

PROSPECTIVE ANALYSIS
IDAHO BUILDING CODE BOARD
IDAPA 24.39.30

RULE 200

PROPOSED RULE: INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING OF PUBLIC SCHOOL FACILITIES.

01. Technical and Educational Information. Technical and educational information related to integrated design and fundamental commissioning in the form of the American Institute of Architects Integrated Project Delivery Guide; Portland Energy Conservation, Inc. (PECI) Commissioning Guides; ASHRAE Guideline 0-2005-The Commissioning Process; and the Northwest Energy Efficiency Alliance Integrated Design Special Focus on Energy Performance Guide is available on the Division's website. A building commissioned under the prescriptive approaches defined by any of the above-named national organizations is deemed to have completed the Fundamental Commissioning process.

02. Commissioning Agents. The Division has compiled and made available for public examination a list of all known third party building commissioning agents in Idaho and its contiguous states. The Division has ensured that all such commissioning agents appearing on this list have been certified by the Building Commissioning Association (BCA) or other similar certifying entity.

03. Fundamental Commissioning Requirements.

a. School districts seeking to qualify a building for the building replacement value calculation shall engage a building commissioning agent.

b. The commissioning agent must document the owner's requirements for each commissioned system in the facility. All HVAC and controls systems, duct work and piping, renewable and alternative technologies, lighting controls and day lighting, waste heat recovery, and any other advanced technologies incorporated in the building must be commissioned. Building envelope systems must also be verified. The owner's requirements for these systems may include efficiency targets and other performance criteria such as temperature and lighting levels that will define the performance criteria for the functional performance testing which occurs prior to acceptance.

c. The commissioning agent shall include commissioning requirements in the project construction documents. This includes the scope of commissioning for the project, the systems to be commissioned, and the various requirements related to schedule, submittal reviews, testing, training, O & M manuals, and warranty reviews.

d. The commissioning agent shall develop and utilize a commissioning plan. This plan must include an overview of the commissioning process for the project, a list of commissioned systems, primary commissioning participants and their roles, a communication and management plan, an outline of the scope of commissioning tasks, a list of work products, a schedule, and a description of any commissioning testing activities.

e. The commissioning agent must submit a report to the owner once the commissioning plan has been executed.

04. Annual Optimization Review.

a. The third-party commissioning agent who performed the initial fundamental commissioning for a public school building must provide the school district with a written report identifying the systems which will be subject to the Idaho Code Section 33-356 annual optimization review and identifying the system requirements and/or other relevant measuring criteria. The commissioning agent's written report shall, at a minimum, include the following:

- i. Verification that the heating, ventilation, and air conditioning (HVAC) controls, dampers, valves, sensors and other equipment used to control the system are functioning as they were at the commissioning of the building;
- ii. Verification that the lighting controls are functioning as they were at the commissioning of the building; and
- iii. The requirement that any changes made to any of the controls contained on the agent's list after the initial commissioning be re-set back to the commissioned settings unless it can be demonstrated that the new settings result in greater energy efficiency.

b. The Idaho Code Section 33-356 annual optimization review must be performed by persons qualified to make the required determinations and adjustments.

c. Following the annual optimization review, the school district must submit to the Division written verification (1) indicating the systems identified by the commissioning agent, including those identified in (a) above, are functioning as they were at the initial commissioning; and (2) identifying the persons performing the optimization and their qualifications.

04. Commissioning Anniversary Date. The date upon which the commissioning agent provides the school district with the required written report described in Rule 200.04.a. is the commissioning anniversary date for purposes of this Section. If a school district seeks to qualify a building for the building replacement value calculation, the annual optimization review shall be performed within thirty (30) days of the annual commissioning anniversary date following the first year the building is in operation. The written verification required by Rule 200.04.c. is due to the Division no later than sixty (60) days after the annual commissioning anniversary date.

Current Rule: Same key elements as proposed Rule. The proposed Rule provides edits for readability.

