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Legislative Services Office 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: Deputy Division Manager - Eric Milstead
DATE: October 15, 2013
SUBJECT: Division of Building Safety

IDAPA 07.01.06 - Rules Pertaining To The Rules Governing the Use of National Electrical Code (Docket No. 07-0106-1301)

IDAPA 07.01.10 - Rules Pertaining To The Rules Governing Certification & Approval of Electrical Products & Materials (Docket No. 07-0110-1301)

IDAPA 07.05.01 - Rules Pertaining To The Rules of the Public Works Contractors License Board (Docket No. 07-0501-1301)

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation, & Air Conditioning Systems (Docket No. 07-0701-1301)

1. IDAPA 07.01.06 - Rules Pertaining To The Rules Governing the Use of National Electrical Code (Docket No. 07-0106-1301).

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.06 -- Rules Governing the Use of National Electrical Code. The proposed rule adopts the 2014 edition of the National Electrical Code with several amendments. The amendments reflected in the proposed rule relate to circuits and receptacles located near sinks, in laundry rooms and kitchens and on decks and porches. (See Rule Section 011.01.a. through d.) Also, the Division notes that the proposed rule eliminates previous amendments to certain bonding requirements which have been adequately addressed in the 2014 edition of the National Electric Code. (See, Rule Section 011.01.f.)

The Division states that the proposed rule reflects negotiated rulemaking and the collaborative effort of members of the electrical industry, local building officials, code development officials, board members and other stakeholders.

The Division's proposed rule appears to be authorized pursuant to sections 54-1001 and 54-1006, Idaho Code.

2. IDAPA 07.01.10 - Rules Pertaining To The Rules Governing Certification & Approval of Electrical Products & Materials (Docket No. 07-0110-1301)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.10 -- Rules Governing Certification and Approval of Electrical Products and Materials. The proposed rule revises provisions

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relating to the certification and approval of electrical products and materials. Specifically, the changes revise provisions relating to testing laboratories used to test certain electrical products and materials. (See Rule Section 011.01.) The proposed rule also provides new language allowing and governing the use of field evaluations of certain electrical equipment. (See Rule Section 011.02. and 03.)

The Division states that formal negotiated rulemaking was not conducted but the change found in the proposed rule was an agenda topic at six different meetings of the Electrical Board over a two year period. The Division states that the Board believed that all stakeholders and interested parties were recognized and had opportunity to participate in the "adoption process." The Division does note, however, that not all stakeholders favored adoption of the rule revisions.

The Division's proposed rule appears to be authorized pursuant to sections 54-1001 and 54-1006, Idaho Code.

3. IDAPA 07.05.01 - Rules Pertaining To The Rules of the Public Works Contractors License Board (Docket No. 07-0501-1301).

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.05.01 -- Rules of the Public Works Contractors License Board. This brief proposed rule includes two principal revisions. The rule provides for the electronic submission of an application for public works contractor licensure; and the rule revises provisions governing the extension of time to renew an application. (See Rule Sections 105.03 and 110.)

The Division notes that negotiated rulemaking was not conducted because the rulemaking concerned only administrative issues.

The Divisions' proposed rule appears to be authorized pursuant to sections 54-1907 and 54-1910, Idaho Code.

4. IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation, & Air Conditioning Systems (Docket No. 07-0701-1301)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.07.01 -- Rules Governing Installation of Heating, Ventilation & Air Conditioning Systems. The proposed rule includes the following principal revisions. The proposed rule adopts the 2012 edition of the International Mechanical Code; the 2012 edition of the International Fuel Gas Code; and Part V and VI of the 2012 edition of the International Residential Code for One and Two Family Dwellings. (See Rule Section 004.01., Rule Section 005. and Rule Section 006.) The proposed rule also provides amendments governing the gauge of sheet metal in specific circumstances and exhaust ducts as well as additional amendments governing certain air ventilation requirements. (See Rule Sections 004.01.f. and g., and 006.01.i. through l.)

The Division notes that negotiated rulemaking was conducted in this docket. The agency states that the proposed rule is the result of collaboration and consensus among stakeholders

The Division's proposed rule appears to be authorized pursuant to section 54-5004, Idaho Code.

cc: Division of Building Safety
Steve Keys