

Dear Senators PATRICK, Guthrie, Ward-Engelking, and
Representatives BARBIERI, Clow, Smith:

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

IDAPA 07.01.05 - Rules Governing Examinations - Proposed Rule (Docket No. 07-0105-1801);

IDAPA 07.01.07 - Rules Governing Continuing Education Requirements - Proposed Rule (Docket
No. 07-0107-1801).

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 09/24/2018. 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 10/23/2018.

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 Research Analyst - Ryan Bush

DATE: September 7, 2018

SUBJECT: Division of Building Safety

IDAPA 07.01.05 - Rules Governing Examinations - Proposed Rule (Docket No. 07-0105-1801)

IDAPA 07.01.07 - Rules Governing Continuing Education Requirements - Proposed Rule (Docket No. 07-0107-1801)

1. IDAPA 07.01.05 - Rules Governing Examinations - Proposed Rule (Docket No. 07-0105-1801)

Summary and Stated Reasons for the Rule

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.05 - Rules Governing Examinations. This proposed rule revises the terms specialty journeyman electrician and specialty electrical contractor to limited electrical installer and limited electrical contractor. The rule also increases the required passing score for an electrical inspector examination from 70% to 75%.

Negotiated Rulemaking / Fiscal Impact

The Division states that negotiated rulemaking was conducted and that notice was published in the July edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Division in Sections 54-1005 and 54-1006, Idaho Code.

2. IDAPA 07.01.07 - Rules Governing Continuing Education Requirements - Proposed Rule (Docket No. 07-0107-1801)

Summary and Stated Reasons for the Rule

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.07 - Rules Governing Continuing Education Requirements. This proposed rule revises the continuing education requirements for electricians by allowing credit for attending meetings of the Idaho Electrical Board or meetings for negotiated rulemaking. The rule also revises the hour requirements for each 3-year licensing cycle and provides for code-related programs.

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 conducted and that notice was published in the July edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Division in Sections 54-1005 and 54-1006, Idaho Code.

cc: Division of Building Safety
Patrick Grace

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

Per the Idaho Constitution, all administrative rules must 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

07.01.05 – RULES GOVERNING EXAMINATIONS

DOCKET NO. 07-0105-1801

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 54-1003, 54-1005 and 54-1006, 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 19, 2018.

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:

Recent amendments to Title 54, Chapter 10, Idaho Code, updated terminology for electrical licensing and registration.

This rulemaking updates terminology for electrical licensing and registration in IDAPA 07.01.05. These updates align the terminology in IDAPA 07.01.05 with terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code.

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: N/A

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 July 4, 2018 Idaho Administrative Bulletin, [Vol. 18-7, pages 38-39](#).

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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

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 26, 2018.

Dated this 1st day of August, 2018.

Ron Whitney, Deputy Administrator – Administration
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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0105-1801
(Only Those Sections With Amendments Are Shown.)**

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Electrical Bureau, is in Meridian, Idaho. The office is located at 1090 E. Watertower Street, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Division of Building Safety, Electrical Bureau, 1090 E. Watertower Street, Meridian, Idaho 83642. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

~~0047.~~ -- 010. (RESERVED)

011. EXAMINATIONS.

The Electrical Board shall review and approve all versions of examinations prior to administration. (4-5-00)

01. Frequency of Conducting of Examinations. Examinations for all classifications under the Electrical Laws and Rules will be given a minimum of four (4) times each year in at least three (3) locations: One (1) to be in northern Idaho, one (1) to be in central Idaho, and one (1) to be in southern Idaho. The applicant will be notified in writing of the date, time, and location at which the examination will be given, following approval of the application. (4-5-00)

02. Professional Testing Services. In lieu of the administration by the Electrical Board of the examination for licenses pursuant to this rule, the Electrical Board may contract with a professional testing service to administer the examination and require license applicants to pay to the testing service the fee that they have set for the examination and to take such examination at the time set by such service. After taking such examination, an official copy of the test score shall be provided by the applicant to the Electrical Board before the license will be granted. If the examination is conducted in this fashion, the Electrical Board may charge and retain the application fee provided for by Section 54-1014, Idaho Code, to cover the cost of reviewing the applicant's application. (4-5-00)

03. Required Scores. The following scores are considered minimum for passing and are required to be achieved by the applicant prior to issuance of the appropriate license or certification.

