

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 07.02.03 - Rules Governing Permit Fee Schedule (Chapter Repeal) - Proposed Rule (Docket  
No. 07-0203-1902);

IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections (Chapter Repeal) - Proposed Rule  
(Docket No. 07-0204-1901);

IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing - Proposed Rule (Docket No.  
07-0205-1901);

IDAPA 07.02.07 - Rules Governing Civil Penalties (Chapter Repeal) - Proposed Rule (Docket No.  
07-0207-1901).

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 08/16/2019. 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 09/13/2019.

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:** July 30, 2019

**SUBJECT:** Division of Building Safety

IDAPA 07.02.03 - Rules Governing Permit Fee Schedule (Chapter Repeal) - Proposed Rule (Docket No. 07-0203-1902)

IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections (Chapter Repeal) - Proposed Rule (Docket No. 07-0204-1901)

IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing - Proposed Rule (Docket No. 07-0205-1901)

IDAPA 07.02.07 - Rules Governing Civil Penalties (Chapter Repeal) - Proposed Rule (Docket No. 07-0207-1901)

#### **Summary and Stated Reasons for the Rule**

The Division of Building Safety submits notice of proposed rulemaking for IDAPA 07. The Division is repealing three chapters of rules (07.02.03, 07.02.04 and 07.02.07) in accordance with the Governor's Red Tape Reduction Act and moving portions of these chapters into 07.02.02. The Division is also clarifying a portion of chapter 07.02.05 relating to expiration of certificates of competency that conflicts with statute.

#### **Negotiated Rulemaking / Fiscal Impact**

The Division states that negotiated rulemaking was not conducted because the rule changes are simple in nature and being done pursuant to an executive order. There is no fiscal impact associated with this rulemaking.

#### **Statutory Authority**

The proposed rule changes appear to be within the statutory authority granted to the Division in Section 54-2606, Idaho Code.

cc: Division of Building Safety  
Patrick Grace

\*\*\* PLEASE NOTE \*\*\*

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

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**  
**07.02.03 – RULES GOVERNING PERMIT FEE SCHEDULE**  
**DOCKET NO. 07-0203-1902 (CHAPTER REPEAL)**  
**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 Section 54-2606, 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 17, 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 is needed to comply with the Red Tape Reduction Act (Executive Order 2019-02). IDAPA Chapter 07.02.03 is being repealed, and certain of the repealed rules are being moved into IDAPA 07.02.02. This rulemaking also eliminates and simplifies provisions in these rules.

**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 funds. This rulemaking will not change the way the Division enforces these rules.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature, repealing and consolidating rules and eliminating and simplifying provision in the rules pursuant to the Red Tape Reduction Act (Executive Order 2019-02).

**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 John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at [john.nielsen@dbs.idaho.gov](mailto:john.nielsen@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 July 24, 2019.

Dated this 7th day of June, 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](mailto:ron.whitney@dbs.idaho.gov)

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.02.04 – RULES GOVERNING PLUMBING SAFETY INSPECTIONS**  
**DOCKET NO. 07-0204-1901 (CHAPTER REPEAL)**  
**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 Section 54-2606, 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 17, 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 is needed to comply with the Red Tape Reduction Act (Executive Order 2019-02). IDAPA Chapter 07.02.04 is being repealed, and certain of the repealed rules are being moved into IDAPA 07.02.02. This rulemaking also eliminates and simplifies provisions in these rules.

**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 funds. This rulemaking will not change the way the Division enforces these rules.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature, repealing and consolidating rules and eliminating and simplifying provision in the rules pursuant to the Red Tape Reduction Act (Executive Order 2019-02).

**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 John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at [john.nielsen@dbs.idaho.gov](mailto:john.nielsen@dbs.idaho.gov).

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**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.02.05 – RULES GOVERNING PLUMBING SAFETY LICENSING**  
**DOCKET NO. 07-0205-1901**  
**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 Section 54-2606, 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 17, 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:

Subparagraph 07.02.05.016.03.b. conflicts with Section 54-2617(3), Idaho Code. This proposed rulemaking aligns the rule with the statute, allowing revival of a lapsed plumbing license without examination within two years of the lapse. This proposed rulemaking also eliminates and simplifies provisions in IDAPA 07.02.05 to comply with the Red Tape Reduction Act (Executive Order 2019-02).

**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 May 1, 2019 Idaho Administrative Bulletin, [Vol. 19-5, pages 49 through 50](#).

**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 John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at [john.nielsen@dbs.idaho.gov](mailto:john.nielsen@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 July 24, 2019.

Dated this 7th day of June, 2019.

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0205-1901**  
**(Only Those Sections With Amendments Are Shown.)**

**016. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION, REVIVAL -- FEES.**

**01. Issuance.** Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birthdate of the individual to whom the certificate is issued and allows for renewals every three (3) years. (4-6-05)

**a.** Certificates of competency will be issued for a period of no less than one (1) year and no more than three (3) years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1) but whose birthday will not occur until March of year two (2) will be issued a certificate of competency renewable on the anniversary of the applicant's birthdate. (4-6-05)

**b.** The fee for issuance of certificates of competency will be prorated based on the number of months for which it is issued. (4-6-05)

**02. Renewal.** Certificates of competency will be renewed in such a manner as will achieve a staggered system of certificate renewal using the birthdate of the individual to whom the certificate is issued as the expiration date. (4-6-05)

**a.** Certificates of competency will be renewed for a period of no less than one (1) year and no more than three (3) years. (4-6-05)

**b.** The fee for renewal of certificates of competency will be prorated based on the number of months for which it is issued. (4-6-05)

**c. Continuing Education.** The Idaho Plumbing 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 the following continuing education requirements must be submitted to the Division prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license. (3-29-12)

**i.** Journeymen must complete eight (8) hours of continuing education for every three-year license cycle, or complete an exam administered by the Division. Of the required eight (8) hours, four (4) hours must be plumbing code update related and the other four (4) hours may be industry related training. (3-29-10)

**ii.** Contractors must complete sixteen (16) hours of continuing education for every three-year license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable. (3-29-10)

**03. Expiration - Revival.** (4-6-05)

~~**a.** Certificates that are not timely renewed will expire.~~ (4-6-05)

**ba.** A certificate that has expired may be revived within ~~twelve (12) months of its expiration~~ in accordance with Section 54-2617(3), Idaho Code, by submitting a completed application and ~~paying the same fee as for an initial certificate and~~ meeting all other certification requirements. (4-6-05)(    )

**eb.** Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birthdate of the applicant to achieve a staggered system of renewal. (4-6-05)

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.02.07 – RULES GOVERNING CIVIL PENALTIES**

#### **DOCKET NO. 07-0207-1901 (CHAPTER REPEAL)**

#### **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 Section 54-2606, 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 17, 2019.

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

This rulemaking is needed to comply with the Red Tape Reduction Act (Executive Order 2019-02). IDAPA Chapter 07.02.07 is being repealed, and certain of the repealed rules are being moved into IDAPA 07.02.02. This rulemaking also eliminates and simplifies provisions in these rules.

**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 funds. This rulemaking will not change the way the Division enforces these rules.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature, repealing and consolidating rules and eliminating and simplifying provision in the rules pursuant to the Red Tape Reduction Act (Executive Order 2019-02).

**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 John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at [john.nielsen@dbs.idaho.gov](mailto:john.nielsen@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 July 24, 2019.

Dated this 7th day of June, 2019.

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