Legal Authority: I.C. § 33-356 – mandatory

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

This rule is designed to clarify the statutory requirements for newly built schools to qualify for the building replacement value calculation provided for in section [33-1019\(4\)](#), Idaho Code.

What evidence is there that the rule, as proposed, will solve the problem?

The statute and rule apply integrated design techniques for building, mechanical, electrical, and plumbing systems along with providing guidance pathways for commissioning such systems; allows for public school structures to maximize the efficiency measures intended at initial design and realize the cost savings for designing such systems. The intent is to provide efficient structures for public schools and reduce the long-term operational costs if the systems are installed and commissioned as originally designed.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Appears to have a similar approach to collaborative approach to design and commissioning and commissioning agent requirements. https://education.alaska.gov/facilities/publications/ConstructionStandards2022.pdf https://www.akleg.gov/basis/aac.asp#4.31	Appears similar
Montana	Did not locate similar laws.	N/A
Nevada	Did not locate similar laws.	N/A
Oregon	The Public Purpose Charge (SB 1149) School Programs has a similar approach for certain school upgrades for design and commissioning. https://www.oregon.gov/energy/energy-oregon/Pages/SB1149.aspx https://www.oregon.gov/energy/energy-oregon/Documents/2022-09-SB-1149-Schools-Program-Guidelines.pdf	Appears similar
South Dakota	Did not locate similar laws.	N/A
Utah	Did not locate similar laws.	N/A
Washington	Requires public schools to comply with LEED silver or Washington sustainable school design protocol standard. https://app.leg.wa.gov/RCW/default.aspx?cite=39.35D.040	Idaho appears less stringent
Wyoming	Has guidelines for building design and construction. https://stateconstruction.wyo.gov/school-facilities/design	Idaho does not appear more stringent.

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The rule does not create a fiscal impact.
Impact to Idaho businesses, with special consideration for small businesses	The rule does not impact Idaho businesses.
Impact to any local government in Idaho	The statute and rule provide a benefit to local school districts.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	(227)
Net change in restrictive word count	(4)

PROSPECTIVE ANALYSIS
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RULE 500

PROPOSED RULE: PERMITS AND PLAN REVIEW.

01. Annual Permit. In lieu of an individual permit for each minor alteration to an already approved building, the Division may issue an annual permit upon application therefor to any state agency or state governmental organization regularly employing one (1) or more qualified trade persons in the building, structure or on the premises or campus owned or operated by the applicant for the permit. The agency to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Division shall be allowed access to such records upon request or such records shall be filed with the Division as designated. The permit holder shall request inspections and make the work accessible for inspection as required by the adopted codes and herein.

02. Plans Not Required. Plans are not required for group U occupancies of Type V conventional light-frame wood construction.

03. Fee Schedule.

a. Technical Service Fee. One hundred dollars (\$100) per hour.

b. Building Permit Fees. The determination of value or valuation will be made by the administrator and includes the total value of all construction work for which a permit is issued.

BUILDING PERMIT FEES	
Total Valuation	Fee
\$1 to \$500	= \$23.50
\$501 to \$2,000	= \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	= \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	= \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000

\$50,001 to \$100,000	= \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	= \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	= \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	= \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof, to and including \$5,000,000
\$5,000,001 to \$10,000,000	= \$20,208.75 for the first \$5,000,000 plus \$2.75 for each additional \$1,000, or fraction thereof, to and including \$10,000,000
\$10,000,001 and up	= \$33,958.75 for the first \$10,000,000 plus \$2 for each additional \$1,000, or fraction thereof

c. Fees for Annual Permits. A fee for inspections performed on annual permits shall be charged at the rate of one hundred dollars (\$100) per inspection. The Division shall bill the applicant for annual permits and failure of the applicant to pay the fee within sixty (60) days may result in cancellation of the annual permit.

d. Plan Review Fees. Plan review fees shall be charged at an hourly rate of one hundred dollars (\$100) per hour up to a maximum of sixty-five percent (65%) of the calculated building permit fee with a minimum required fee of forty percent (40%) of the calculated building permit fee. All requests for plan review services shall be accompanied by a payment in the amount of at least forty percent (40%) of the calculated building permit fee. Upon completion of the plan review, any additional fees, above the minimum required, are due to the Division by the requesting party.

e. Refund of Plan Review Fees. Plan review fees are non-refundable.