Journeyman Electrician - 70%
Specialty Journeyman Electrician Limited Electrical Installer - 70%
Electrical Contractor - 75%
Specialty Limited Electrical Contractor - 70%
Electrical Inspector - 70 5%
Master Electrician - 75%

~~(5-8-09)~~()

04. Failed Examinations. (4-6-05)

- a. An applicant receiving less than a passing score on a first or second examination attempt may be reexamined. (3-29-12)
- b. Before being reexamined after failing an examination the third time, an applicant must: (4-6-05)
 - i. Wait until the expiration of one (1) year from the date of the failed third examination; or (4-6-05)
 - ii. Provide proof, satisfactory to the Electrical Board, of completion of a minimum of twenty-four (24) hours of Board-approved, related electrical training or continuing education since the date of the failed third examination. (4-6-05)
- c. Before being reexamined after any further failures, an applicant for reexamination must: (4-6-05)
 - i. Wait until the expiration of an additional one (1) year from the date of the failed examination; or (4-6-05)
 - ii. Provide proof, satisfactory to the Electrical Board, of completion of thirty-two (32) hours of Board-approved, related electrical training or continuing education since the date of the failed examination. (4-6-05)

IDAPA 07 – DIVISION OF BUILDING SAFETY
07.01.07 – RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS
DOCKET NO. 07-0107-1801
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 54-1003 and 54-1006, 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 19, 2018.

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:

The Idaho Electrical Board (Board) holds several regular meetings each year. In addition, the Board and Division of Building Safety 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 Board, the Board wants to allow licensees to obtain continuing education credit for attending meetings of the Board.

Further, IDAPA 07.01.07.011 requires journeymen and master electricians to complete twenty-four (24) hours of continuing education every three (3) years, including “eight (8) hours of code update . . . eight (8) hours of code-related training, and eight (8) hours of industry-related training.” IDAPA 07.01.07 does not define code-related programs. Additionally, industry members have expressed a desire not to be restricted to obtaining continuing education in certain categories other than code update.

This proposed rulemaking will allow licensees to obtain continuing education credit for attending meetings of the Board. This proposed rulemaking will also define code-related programs. This proposed rulemaking will also require journeymen and master electricians to obtain eight (8) hours of code update for every three (3) year cycle, but allow journeymen and master electricians to obtain the remaining sixteen (16) hours of their continuing education for every three (3) year cycle in any of the three (3) categories.

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: N/A

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 July 4, 2018 Idaho Administrative Bulletin, [Vol. 18-7, pages 42-43](#).

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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

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 26, 2018.

Dated this 1st day of August, 2018.

Ron Whitney, Deputy Administrator – Administration
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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0107-1801
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Electrical Bureau, is in Meridian, Idaho. The office is located at 1090 E. Watertower Street, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Division of Building Safety, Electrical Bureau, 1090 E. Watertower Street, Meridian, Idaho 83642. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

007. -- 010. (RESERVED)

011. CONTINUING EDUCATION REQUIREMENTS.

Journeyman and master electricians must complete at least twenty-four (24) hours of continuing education instruction in every three (3) year period between renewals of such licenses. The twenty-four (24) hours of instruction shall consist of eight (8) hours of code update covering changes included in the latest edition of the National Electrical Code, ~~eight (8)~~. The remaining sixteen (16) hours may consist of any combination of code-update training, code-related training, and eight (8) hours of or industry-related training. The Idaho Electrical Board will establish criteria for approval of instruction and instructors, and courses and instructors will be approved by the Division of Building Safety. Proof of completion of these continuing education requirements must be submitted to the Division of Building Safety prior to or with the application for license renewal by any such licensee in order to renew a journeyman or master electrician license for the code change year. (4-11-15)()

012. COURSE APPROVAL REQUIREMENTS.

Continuing education courses for electricians must cover technical aspects of the electrical trade. For example, courses related to such as management, supervision, business practices, personal computer skills, or first aid will not be approved. Courses will be approved as either code update, code related or industry related based on the criteria as defined in this section. (4-2-08)()

01. General Course Requirements. (4-2-08)

a. Courses must be at least four (4) hours in length. (4-2-08)

b. Courses must be taught by an instructor approved by the Division of Building Safety. (4-11-15)

c. The presentation should be delivered orally with the assistance of power point or other means of visual media. Pre-taped video or audio shall be held to a minimum. (4-2-08)

d. A course evaluation card shall be provided to all participants to evaluate course and presentation. The completed evaluation cards must be submitted to the Division of Building Safety. (4-11-15)

e. All programs are subject to audit by representatives of the Division of Building Safety or Idaho Electrical Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualifications are not met. (4-2-08)

f. Credit will not be given to a licensee who attended a course prior to that course being approved by the Division of Building Safety. (4-2-08)

02. Code-Update Programs. Code-update programs must cover changes to the National Electrical Code utilizing pre-approved materials such as the NFPA-IAEI Analysis of Changes. (4-2-08)

03. Code-Related Programs. Code-related programs must cover portions of NFPA 70 other than changes to the National Electrical Code. ()

034. Industry-Related Programs. Industry-related programs shall be technical in nature and directly related to the electrical industry. Electrical theory, application of the National Electrical Code, grounding, photovoltaic systems, programmable controllers, and residential wiring methods are examples of industry-related programs. (4-2-08)

