

Dear Senators ANDREASON, Coiner & Malepeai, and
Representatives BLACK, Henderson & Elaine Smith:

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

IDAPA 07.01.03 - Rules of Electrical Licensing & Registration - General

(Docket #07-0103-0901)

07.01.04 - Rules Governing Electrical Specialty Licensing

(Docket #07-0104-0901)

07.03.12 - Rules Governing Manufactured or Mobile Home

Installations (Docket #07-0312-0901).

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 6-26-09. 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 7-27-09.

_____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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

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

FROM: Research & Legislation Staff - Eric Milstead

DATE: June 9, 2009

SUBJECT: Division of Building Safety

The Division of Building Safety has submitted rules as discussed below.

1. IDAPA 07.01.03 - Rules of Electrical Licensing and Registration - General (Docket No. 07-0103-0901)

The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.01.03 - Rules of Electrical Licensing and Registration. The temporary and proposed rule will comply with section 54-1008, Idaho Code, which requires a staggered system of issuing and renewing licenses. Currently, all electrical contractor licenses are renewed on July 1. The temporary and proposed rule provides for staggered renewal scheme in which the licensure period commences as of the date of original issuance and thereafter shall be renewed during the month of the date of original issuance. The effective date of the temporary rule is July 1, 2009.

The Division's temporary and proposed rule appears to be authorized pursuant to Sections 54-1005, 54-1006 and 54-1008, Idaho Code.

2. IDAPA 07.01.04 - Rules Governing Electrical Specialty Licensing (Docket No. 07-0104-0901)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections. The temporary and proposed rule provided for in this docket mirrors the temporary and proposed rule discussed in the above docket, except that this docket applies to electrical specialty licensing. The temporary and proposed rule provides for a staggered system of issuing and renewing such licenses. The effective date of the temporary rule is July 1, 2009.

The Division's temporary and proposed rule appears to be authorized pursuant to Sections 54-1005, 54-1006 and 54-1008, Idaho Code.

3. IDAPA 07.03.12 - Rules Governing Manufactured or Mobile Home Installation
(Docket No. 07-0312-0901)

The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.03.12 - Rules Governing Manufactured or Mobile Home Installation. The temporary and proposed rule brings the Division's rules into accordance with recently adopted installation standards from the U.S. Department of Housing and Urban Development. Also in accord with HUD directive, the temporary and proposed rule requires that new installations be performed in accord with the manufacturer's HUD approved installation instructions. The effective date of the temporary rule is May 8, 2009.

The Division's temporary and proposed rule appears to be authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

cc: Division of Building Safety
Stephen L. Keys

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-0901

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2009.

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 54-1005, 54-1006, and 54-1008, 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 July 15, 2009.

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:

Section 54-1008, Idaho Code, requires that the Electrical Board promulgate rules providing for a staggered system of issuing and renewing licenses. Electrical Contractor licenses are currently all renewed on July 1 of each year and are not renewed through a staggered system throughout the year. Other electrical license categories are already issued and renewed in accordance with a staggered system; however, in order to comply with the statute, a rule providing for a staggered system of issuing and renewing licenses is required. The rule change clarifies that the licensure period commences as of the date of original issuance, and thereafter must be renewed during the month of the date of original issuance. The rule change further provides that the license expires on the last day of the renewal month, and that applicants have until the last day of their renewal month in which to renew the license, and provides that any license not renewed in the anniversary month, but revived within the subsequent 12-month period shall continue to have the original license anniversary date for the purposes of future renewals.

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 rule change confers a benefit upon individuals applying for or renewing Electrical Contractor licenses.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, 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: 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:

There will be a temporary negative fiscal impact to the agency as current contractor licenses will be extended until the month of their original issuance date; but the impact will disappear after the first transitional year and will not represent a continuing adverse fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2009.

DATED this 26th day of May, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT OF DOCKET NO. 07-0103-0901

011. LICENSE APPLICATION FORMS/APPRENTICE REGISTRATION FORMS.

Application forms for Electrical Contractor, Master Electrician, Journeyman Electrician Licenses, Specialty Electrical Licenses, and registration forms for Apprentice Electricians and Specialty Electrical Trainees shall be printed and made available by the Electrical Bureau of the Division of Building Safety, state of Idaho. (4-5-00)

01. Application Forms. All applications for licenses and all registrations shall be properly completed, giving all pertinent information, and all signatures shall be notarized. (4-5-00)

02. Application Fee. All applications for electrical licenses shall be accompanied by the fifteen dollar (\$15) application fee; apprentice and specialty trainee registration forms shall be accompanied by the ten dollar (\$10) registration fee as provided by Section 54-1014, Idaho Code. (4-5-00)

03. Application Submission. An application for license shall be submitted to the Electrical Bureau and shall be approved by an authorized representative of the Bureau before any examination is given and before any license is issued. (4-5-00)

04. Examination. An applicant for licensure must take the required examination within ninety (90) days of the date of application, or the application shall be considered to be null and void. (4-5-00)

