



Eric Milstead
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators PATRICK, Martin, Schmidt and,
Representatives BARBIERI, Clow, Smith

FROM: Ryan Bush - Senior Legislative Research Analyst

DATE: October 08, 2015

SUBJECT: Temporary Rule

IDAPA 07.05.01 - Rules of the Public Works Contractors License Board (Fee Rule) - Adoption of
Temporary Rule - Docket No. 07-0501-1501

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Ryan Bush at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-1501 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2015.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 54-1904, 54-1907, and 54-1912, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The Public Works Contractors License Fund balance is currently growing at a rate beyond what is being utilized for the administration of the program. The Board and administrator desire to assess the effects of the fee reduction and the needs of the program before making a permanent fee change. The rulemaking reduces all classes of public works contractor license renewal fees by twenty percent (20%).

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:

The rulemaking reduces all current public works contractor license renewal fees by twenty percent (20%), and is therefore advantageous to the affected licensees. Additionally, the topic was addressed and discussed by the Public Works Contractors License Board at several board meetings and no opposition to the fee reduction was expressed.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Public works contractor licensing fees are authorized pursuant to Section 54-1904, Idaho Code. The fees for renewal of a public works contractor license are being reduced by twenty percent (20%) across all license classes, which is advantageous to public works contractor licensees. The rule is temporary in nature in order that the Division and Public Works Contractors License Board may assess the impact of the fee reduction on the Public Works Contractors License Fund before making the fee reductions permanent.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 18th Day of August, 2015.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
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Meridian, ID 83642
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY FEE RULE FOR DOCKET NO. 07-0501-1501
(Only Those Sections With Amendments Are Shown.)

201. FEES.

01. Public Works Contractor Initial Licensing Fees. Initial licensing ~~and renewal~~ fees for each class of public works contractor licenses shall be, in accordance with Section 54-1904, Idaho Code, as follows:

~~(4-9-09)~~(9-1-15)T

- a. The fee for a Class Unlimited license shall be five hundred fifty dollars (\$550). (4-9-09)
- b. The fee for a Class A license shall be two hundred fifty dollars (\$250). (3-19-07)
- c. The fee for a Class AA license shall be three hundred fifty dollars (\$350). (3-19-07)
- d. The fee for a Class AAA license shall be four hundred fifty dollars (\$450). (3-19-07)
- e. The fee for a Class B license shall be one hundred fifty dollars (\$150). (3-19-07)
- f. The fee for a Class CC license shall be one hundred twenty-five dollars (\$125). (3-27-13)
- g. The fee for a Class C license shall be one hundred dollars (\$100). (3-19-07)
- h. The fee for a Class D license shall be fifty dollars (\$50). (3-19-07)

02. Public Works Contractor Renewal Licensing Fees. Renewal licensing fees for each class of public works contractor licenses shall be, in accordance with Section 54-1904, Idaho Code, as follows: (9-1-15)T

- a. The fee for a Class Unlimited license shall be four hundred forty dollars (\$440). (9-1-15)T
- b. The fee for a Class A license shall be one hundred sixty dollars (\$160). (9-1-15)T
- c. The fee for a Class AA license shall be two hundred eighty dollars (\$280). (9-1-15)T
- d. The fee for a Class AAA license shall be three hundred sixty dollars (\$360). (9-1-15)T
- e. The fee for a Class B license shall be one hundred twenty dollars (\$120). (9-1-15)T
- f. The fee for a Class CC license shall be one hundred dollars (\$100). (9-1-15)T
- g. The fee for a Class C license shall be eighty dollars (\$80). (9-1-15)T
- h. The fee for a Class D license shall be forty dollars (\$40). (9-1-15)T

023. Construction Manager Licensing Fees. Initial licensing and renewal fees for construction manager licenses shall be, in accordance with Section 54-4510, Idaho Code, as follows: (4-9-09)

- a. The fee for initial examination and licensing shall be two hundred dollars (\$200). (3-19-99)
- b. The fee for license renewal shall be two hundred dollars (\$200). (3-19-99)
- c. The fee for an inactive license shall be fifty dollars (\$50). (3-19-99)
- d. The fee for license reinstatement shall be two hundred dollars (\$200). (3-19-99)

e. The fee for administering the examination shall be the standard fee established for taking that examination. (3-19-99)

f. The fee for issuing and for reinstating a certificate of authority shall be one hundred dollars (\$100). (3-19-99)

034. **Payment of Fees.** Fees shall be payable to “Division of Building Safety -- Public Works Contractors.” (3-20-04)

045. **Application Filed With Fees.** Required fees shall accompany all applications. An application filed without the required fees shall be deemed incomplete and returned to the applicant. (3-20-04)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Building Safety

Agency Contact: Steve Keys, Deputy Administrator - Operations **Phone:** (208) 332-8986

Date: August 18, 2015

IDAPA, Chapter and Title Number and Chapter Name: IDAPA 07-0501-1501 – Rules of the Public Works Contractors License Board

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 07-0501-1501

STATEMENT OF ECONOMIC IMPACT:

Cost to the agency to implement the rule is attributable to a reduction in revenue of approximately \$150,000. Applicants for public works contractor licenses will realize that same amount in savings.