

IDAPA 07 – DIVISION OF BUILDING SAFETY

DOCKET NO. 07-0000-1900F

NOTICE OF OMNIBUS RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the Legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) of Idaho Code:

I.C. § 39-4112	I.C. § 44-2107	I.C. § 54-2607	I.C. § 55-2203
I.C. § 39-4113	I.C. § 54-1005	I.C. § 54-1907	I.C. § 55-2211
I.C. § 39-4303	I.C. § 54-1006	I.C. § 54-4510	I.C. § 67-2601A
I.C. § 39-8605	I.C. § 54-2605	I.C. § 54-5017	
I.C. § 44-2103	I.C. § 54-2606	I.C. § 54-5022	

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 fee rule and the text of the pending fee rule with an explanation of the reasons for the change.

This pending fee rule adopts and re-publishes the following existing and previously approved and codified chapter(s) under IDAPA 07, rules of the Division of Building Safety:

- 07.02.02, Rules Governing Plumbing Permits (renamed Rules Governing Plumbing);
- 07.03.01, Rules of Building Safety;
- 07.03.03, Rules for Modular Buildings;
- 07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing;
- 07.03.12, Rules Governing Manufactured or Mobile Home Installations;
- 07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks;
- 07.05.01, Rules of the Public Works Contractors License Board;
- 07.07.01, Rules Governing Installation of Heating, Ventilation; and Air Conditioning Systems, Division of Building Safety; and
- 07.10.01, Rules Governing the Damage Prevention Board

This pending fee rule allows the following existing and previously approved and codified or proposed fee chapter(s) under IDAPA 07, rules of the Division of Building Safety to expire:

- 07.01.02, Rules Governing Fees for Electrical Permits and Inspections;
- 07.01.03, Rules of Electrical Licensing and Registration – General;
- 07.01.11, Rules Governing Civil Penalties;
- 07.02.03, Rules Governing Permit Fee Schedule; and
- 07.02.07, Rules Governing Civil Penalties.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the June 19, 2019 Idaho Administrative Bulletin (Special Edition), Vol. 19-6SE, pages (923-1025).

Amendments to the chapters identified in this notice were made to consistent with executive orders 2019-01 and 2019-02 related to the Licensing Freedom Act and the Red Tape Reduction Act. Amendments made to the rulemakings included revision to eliminate unnecessary, outdated, or duplicative rule provisions, or to simplify or reformat (consolidate) rules.

Specifically, IDAPA chapters 07.01.02 – Rules Governing Fees for Electrical Permits and Inspections, 07.01.03 – Rules of Electrical Licensing and Registration – General, and 07.01.11 – Rules Governing Civil Penalties were allowed to expire and consolidated into a new, renamed chapter 07.01.01 – Rules of the Idaho Electrical Board. The proposed rules for that rulemaking are contained in docket number 07-0101-1901, published in the Idaho Administrative Bulletin, September 4, 2019 – Vol. 19-9, pages (132-154). Further, IDAPA chapters 07.02.03 – Rules Governing Permit Fee Schedule and 07.02.07 – Rules Governing Civil Penalties were allowed to expire and consolidated into a renamed chapter 07.02.02 – Rules Governing Plumbing. Additionally, former IDAPA chapters 07.02.05 at subsection 016.03 was revised to align it with I.C. § 54-2617(3); and 07.02.03 at subsection 011.02 was amended to identify a fee for modular and manufactured home inspections. Those changes can be found in the renamed 07.02.02 – Rules Governing Plumbing at subsections 207.03 and 102.02, respectively.

The Division of Building Safety rules are necessary to ensure that properly qualified persons continue to practice in the professions over which the Division exercises regulatory authority, and that the installations made in the various trades and professions related thereto, and other applicable construction work, is performed safely and in accordance with laws, codes, standards, and processes that protect the safety and welfare of the public.

The fee or charge imposed by the rule(s) is necessary to avoid immediate danger. The fee(s) or charge(s) reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state’s obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho’s constitutional requirement that it balance its budget. All Division programs that are covered by this notice operate from statutorily created dedicated funds that provide for the licensing of persons within the respective professions, as well as the inspection of such installations and/or administration of such programs by the Division. All of these operations require the collection of certain fees to ensure compliance with applicable standards and to protect the health and safety of the public.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. All fees contained in rule chapters covered by this notice relate to licensing and related administrative fees, fees to perform inspections on various types of construction installations, or the assessment of civil penalties for non-compliance with applicable statutes. This fee or charge is being imposed pursuant to the following sections of Idaho Code:

I.C. § 39-4004	I.C. § 44-2103	I.C. § 54-2607	I.C. § 54-5006
I.C. § 39-4107	I.C. § 44-2107	I.C. § 54-2623	I.C. § 54-5017
I.C. § 39-4112	I.C. § 44-2202	I.C. § 54-1907	I.C. § 54-5022
I.C. § 39-4113	I.C. § 54-1005	I.C. § 54-1910	I.C. § 55-2203
I.C. § 39-4303	I.C. § 54-1006	I.C. § 54-1912	I.C. § 55-2211
I.C. § 39-8605	I.C. § 54-1013	I.C. § 54-4510	I.C. § 67-2601A
I.C. § 39-8616	I.C. § 54-2606	I.C. § 54-5005	

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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending

rule, contact Patrick Grace, Regional Manager at 208-332-7120.

DATED this _____ day of October, 2019.

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