Current Rule: Same key elements.

Legal Authority: Idaho Code §§ 39-4112, 39-4113 - mandatory

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

Permit, plan review, and inspection fees are imposed to cover the costs of plan reviews and life-safety and occupant welfare inspections throughout the building construction processes. Plan reviews and inspections cannot be provided through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The Board is able to retain inspectors to perform plan reviews and inspections.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Permit fees appear to be set by localities.	N/A
Montana	Similar building permit fee schedule. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E138	Similar
Nevada	Contractor must apply for permits. (NAC 624.6966). Rules dictate how contractor conducts business and when it can obtain payments from clients based upon permits and inspections. Fees appear to be set by locality. https://www.leg.state.nv.us/NAC/NAC-624.html	N/A
Oregon	Plan review occurs and fees are set at local level.	N/A
South Dakota	Plan review occurs and fees are set at local level.	N/A
Utah	It appears localities issue permits https://le.utah.gov/xcode/Title15A/Chapter1/15A-1-S104.html?v=C15A-1-S104_2014040320140513	N/A

Washington	Each county or local jurisdiction must inspect. Counties and local jurisdictions also set the permit fees. https://app.leg.wa.gov/RCW/default.aspx?cite=19.27.050	N/A
Wyoming	Plan reviews and permits of non-government buildings are completed and issued by localities.	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The ability to impose plan review, permit and inspection fees arises in statute. Any fees collected are deposited in the occupational licenses fund.
Impact to Idaho businesses, with special consideration for small businesses	The requirement to obtain a building permit arises in statute. As such, the rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The rule does not negatively impact local governments in Idaho.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	(1)
Net change in restrictive word count	N/A

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RULE 600.01

Proposed Rule: Beginning on page 4, the Board adopts the 2018 International Building Code (IBC), including appendices pertaining to building accessibility, with enumerated amendments.

Current Rule: Same key elements.

Legal Authority: Idaho Code §§ 39-4107, 39-4109 – mandate the Board study codes and rules to ascertain their effect on public safety and promote uniformity and provide the Board with the discretion to adopt this code with amendments

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Idaho legislature adopted the IBC. The Board adopted a more recent version with amendments geared toward safe building construction. This cannot be accomplished through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The rule provides for the minimum life-safety building construction practices to protect building occupants and the integrity of structures through the enforcement of the standards set forth in the 2018 IBC.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent?
Alaska	Adopted 2012 IBC, Chapters 1-12, 14-28, 30-35, and Appendix C with amendments. As part of the amendments, deleted Chapter 1 references to the International Existing Building Code, International Energy Conservation Code, and International Residential Code. https://www.akleg.gov/basis/aac.asp#13.50.020	N/A
Montana	Adopted 2021 IBC with enumerated amendments. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E131 https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E142 https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E146	N/A
Nevada	No state adoption – adopted at local level. If locality did not adopt, work must conform to most recent edition. https://www.leg.state.nv.us/nrs/nrs-624.html#NRS624Sec3017	N/A
Oregon	Adopted 2018 IBC with enumerated amendments. https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4170	N/A
South Dakota	Allows localities to adopt 2021 IBC with amendments. If locality has not adopted a code, post 7/1/21, the 2021 IBC applies. https://sdlegislature.gov/Statutes/Codified_Laws/2040204 https://sdlegislature.gov/Statutes/Codified_Laws/2040205	N/A
Utah	Adopted 2018 IBC, including Appendices C and J with amendments https://le.utah.gov/xcode/Title15A/Chapter2/15A-2-S103.html?v=C15A-2-S103_2021050520210701 https://le.utah.gov/xcode/Title15A/Chapter3/15A-3-P1.html?v=C15A-3-P1_1800010118000101	N/A
Washington	Adopted 2018 IBC, including Appendix E, with amendments. Beginning 7/1/23, 2021 IBC will apply. https://app.leg.wa.gov/WAC/default.aspx?cite=51-50-003 https://apps.leg.wa.gov/wac/default.aspx?cite=51-50	N/A
Wyoming	Adopted 2012 IBC https://drive.google.com/file/d/17BrAWJv1-IKiYSHC-N4HgVySbOZqt-Oh/view	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The rule does not create a fiscal impact.
Impact to Idaho businesses, with special consideration for small businesses	The code was adopted in statute. As such, the rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The statute and rule provide the minimum requirements for adoption by local jurisdictions.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	N/A
Net change in restrictive word count	N/A

