



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 Research Analyst - Ryan Bush

DATE: October 5, 2016

SUBJECT: Division of Building Safety

IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1601)

IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventillation, and Air Conditioning Systems, Division of Building Safety - (Fee Rule) Proposed Rule (Docket No. 07-0701-1602)

(1) Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety. The Division is updating its incorporation by reference of the International Mechanical Code to differentiate between light-duty and medium-duty cooking appliances. The Division states that this is to ease requirements for pizza ovens. This proposed rule also allows the Division to produce written interpretations of rules.

The Division states that negotiated rulemaking was conducted and that notice was published in the June edition of the Idaho Administrative Bulletin, Vol. 16-6, pages 18-19. There is no fiscal impact anticipated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 54-5005, Idaho Code.

(2) Rules Governing Installation of Heating, Ventillation, and Air Conditioning Systems, Division of Building Safety - (Fee Rule) Proposed Rule (Docket No. 07-0701-1602)

The Division of Building Safety submits notice of a proposed fee rule at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety - (Fee Rule). The proposed rule would allow an out of state HVAC journeyman to obtain a certificate of competency if they meet certain experience and schooling requirements. This rule would also allow a permit holder to receive a refund of a permit fee obtained in error and allow for the transfer of a permit along with a forty-five (\$45) dollar fee.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The Division states that negotiated rulemaking was not conducted because the rule change is simple in nature. There is no fiscal impact anticipated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 54-5005, Idaho Code.

cc: Division of Building Safety
Steve Keys

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

DIVISION OF BUILDING SAFETY
IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air
Conditioning Systems, Division of Building Safety
Proposed Rulemaking - Docket No. 07-0701-1601

The formerly adopted and incorporated by reference International Mechanical Code, 2012 Edition, is being amended. Currently, electric and gas conveyer pizza ovens are defined as a Medium-Duty Cooking Appliance which requires the installation of a Type I hood. These pizza ovens do not produce enough smoke and grease to justify a Type I hood. Accordingly, by moving pizza ovens out of the definition of Medium-Duty Cooking Appliance into the definition of Light-Duty Cooking Appliance they would only require a Type II hood to be installed, which is less expensive and less restrictive than a Type I hood. Additionally, some manufacturers are already selling the ovens with Type II hoods as a single unit, which would not be allowed under the current 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: Division of Building Safety

Agency Contact: Steve Keys, Deputy Administrator - Operations **Phone:** (208) 332-8986

Date: Aug 15, 2016

IDAPA, Chapter and Title Number and Chapter Name: IDAPA 07.07.01 – Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety

Fee Rule Status: **Proposed** **Temporary**

Rulemaking Docket Number: Docket No. 07-0701-1602

STATEMENT OF ECONOMIC IMPACT:

The economic impact of the fee itself to the Division and the HVAC dedicated fund is expected to be neutral inasmuch as the fee imposed by the Division for administering the transfer of a HVAC permit to a new permit holder is expected to cover the administrative costs to the Division in processing the request. The effect of the fee would only have a negligible adverse effect on the dedicated HVAC Board fund due to a slight decrease in fees previously paid for new permits that will no longer be required. The impact to the permit holder desiring to transfer a permit would be a one-time fee of forty-five dollars (\$45); however, the fee is expected to be significantly less expensive than securing an entirely new HVAC permit.