

The Division of Building Safety is authorized under Title 67, Chapter 94, Idaho Code, and Section 67-2601A, Idaho Code, to promulgate rules for the issuance of licenses in the professions devolved for administration upon the Division. ()

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 07.11.01, “Rules of the Division of Building Safety.” ()

02. Scope. These rules are applicable to licenses administered by the Division pursuant to Title 54, Chapters 10, 19, 26, 45, and 50, and Title 44, Chapter 21. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of these rules. Any such statements are available for public inspection and copying pursuant to the Public Records Act, Title 74, Chapter 1, Idaho Code. ()

003. ADMINISTRATIVE APPEALS.

All agency actions may be appealed in accordance with the Administrative Procedures Act at Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. ()

005. OFFICE – MAILING ADDRESS - STREET ADDRESS – OFFICE HOURS - WEB ADDRESS.

The Division of Building Safety’s central office is located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Division’s satellite offices are located at 1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. All Division offices are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday, and legal holidays. The Division’s telephone number is (208) 334-3950 and facsimile number is (877) 810- 2840. The Division’s web address is <http://dbs.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to and in compliance with the Public Records Act, Title 74, Chapter 1, Idaho Code. ()

007. DEFINITIONS.

01. Division. The Idaho Division of Building Safety. ()

02. Licensing Program. The electrical program, plumbing program, HVAC program, manufactured home program, or public works contractor license program within the Division. ()

03. Military Applicant. A member of the military, former member of the military discharged under honorable conditions, veteran, or spouse of any such person applying for any initial or renewal license or registration issued by any Licensing Program. ()

008. -- 010. (RESERVED)

011. MILITARY, VETERAN, AND SPOUSE LICENSE APPLICATIONS

01. Qualifications for Licensure. Each Licensing Program within the Division will determine which and to what extent any military education, training, or service that has been completed is relevant or applicable toward the requirements to receive a license for an occupation administered by such respective Licensing Program. The Division will accept and identify on its website military education, training, or service determined by the Division to be relevant and applicable. Each Licensing Program will at a minimum consider the following criteria when determining whether to accept any type of training, education, or work experience, whether Military Applicants received such from the armed forces or other sources: ()

a. The nature of the training, education, or work experience, including whether it involved the installation of equipment, materials, fixtures, apparatuses, controls, wires, piping, systems, or other related or like components the installation of which the statutes and rules of Idaho require a person to be licensed. ()

b. Whether the scope of the training, education, or work experience addressed the installation of equipment, materials, fixtures, apparatuses, controls, wires, piping, systems, or other related or like components the installation of which is prescribed by a nationally recognized code adopted in the state of Idaho. ()

02. Licensure by Endorsement. Upon review, each Licensing Program may grant a license by endorsement to any Military Applicant who at the time of application to the Division possesses a current, valid, and unrestricted license from another state, district, territory of the United States, or from any branch of the armed forces or national guard that is equivalent in nature to the license for which the applicant has applied. Each Licensing Program will at a minimum consider the following criteria when determining whether to grant a license by endorsement: ()

a. The nature of the license held by the Military Applicant, including the scope of actual occupational work the license allows the applicant to perform in the other jurisdiction, and the scope of work the applicant has actually performed under authority of the license; ()

b. The length of time the Military Applicant has held the license from another jurisdiction; ()

c. The requirements of the other jurisdiction to obtain the license, including schooling or education, work experience, and on-the-job training and hours of such; examination and passing score requirements; or licensure disciplinary history. ()

03. Records Verification and Affidavits. The Division may require a Military Applicant to provide records or other documentation verifying the completion of military education, training, or service or the issuance of a previous license. The Division may also require a Military Applicant to provide a sworn affidavit attesting to the veracity of the information provided in an application for licensure or registration. ()

012. -- 999. (RESERVED)