045. Program Approval Procedures. (4-2-08)

a. Program approvals shall be effective for one (1) code cycle. Subsequent applications for the same program may incorporate by reference all or part of the original application. (4-2-08)

b. An application for course approval may be obtained from the Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. The application shall include: (4-11-15)

i. The title and general description of the program; (4-2-08)

ii. The name of the sponsor as it will appear on the completion certificate; (4-2-08)

iii. The address and contact person for the sponsor; (4-2-08)

iv. The names of the instructors and dates of approval by the Division of Building Safety or completed applications for the instructors; (4-2-08)

v. The hours of instruction to be presented – correspondence or on-line computer based courses must provide a minimum of twenty (20) questions to be answered by the student for each hour of credit requested for approval. For example four (4) hours of credit would require eighty (80) questions, eight (8) hours of credit would require one hundred and sixty (160) questions; (4-2-08)

vi. An outline of the program; (4-2-08)

vii. The cost of the program to the participant; (4-2-08)

viii. A schedule of classes, including locations, dates, and times; (4-2-08)

ix. A list or sample of materials to be used in the program; (4-2-08)

x. A copy of the quiz to be given to the participants, if applicable; (4-2-08)

xi. A copy or sample of the completion certificate; and (4-2-08)

xii. A copy of the evaluation card. (4-2-08)

- c. Certificates of Completion. Certificates of completion must contain the following: (4-2-08)
 - i. The date of the program; (4-2-08)
 - ii. The title of the program; (4-2-08)
 - iii. The location of the program; (4-2-08)
 - iv. The name of the sponsor; (4-2-08)
 - v. The number of hours of credit completed; (4-2-08)
 - vi. The name of the attendee; (4-2-08)
 - vii. The license number of the attendee; (4-2-08)
 - viii. The name of the instructor; and (4-2-08)
 - ix. The Idaho course approval number. (4-2-08)
 - d. Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division of Building Safety and must include the following: (4-2-08)
 - i. The date of the program; (4-2-08)
 - ii. The title of the program; (4-2-08)
 - iii. The location of the program; (4-2-08)
 - iv. The instructor's name; (4-2-08)
 - v. An evaluation of the course (for example: poor, fair, good, very good, excellent); and (4-2-08)
 - vi. An evaluation of the instructor's presentation skills. (4-2-08)
- 056. Appeals.** Appeals for courses that have been denied approval shall be submitted in writing and shall be presented to the Idaho Electrical Board within thirty (30) days for review. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) as an appeal from a final agency action in a contested case proceeding. (4-2-08)
- 067. Instructor Approval Procedures.** (4-2-08)
- a. Instructor approvals shall be effective for one (1) code cycle. (4-2-08)
 - b. An application for instructor approval may be obtained from the Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. Documentation of the instructor qualifications must be included with the instructor application. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following: (4-11-15)
 - i. Current and active master or journeyman electrician license; (4-2-08)
 - ii. An appropriate degree related to the electrical field; or (4-2-08)
 - iii. Other recognized experience or certification in the subject matter to be presented. (4-2-08)

c. Any person denied instructor approval may appeal to the Idaho Electrical Board within thirty (30) days. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) as an appeal from a final agency action in a contested case proceeding. (4-2-08)

078. Revocation of Approval. (4-2-08)

a. The Idaho Electrical Board may revoke, suspend, or cancel the approval of any continuing education program or instructor if the Idaho Electrical Board determines that the program or instruction does not meet the intent of furthering the education of electricians. Grounds for revocation of approval shall include, but not be limited to: (4-2-08)

i. Failure of the instructor to substantially follow the approved course materials; (4-2-08)

ii. Failure to deliver instruction for the full amount of time approved for the course; or (4-2-08)

iii. Substantial dissatisfaction with the instructor's presentation or the content of the course or materials by the class attendees or representatives of the Division of Building Safety or Idaho Electrical Board. (4-2-08)

b. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code), as an appeal from a final agency action in a contested case proceeding. (4-2-08)

089. Requirements for Credit. In order for a licensee to receive credit for attending a class, the following requirements must be met: (4-2-08)

a. The class must have prior approval by the Division of Building Safety or a state that is reciprocal with Idaho for continuing education; (4-11-15)

b. The instructors must be approved instructors for the program; (4-2-08)

c. The licensee must submit a copy of the certificate of completion to the Division of Building Safety; and (4-11-15)

d. The course provider must provide a roster of attendees to include the name, license number, and the number of hours to be credited. (4-2-08)

10. Board and Negotiated Rulemaking Meetings. Licensees may receive up to eight (8) hours of industry-related continuing education credits by attending eight (8) hours of board meetings or electrical negotiated rulemaking meetings. ()

0911. Schedule of Approved Classes. The Division of Building Safety shall publish a list of approved classes at a minimum of once a year. This list shall be forwarded to all states that are members of the continuing education reciprocal agreement and shall be made available to any licensee via the Division of Building Safety's website or by mail. (4-11-15)