PROSPECTIVE ANALYSIS
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RULE 600.02

Proposed Rule: Beginning on page 5, the Board adopts the 2021 International Building Code related to mass timber construction with enumerated amendments.

Current Rule: Same key elements

Legal Authority: Idaho Code §§ 39-4107, 39-4109 – mandate the Board study codes and rules to ascertain their effect on public safety and promote uniformity and provide the Board with the discretion to adopt this code with amendments

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

This permissive measure allows for alternative methods of construction when applicable for commercial structures up to seven (7) stories in height and constructed of wood. It provides the minimum life-safety code requirements for such construction which has been approved in subsequent code cycles of the IBC; without having to adopt a newer version of the code within its entirety.

What evidence is there that the rule, as proposed, will solve the problem?

This new innovative construction practice is not permitted under the current adopted 2018 IBC; therefore, the rule takes a permissive approach and allows for such construction practices following the minimum code requirements set forth in the 2021 International Building Code specifically tailored towards “mass-timber construction”.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Not adopted.	N/A
Montana	Adopted 2021 IBC with enumerated amendments. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E131 https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E142 https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E146	N/A
Nevada	No state adoption	N/A
Oregon	Not adopted	N/A
South Dakota	Allows localities to adopt. https://sdlegislature.gov/Statutes/Codified_Laws/2040204	N/A
Utah	Not adopted	N/A
Washington	Not adopted currently	N/A
Wyoming	Not adopted	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The rule does not create a fiscal impact.
Impact to Idaho businesses, with special consideration for small businesses	The rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The statute and rule provide the minimum requirements for adoption by local jurisdictions.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	N/A
Net change in restrictive word count	N/A

PROSPECTIVE ANALYSIS
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RULE 600.03

Proposed Rule: Beginning on page 5, the Board adopts Parts I, II, III, and IX of the 2018 International Residential Code (IRC) for one (1)- and two (2)- family dwellings with enumerated amendments.

Current Rule: Same key elements

Legal Authority: Idaho Code §§ 39-4107, 39-4109 – mandate the Board study codes and rules to ascertain their effect on public safety and promote uniformity and provide the Board with the discretion to adopt this code with amendments

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Idaho legislature adopted the IRC. The Board’s adoption of the 2018 edition with amendments is geared toward safe residential construction. This cannot be accomplished through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The rule provides for the minimum life-safety building construction practices to protect building occupants and the integrity of structures through the enforcement of the standards set forth in the 2018 IRC.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent?
Alaska	Not adopted. References to IRC were removed, through amendments, from Chapter 1 of IBC and Chapter 1 of the International Mechanical Code (IMC). https://www.akleg.gov/basis/aac.asp#13.50.020 https://www.akleg.gov/basis/aac.asp#13.50.023	N/A
Montana	Adopted 2021 IRC with enumerated amendments. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E154	N/A
Nevada	No state adoption – adopted at local level. If locality did not adopt, work must conform to most recent edition. https://www.leg.state.nv.us/nrs/nrs-624.html#NRS624Sec3017	N/A
Oregon	Adopted 2018 IRC Chapters 1-24 and 44, Appendices E, F, H, K, R with enumerated amendments https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4173	N/A
South Dakota	Allows localities to adopt 2021 IRC, but mandates that localities not require sprinkler systems in residential structure. https://sdlegislature.gov/Statutes/Codified_Laws/2079351	N/A
Utah	Adopted 2015 IRC with amendments and Appendix Q of the 2018 IRC https://le.utah.gov/xcode/Title15A/Chapter2/15A-2-S103.html?v=C15A-2-S103_2021050520210701 https://le.utah.gov/xcode/Title15A/Chapter3/15A-3-P2.html?v=C15A-3-P2_1800010118000101	N/A
Washington	Adopted 2018 IRC, except Chapters 11 and 25-43, with amendments. https://app.leg.wa.gov/WAC/default.aspx?cite=51-51-003 https://app.leg.wa.gov/WAC/default.aspx?cite=51-51	N/A
Wyoming	Not adopted	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The rule does not create a fiscal impact.
Impact to Idaho businesses, with special consideration for small businesses	The code was adopted in statute. As such, the rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The statute and rule provide the minimum requirements for adoption by local jurisdictions.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	+1
Net change in restrictive word count	N/A

