



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:** Legislative Research Analyst - Elizabeth Bowen

**DATE:** October 19, 2015

**SUBJECT:** Bureau of Occupational Licenses

IDAPA 24.00.01 - Licensing Boards Served by the Bureau of Occupational Licenses (Fee Rule) - Proposed Rule (Docket No. 24-0001-1500)

IDAPA 24.12.01 - Rules of the Idaho State Board of Psychologist Examiners (Fee Rule) - Proposed Rule (Docket No. 24-1201-1501)

IDAPA 24.21.01 - Rules of the Idaho State Contractors Board (Fee Rule) - Proposed Rule (Docket No. 24-2101-1501)

IDAPA 24.24.01 - Rules of the Genetic Counselors Licensing Board (New Chapter - Fee Rule) - Proposed Rule (Docket No. 24-2401-1501)

On behalf of several professional boards, the Bureau of Occupational Licenses submits notice of proposed rulemaking at IDAPA 24.00.01, 24.12.01, 24.21.01, and 24.24.01.

#### 24.00.01

This rule conforms the license renewal processes of eight professional boards to the provisions of Section 67-2614, Idaho Code, which was amended during the 2015 session. This rule will increase the license reinstatement fee from \$25 to \$35 for five boards, will have no effect for one board, and will reduce the fee for the two remaining boards from \$75 and \$50 to \$35. Negotiated rulemaking was not conducted, but each board discussed the changes at noticed, open meetings. There is no anticipated impact on the state general fund. The Bureau states that this rulemaking is authorized pursuant to the following sections of Idaho Code: 67-2614 (Bureau of Occupational Licenses), 54-2406 (Drinking Water and Wastewater Professionals), 54-3717 (Occupational Therapists), 54-3003 (Landscape Architects), 54-2206 (Physical Therapists), 54-4106 (Real Estate Appraisers), 54-5310 (Liquid Petroleum Gas Dealers), 54-5403 (Driving Businesses), and 54-4007 (Massage Therapists).

#### 24.12.01

This rule for the Board of Psychologists Examiners incorporates by reference a code of conduct adopted by its national association. It also reduces various fees and updates the license reinstatement fee to conform to Section 67-2614, Idaho Code. Finally, the rule clarifies provisions relating to continuing education. Negotiated rulemaking was not conducted, but the changes were discussed in noticed, open meetings of the Board. The

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Budget & Policy Analysis

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rule will reduce the Board's dedicated funds, but there is no anticipated impact on the state general fund. The Bureau states that this rulemaking is authorized pursuant to Section 54-2305, Idaho Code.

#### 24.21.01

This rule for the State Contractors Board increases application, reciprocal, renewal, and reinstatement fees in order to allow the Board's revenues to equal its expenses. There is no anticipated impact on the state general fund, but this rule is expected to annually increase the Board's dedicated fund by \$156,020. Negotiated rulemaking was not conducted, but the changes were discussed in noticed, open meetings of the Board. The Bureau states that this rulemaking is authorized pursuant to Section 54-5207, Idaho Code.

#### 24.24.01

This rule implements the provisions of Chapter 56, Title 54, Idaho Code, relating to licensure of genetic counselors. Senate Bill 1080, enacted during the 2015 session, created the Genetic Counselors Licensing Board. This rule sets out the operations of the board, creates an application process, imposes fees and requirements for licensure, and provides for professional discipline, among other provisions. Negotiated rulemaking was not conducted; however, this rule was discussed during noticed, open meetings of the Board. The Bureau states that this rulemaking is authorized pursuant to Section 54-5607, Idaho Code.

cc: Bureau of Occupational Licenses  
Tana Cory

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: BUREAU OF OCCUPATIONAL LICENSES

Agency Contact: Cherie Simpson Phone: 208 334-3233

Date: September 14, 2015

IDAPA, Chapter and Title Number and Chapter Name:

24.XX.01 – RULES

Fee Rule Status:  Proposed  Temporary

Rulemaking Docket Number: 24-XXX-1501

### STATEMENT OF ECONOMIC IMPACT:

This rule will increase the reinstatement fee for seven (7) boards from \$25 to \$35, will have no effect on one (1) board, and will reduce the fee for two (2) other boards from \$75 and \$50 to \$35. The number of annual renewal fees collected will be capped at just one (1) rather than one (1) for each year that a license is expired. It is expected that the higher reinstatement fees will be offset by the lower reinstatement fees and the fact that multiple renewal fees will no longer be collected.

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: BUREAU OF OCCUPATIONAL LICENSES

Agency Contact: Tana Cory Phone: 208 334-3233

Date: September 10, 2015

IDAPA, Chapter and Title Number and Chapter Name:

24.12.01 – Rules of the Idaho State Board of Psychologist Examiners

Fee Rule Status:  Proposed  Temporary

Rulemaking Docket Number: 24-1201-1501

### STATEMENT OF ECONOMIC IMPACT:

This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$19,825.00.

Rule 150 is being amended to decrease the annual renewal fee from \$300 to \$250; the annual renewal fee for inactive license from \$150 to \$125; original application for licensure by exam from \$200 to \$150; original application for licensure by endorsement from \$300 to \$250; and to change the reinstatement fee from \$25 to be in accordance with Section 67-2614, Idaho Code.

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: BUREAU OF OCCUPATIONAL LICENSES

Agency Contact: Tana Cory Phone: 208 334-3233

Date: September 10, 2015

IDAPA, Chapter and Title Number and Chapter Name:

24.21.01 – RULES OF THE IDAHO STATE CONTRACTORS BOARD

Fee Rule Status:  Proposed  Temporary

Rulemaking Docket Number: 24-2101-1501

### STATEMENT OF ECONOMIC IMPACT:

The rule change will result in an annual increase of approximately \$156,020.00 in the Board's dedicated fund, based on the current number of licensees and an estimate of original applications received in a year. Rule 175 is being amended in accordance with 54-5210 and 54-5211, Idaho Code, to increase the application fee from \$30 to \$35; the reciprocal fee from \$25 to \$35; the renewal fee from \$25 to \$35; and the reinstatement fee from \$25 to \$35.

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: BUREAU OF OCCUPATIONAL LICENSES

Agency Contact: Tana Cory Phone: 208 334-3233

Date: September 10, 2015

IDAPA, Chapter and Title Number and Chapter Name:

24.24.01 – Rules of the Idaho Genetic Counselors License Board

Fee Rule Status:  Proposed  Temporary

Rulemaking Docket Number: 24-2401-1501

### STATEMENT OF ECONOMIC IMPACT:

The proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Genetic Counselors Licensing board to administer the act. Since all self-governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

The proposed rules establish the following fees: application fee of \$500; original license fee of \$500; annual renewal fee of \$500; provisional license fee of \$500; endorsement fee of \$500; and duplicate license fee of \$10.