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Idaho State Legislature

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MEMORANDUM

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

FROM: Senior Legislative Research Analyst - Ryan Bush

DATE: September 30, 2014

SUBJECT: Division of Building Safety

IDAPA 07.01.03 - Rules of Electrical Licensing and Registration - Proposed Rule (Docket No. 07-0103-1401)

IDAPA 07.01.07 - Rules Governing Continuing Education Requirements - Proposed Rule (Docket No. 07-0107-1401)

IDAPA 07.01.11 - Rules Governing Civil Penalties - Proposed Rule (Docket No. 07-0111-1401)

IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections - Proposed Rule (Docket No. 07-0204-1401)

IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing - Proposed Rule (Docket No. 07-0205-1401)

IDAPA 07.02.06 - Rules Concerning Idaho State Plumbing Code - Proposed Rule (Docket No. 07-0206-1401)

IDAPA 07.03.01 - Rules of Building Safety - Proposed Rule (Docket No. 07-0301-1401)

IDAPA 07.03.01 - Rules of Building Safety - Temporary and Proposed Rule (Docket No. 07-0301-1402)

(1) 07.01.03 - Rules of Electrical Licensing and Registration - Proposed Rule (Docket No. 07-0103-1401)

The Division of Building Safety and Idaho Electrical Board submit notice of proposed rulemaking at IDAPA 07.01.03 - Rules of Electrical Licensing and Registration. The Division states that this rule is being done in response to individuals who are licensed as electricians in other jurisdictions and come to Idaho and obtain apprentice registrations for a single job. The Division states that this prevents Idaho apprentice electricians from filling these positions. This rule requires anyone who is or has been licensed in another jurisdiction to disclose their licensure history and prevents such people from obtaining an apprentice registration.

The Division states that negotiated rulemaking was not conducted because the change was discussed at several Board meetings with input from stakeholders and interested parties. There is no fiscal impact associated with this rulemaking.

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

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(2) 07.01.07 - Rules Governing Continuing Education Requirements - Proposed Rule (Docket No. 07-0107-1401)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.07 - Rules Governing Continuing Education Requirements. This rulemaking revises terminology by replacing "Electrical Bureau" with "Division of Public Safety" and revises continuing education requirements. Specifically, this rule reduces the amount of continuing education hours related to the National Electrical Code from eight to sixteen and ties all continuing education to license renewal instead of updates to the Code. The Division states that these requirements are more in line with other states and less restrictive.

The Division states that negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

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

(3) 07.01.11 - Rules Governing Civil Penalties - Proposed Rule (Docket No. 07-0111-1401)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.11 - Rules Governing Civil Penalties. This rulemaking imposes a civil penalty for failure to disclose required information on any electrical license application, specifically licensure history and previous licensure in another jurisdiction. The penalty is two hundred dollars (\$200) for a first offense and one thousand dollars (\$1,000) for each subsequent offense.

The Division states that negotiated rulemaking was not conducted because the change was discussed at several Board meetings with input from stakeholders and interested parties. There is no fiscal impact associated with this rulemaking.

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

(4) 07.02.04 - Rules Governing Plumbing Safety Inspections - Proposed Rule (Docket No. 07-0204-1401)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections. This rulemaking revises reference to the "Cross Connection Control Manual" from the 6th Edition to the 7th Edition. The Division states that this manual is the standard by which all plumbing cross connection and backflow prevention devices must be installed.

The Division states that negotiated rulemaking was not conducted because the change was discussed at several Board meetings with input from stakeholders and interested parties. There is no fiscal impact associated with this rulemaking.

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

(5) 07.02.05 - Rules Governing Plumbing Safety Licensing - Proposed Rule (Docket No. 07-0205-1401)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The Division states that the proposed rule more clearly establishes the schooling and work experience requirements necessary to obtain a plumbing journeyman certificate of competency and more clearly establishes the work experience requirements necessary to obtain a plumbing contractor

license. This rulemaking also provides specifically for out-of-state journeyman applications and out-of-state contractor applications and more clearly aligns such applications with those from in-state.

The Division states that negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

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

(6) 07.02.06 - Rules Concerning Idaho State Plumbing Code - Proposed Rule (Docket No. 07-0206-1401)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.06 - Rules Concerning Idaho State Plumbing Code. This rulemaking revises several provisions for the use of various materials in pipes, fittings and building drains. This rulemaking also eliminates the requirements to test a shower pan for water tightness, to use a device in tubs that limits the maximum temperature and to anchor water heaters in place due to earthquakes. The Division states that this allows contractors and property owners greater flexibility in installation and eliminates unnecessary cost and expense.

The Division states that negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

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

(7) 07.03.01 - Rules of Building Safety - Proposed Rule (Docket No. 07-0301-1401)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety. The Division states that this rulemaking reinstates an exemption for building permits for fences not over seven feet in height, revises residential exterior wall fire resistance ratings and fire separation distances and amends a provision requiring residential mechanical ventilation to ensure the exchange of air and creates an exemption for such ventilation.

The Division states that negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Sections 39-4107 and 39-4109, Idaho Code.

(8) 07.03.01 - Rules of Building Safety - Temporary and Proposed Rule (Docket No. 07-0301-1402)

The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety. This rulemaking correctly establishes the maximum guestroom amount at five rooms instead of three which was submitted last year in error. The Division states that this will allow owner-occupied lodging house occupancies (bed and breakfasts) with five or fewer guestrooms to be constructed or remodeled in accordance with the residential code instead of the commercial building code.

The Division states that negotiated rulemaking was not conducted because this rule was negotiated in 2014 and is now being resubmitted with a correction to a textual error. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Sections 39-4107 and 39-4109, Idaho Code.

cc: Division of Building Safety
Steve Keys