PROSPECTIVE ANALYSIS
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RULE 600.04

Proposed Rule: On page 7, the Board adopts 2018 International Existing Building Code (IEBC) with no amendments.

Current Rule: Same as proposed rule

Legal Authority: Idaho Code §§ 39-4107, 39-4109 – mandate the Board study codes and rules to ascertain their effect on public safety and promote uniformity and provide the Board with the discretion to adopt this code with amendments

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Idaho legislature adopted the IEBC. The Board’s adoption of the 2018 edition with the ability to amend as necessary, ensures safe building construction practices for existing structures and is considered a permissive pathway tailored towards such structures meeting the minimum life-safety standards without significant expenditures and having to comply with current new construction building codes through complete renovations. This cannot be accomplished through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The rule provides for the minimum life-safety building construction practices, specifically for existing structures, to protect building occupants and the integrity of structures through the enforcement of the 2018 IEBC.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Not adopted. References to IEBC were removed, through amendments, from Chapter 1 of IBC and Chapter 1 of IMC. https://www.akleg.gov/basis/aac.asp#13.50.020 https://www.akleg.gov/basis/aac.asp#13.50.023	N/A
Montana	Adopted the 2021 IEBC https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E171	N/A
Nevada	No state adoption.	N/A
Oregon	Not adopted	N/A
South Dakota	Not adopted	N/A
Utah	Adopted 2018 IEBC with amendments https://le.utah.gov/xcode/Title15A/Chapter2/15A-2-S103.html?v=C15A-2-S103_2021050520210701 https://le.utah.gov/xcode/Title15A/Chapter3/15A-3-P8.html?v=C15A-3-P8_1800010120160701	N/A
Washington	Adopted 218 IEBC with amendments https://app.leg.wa.gov/WAC/default.aspx?cite=51-50	N/A
Wyoming	Adopted 2012 IEBC https://drive.google.com/file/d/17BrAWJv1-IKiYSHC-N4HgVySbOZqt-Oh/view	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The rule does not create a fiscal impact.

Impact to Idaho businesses, with special consideration for small businesses	The code was adopted in statute. As such, the rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The statute and rule provide the minimum requirements for adoption by local jurisdictions.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	N/A
Net change in restrictive word count	N/A

PROSPECTIVE ANALYSIS
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RULE 600.05

Proposed Rule: Beginning on page 7, the Board adopts the 2018 International Energy Conservation Code (IECC) with enumerated amendments.

Current Rule: Same key elements regarding building envelope; has additional provisions related to air-leakage requirements, mechanical, electrical, and plumbing design and installation.