05. License. Following the approval by an authorized representative and the successful completion of the required examination, the applicant must purchase a license prior to engaging in business within the state of Idaho. Applicants who fail to purchase a license within ninety (90) days of the date of successful examination shall be required to reapply for licensure, again obtain the approval of an authorized representative, and re-examine. (4-5-00)

06. License Period. All original licenses and registrations shall be issued by the Division immediately upon receipt of the licensure fee and other necessary documentation from the applicant which date shall be designated as the original license anniversary date and signify the commencement of the licensing period. All license and registration renewals shall be effective in the year renewed as of the original license anniversary date. All license and registration periods shall end at midnight on the last day of the final month of the licensing or registration period. Licenses and registrations not renewed by this date shall have expired. Any expired license revived within the twelve (12) month period following the expiration date will continue to have the original license anniversary date for purposes of subsequent renewal. (7-1-09)T

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-0901
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2009.

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 54-1005, 54-1006, and 54-1008, 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 July 15, 2009.

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:

Section 54-1008, Idaho Code, requires that the Electrical Board promulgate rules providing for a staggered system of issuing and renewing licenses. Electrical Specialty Contractor licenses are currently all renewed on July 1 of each year and are not renewed through a staggered system throughout the year. Other electrical license categories are already issued and renewed in accordance with a staggered system; however, in order to comply with the statute, a rule providing for a staggered system of issuing and renewing licenses is required. The rule change clarifies that the licensure period commences as of the date of original issuance, and thereafter must be renewed during the month of the date of original issuance. The rule change further provides that the license expires on the last day of the renewal month, and that applicants have until the last day of their renewal month in which to renew the license, and provides that any license not renewed in the anniversary month, but revived within the subsequent 12-month period shall continue to have the original license anniversary date for the purposes of future renewals.

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 rule change confers a benefit upon individuals applying for or renewing Electrical Specialty Contractor licenses.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, 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: 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:

There will be a temporary negative fiscal impact to the agency as current specialty contractor licenses will be extended until the month of their original issuance date; but the impact will disappear after the first transitional year and will not represent a continuing adverse fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2009.

DATED this 26th day of May, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT OF DOCKET NO. 07-0104-0901

016. LICENSURE PERIOD AND ~~RENEWAL~~ FEES.

All original specialty licenses and registrations shall be issued by the Division immediately upon receipt of the licensure fee and other necessary documentation from the applicant which date shall be designated as the original license anniversary date and signify the commencement of the licensing period. All specialty license and registration renewals shall be effective in the year renewed as of the original license anniversary date. All license and registration periods shall end at midnight on the last day of the final month of the licensing or registration period. Specialty licenses and registrations not renewed by this date shall have expired. Any expired license revived within the twelve-month period following the expiration date will continue to have the original license anniversary date for the purposes of subsequent renewal. The license fee and renewal fee for each type of specialty license shall be as provided for by Section 54-1014, Idaho Code, for other journeyman licenses. ~~(7-9-84)~~(7-1-09)T

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.12 - RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

DOCKET NO. 07-0312-0901

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 8, 2009.

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 Section 44-2201, 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 July 15, 2009.

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:

The U.S. Department of Housing and Urban Development (HUD) recently promulgated federal installation standards for all new manufactured homes. HUD also approves Idaho's enforcement program as it relates to the installation of new manufactured homes. In order for Idaho to obtain HUD's continued approval of its installation enforcement program, HUD is requiring that all new manufactured homes be installed in accordance with its federal standards. HUD is also requiring the Idaho rules mandate that all new installations be in accordance with the manufacturer's HUD approved installation instructions. The rule changes provide that all new manufactured homes shall be installed in accordance with the manufacturer's approved instructions, as opposed to the current language which indicates they may be installed in accordance with manufacturer's instructions only when specifically required by the Idaho Manufactured Home Installation Standards.

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

The rule change is necessary to comply with deadlines in amendments to federal law.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, 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: 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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2009.

DATED this 27th day of May 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT OF DOCKET NO. 07-0312-0901

004. ADOPTION AND INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2004 edition), as adopted by the administrator, is hereby adopted and incorporated by reference into these rules. A current copy is available for review or copying at the office of the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642. ~~(3-20-04)~~(5-8-09)T

(BREAK IN CONTINUITY OF SECTIONS)

012. USE OF MANUFACTURERS' INSTALLATION INSTRUCTIONS.

Manufacturer's installation instructions may be used only where specifically permitted within Subsections 301.04 and 304.03 of the standards referenced in Section 004 of these rules. All new HUD manufactured homes shall be installed in accordance with the manufacturer's Design Approval Primary Inspection Agency (DAPIA) approved installation instructions. In any instance in which there is a conflict between the DAPIA installation instructions and the Idaho Manufactured Home Installation Standards, the DAPIA installation instructions shall supersede and serve as the controlling authority. All manufactured or mobile homes must be installed in accordance with all other applicable state laws pertaining to utility connection requirements. ~~(5-3-03)~~(5-8-09)T