

***ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE***

***ADMINISTRATIVE RULES REVIEW***

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***2014 Legislative Session***

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## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS**

#### **DOCKET NO. 24-0501-1302 (FEE RULE)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-2406, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 332 through 334](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2407, Idaho Code.

As authorized by 54-2407, Idaho Code Rule 200 is being amended to provide that the examination fees shall not be greater than those charged by the examination provider and to reduce the endorsement fee, original license fee, and annual renewal fee from \$35 to \$30.

**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:

The fee section changes will result in an annual reduction of approximately \$19,280.00 in the board's dedicated fund, based on the current number of licensed operators and the number of applications received last year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at 208-334-3233.

DATED this 28th day of October, 2013.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
Phone: 208-334-3233  
Fax: 208-334-3945

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED FEE 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 54-2406, 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 October 16, 2013.

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 Board is reducing its fees in an effort to reduce its dedicated fund balance and to convey a benefit to licensees and applicants. The Board is adding language to its exam fee section to equalize the fee for on-line and written exams in order to provide flexibility in processing exams. The education qualification for very small water and very small wastewater system licenses is being amended to allow more training opportunities for the applicants.

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

Rule 200 is being amended to provide that the examination fees shall not be greater than those charged by the examination provider and to reduce the endorsement fee, original license fee, and annual renewal fee from \$35 to \$30.

**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:

The fee section changes will result in an annual reduction of approximately \$19,280.00 in the board's dedicated fund, based on the current number of licensed operators and the number of

applications received last year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed revisions to the fee rule are simple in nature, confer a benefit to the licensees and applicants, and were discussed in open, noticed meetings of the Board. No opposition to this proposed fee reduction is anticipated.

**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 Cherie Simpson at 208 334-3233.

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 October 23, 2013.

DATED this 23rd day of August, 2013.

### LSO Rules Analysis Memo

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-0501-1302**

**200. FEES FOR EXAMINATION AND LICENSURE (RULE 200).**

The fees for each license type and classification shall be as follows: (3-24-05)

**01. Application Fee.** Application fee -- twenty-five dollars (\$25). (3-24-05)

**02. Examination Fee.** The examination fees shall not be greater than those fees charged by the Association of Boards of Certification (ABC) or other approved examination provider. Fees paid by applicants approved for a scheduled examination are not refundable. New examination fees are required for each scheduled additional examination. (3-21-12)( )

**03. Endorsement Fee.** Endorsement fee -- thirty-five dollars (\$350). (3-29-10)( )

**04. Original License Fee.** Original license fee -- thirty-five dollars (\$350). (3-29-10)( )

**05. Annual Renewal Fee.** Annual renewal fee -- thirty-five dollars (\$350). (3-29-10)( )

- 06. Reinstatement Fees.** Reinstatement fee -- twenty-five dollars (\$25). (3-24-05)
- 07. Refund of Fees.** No refund of fees shall be made to any person who has paid such fees for application. (3-21-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**315. REQUIREMENTS FOR A VERY SMALL WATER SYSTEM LICENSE (RULE 315).**

To qualify for a Very Small Water System license an operator must meet the following requirements: (3-21-12)

- 01. Education.** Possess a high school diploma or GED and; (3-21-12)
- 02. Experience.** Document eighty-eight (88) hours of acceptable on-site operating experience at a water system; and (3-21-12)
- a.** Complete an approved six-hour water treatment course or an approved six-hour chlorination course or a combination of said approved courses equaling six (6) hours; and  
(~~3-21-12~~)( )
- b.** Complete an approved six-hour water distribution course; and (3-21-12)
- 03. Examination.** Pass the relevant very small water system examination. (3-21-12)

**316. -- 319. (RESERVED)**

**320. REQUIREMENTS FOR A VERY SMALL WASTEWATER SYSTEM LICENSE (RULE 320).**

To qualify for a Very Small Wastewater System license, an operator must meet the following requirements: (3-21-12)

- 01. Education.** Possess a high school diploma or GED; and (3-21-12)
- 02. Experience.** Document fifty (50) hours of acceptable on-site operating experience at a wastewater collection system; and (3-21-12)
- a.** Fifty (50) hours of acceptable relevant on-site operating experience at a wastewater treatment system or lagoon; and (3-21-12)
- b.** Complete an approved six-hour pumps and motors course or an approved six-hour collection course or a combination of said approved courses equaling six (6) hours; and  
(~~3-21-12~~)( )

c. Complete an approved six-hour lagoon operation and maintenance course; or an approved six-hour large soil absorption system course or an approved six-hour wastewater treatment course or a combination of said approved courses equaling six (6) hours; and  
~~(3-21-12)~~( )

**03. Examination.** Pass the relevant lagoon examination. (3-21-12)