Legal Authority: Idaho Code §§ 39-4107, 39-4109 – mandate the Board study codes and rules to ascertain their effect on public safety and promote uniformity and provide the Board with the discretion to adopt this code with amendments

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Idaho legislature adopted the 2018 IECC. The Board’s amendments to the 2018 IECC establish the minimum energy efficiency performance standards for building construction practices that will assist in providing consistent enforcement measures throughout Idaho; remove such requirements which increase the cost of construction or initial capital for consumers where a guaranteed monetary return isn’t promised; and remove unnecessary requirements that eliminate consumer choice in both the residential and commercial settings. The rule, as proposed, cannot be solved through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The Office of Energy Efficiency & Renewable Energy has produced a statistical analysis on the code cost effectiveness of the 2018 IECC for both residential and commercial structures and their potential savings on utility consumption <https://www.energycodes.gov/status/states/idaho>; however, the analysis does not detail the initial capital or long-term return on the investments for designing and constructing to the 2018 IECC. The rule provides consumer choice for design components of a structure which are non-life threatening and which do not negatively impact the integrity of a structure while allowing licensed design professionals and installers the ability to apply a free market and permissive approach based on consumer requests.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Federal law mandates require manufacturers of mechanical, electrical, plumbing, and building envelop materials to adhere to minimum energy standards: https://www.ecfr.gov/current/title-10/chapter-II/subchapter-D/part-431/subpart-F/subject-group-ECFR2640f6ad978e4e6/section-431.97	The rule is less restrictive than the federal requirements.

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Not adopted. References to IECC were removed, through amendments, from Chapter 1 of IBC and Chapter 1 of IMC. https://www.akleg.gov/basis/aac.asp#13.50.020 https://www.akleg.gov/basis/aac.asp#13.50.023	State Analysis Map D.O.E. https://www.energycodes.gov/state-portal
Montana	Adopted the 2021 IECC with enumerated amendments. https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E161	State Analysis Map D.O.E. https://www.energycodes.gov/state-portal
Nevada	No state adoption.	State Analysis Map D.O.E. https://www.energycodes.gov/state-portal
Oregon	Adopted ANSI/ASHRAE/IES Standard 90.1-2019 with additional Oregon amendments, which applies to buildings except low-rise residential buildings. https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=277487 https://www.ashrae.org/technical-resources/bookstore/standard-90-1	State Analysis Map D.O.E. https://www.energycodes.gov/state-portal
South Dakota	Adopted 2009 IECC as a voluntary standard. https://sdlegislature.gov/Statutes/Codified_Laws/2040206	State Analysis Map D.O.E. https://www.energycodes.gov/state-portal
Utah	Adopted residential portions of 2015 IECC and commercial portions of 2018 IECC with amendments to both https://le.utah.gov/xcode/Title15A/Chapter2/15A-2-S103.html?v=C15A-2-S103_2021050520210701	State Analysis Map D.O.E. https://www.energycodes.gov/state-portal

	https://le.utah.gov/xcode/Title15A/Chapter3/15A-3-S701.html?v=C15A-3-S701_2019031920190319	
Washington	Adopted commercial portions of 2021 IECC with amendments. https://app.leg.wa.gov/WAC/default.aspx?cite=51-11C Adopted residential portions of 2018 IECC with amendments. https://app.leg.wa.gov/WAC/default.aspx?cite=51-11R	State Analysis Map D.O.E. https://www.energycodes.gov/state-portal
Wyoming	Not adopted	State Analysis Map D.O.E. https://www.energycodes.gov/state-portal

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

A state-by-state energy code adoption comparison is provided here: <https://www.energycodes.gov/state-portal>. The Board reviewed the current adopted energy code in Idaho and incorporated proposed amendments which are permissive, pragmatic, and least restrictive as possible by allowing a free market and consumer choice approach for energy code requirements that are non-life threatening. The rule is less restrictive than the federal regulation and the rule removes energy code requirements which are duplicative of the federal mandate.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The rule does not create a fiscal impact.
Impact to Idaho businesses, with special consideration for small businesses	The code was adopted in statute. The proposed rule amendments positively impact Idaho businesses and lowers the overall initial capital to open a business location here in Idaho.
Impact to any local government in Idaho	The statute and rule provide the minimum requirements for adoption by a local jurisdiction. The Idaho legislature imposed a local preemption on the adoption of energy code requirements above and beyond those adopted by the board beyond 7/1/2022.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	N/A
Net change in restrictive word count	N/A