

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 615

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE ENERGY CONSERVATION CODE; AMENDING TITLE 39, IDAHO CODE, BY
2 THE ADDITION OF A NEW CHAPTER 97, TITLE 39, IDAHO CODE, TO PROVIDE FOR
3 THE ADOPTION OF THE IDAHO ENERGY CONSERVATION CODE, TO PROVIDE FOR AP-
4 PROVAL OF THE IDAHO ENERGY CONSERVATION CODE BY THE IDAHO BUILDING CODE
5 BOARD AND THE LEGISLATURE, TO PROVIDE FOR PREEMPTION, AND TO CLARIFY AN
6 EFFECTIVE DATE; AMENDING SECTION 39-4109, IDAHO CODE, TO PROVIDE FOR
7 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, TO PROVIDE FOR
8 THE ADOPTION OF THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTER-
9 NATIONAL RESIDENTIAL CODE, AND THE IDAHO ENERGY CONSERVATION CODE AND
10 TO REVISE PROVISIONS REGARDING APPLICATION OF CODES; AMENDING SECTION
11 39-4116, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF THE 2018 INTERNA-
12 TIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, AND THE
13 IDAHO ENERGY CONSERVATION CODE, TO REVISE PROVISIONS REGARDING ADOPT-
14 ION OF CERTAIN CODES, AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING
15 LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
16 TIVE DATE.
17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
20 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
21 ter 97, Title 39, Idaho Code, and to read as follows:

22 CHAPTER 97

23 IDAHO ENERGY CONSERVATION CODE

24 39-9701. IDAHO ENERGY CONSERVATION CODE. (1) On and after July 1,
25 2022, the Idaho state energy code shall be the 2018 international energy con-
26 servation code, as amended, revised, or modified by the Idaho building code
27 board and approved by the legislature. The international energy conserva-
28 tion code, together with such amendments, revisions, or modifications as
29 approved by the Idaho building code board and the legislature shall collec-
30 tively constitute and be named the Idaho energy conservation code and shall
31 be deemed approved by the Idaho building code board and the legislature.

32 (2) The provisions of this chapter preempt, eliminate, and prohibit any
33 cities, counties, incorporated or unincorporated areas, special use dis-
34 tricts, or any other local governmental entities of any kind from adopting
35 energy code or related requirements that differ from or are more extensive
36 than the requirements of the Idaho energy conservation code as provided for
37 in this chapter. The provisions of this chapter shall not apply to chapter
38 1 of the 2018 international energy conservation code with respect to the ad-
39 ministrative processes of any city, county, incorporated or unincorporated
40 area, special use district, or any other local governmental entity.

1 (3) This chapter shall not be applied retroactively to codes or amend-
2 ments adopted by local jurisdictions prior to July 1, 2018.

3 SECTION 2. That Section 39-4109, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 39-4109. APPLICATION OF CODES. (1) The following codes are hereby
6 adopted for the state of Idaho division of ~~building safety~~ occupational and
7 professional licenses and shall ~~only~~ be applied by local governments only as
8 prescribed by section 39-4116, Idaho Code:

9 (a) The ~~2006~~ 2018 International Building Code ~~shall be in effect, un-~~
10 ~~til such time as a subsequent version is adopted by the Idaho building~~
11 ~~code board, at which time the subsequent versions of the International~~
12 ~~Building Code as adopted and as~~ amended by the Idaho building code board
13 through the negotiated rulemaking process as established in section
14 67-5221, Idaho Code, and as further provided in subsection (54) of this
15 section and in accordance with subsections (2) and (3) of this section
16 shall be in effect:

17 (i) Including appendices thereto pertaining to building accessi-
18 bility;

19 (ii) Excluding the incorporated electrical codes, mechanical
20 code, fuel gas code, plumbing codes, fire codes or property main-
21 tenance codes other than specifically referenced subjects or
22 sections of the International Fire Code; and

23 (iii) Including the 2018 incorporated Idaho residential code,
24 parts I, II, III and IX; 2018 Idaho energy conservation code
25 pursuant to section 39-9701, Idaho Code; and rules promulgated by
26 the board to provide equivalency with the provisions of the Amer-
27 icans with disabilities act accessibility guidelines and the fair
28 housing act accessibility guidelines ~~shall be included.;~~

29 (b) The version of the 2018 International Residential Code ~~adopted by~~
30 ~~the Idaho building code board,~~ together with the amendments, revisions
31 or modifications adopted by the Idaho building code board through the
32 negotiated rulemaking process, except for parts IV, V, VI, VII and VIII,
33 as they pertain to energy conservation, mechanical, fuel gas, plumb-
34 ing and electrical requirements, shall collectively constitute and be
35 named the 2018 Idaho residential code. ~~The Idaho residential code shall~~
36 ~~be in effect until such time as a subsequent version is adopted by the~~
37 ~~Idaho building code board, at which time the subsequent version of the~~
38 ~~Idaho residential code, as adopted and amended by the Idaho building~~
39 ~~code board through the negotiated rulemaking process provided in this~~
40 ~~section, shall be in effect.~~ Any amendments, revisions or modifica-
41 tions made to the 2018 Idaho residential code by the board shall be made
42 by administrative rules promulgated by the board; and

43 (c) ~~The version of the International Energy Conservation Code adopted~~
44 ~~by the Idaho building code board, together with the amendments, dele-~~
45 ~~tions or additions adopted by the Idaho building code board through the~~
46 ~~negotiated rulemaking process provided in this chapter, shall be in~~
47 ~~effect.~~ The International Energy Conservation Code, together with any
48 amendments, revisions or modifications made by the board, shall col-
49 lectively constitute and be named the Idaho energy conservation code.

~~The Idaho energy conservation code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the Idaho energy conservation code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho energy conservation code by the board shall be made by administrative rules promulgated by the board; and~~

~~(d) The 2006 2018 International Existing Building Code as published by the International Code Council shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect.~~

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the 2018 Idaho residential building code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

~~(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.~~

~~(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.~~

SECTION 3. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

1 (2) Local governments that issue building permits and perform build-
 2 ing code enforcement activities shall, by ordinance effective January 1 of
 3 the year following the adoption by the Idaho building code board, adopt the
 4 following codes as published by the International Code Council together
 5 with any amendments or revisions set forth in section 39-4109, Idaho Code,
 6 ~~including subsequent versions of the International Building Code as adopted~~
 7 ~~and amended by the Idaho building code board through the negotiated rulemak-~~
 8 ~~ing process or as provided in this chapter:~~

- 9 (a) 2018 International Building Code, including all rules promulgated
 10 by the board to provide equivalency with the provisions of the Americans
 11 with disabilities act accessibility guidelines and the federal fair
 12 housing act accessibility guidelines;
 13 (b) 2018 Idaho residential code, parts I-III and IX; and
 14 (c) 2018 Idaho energy conservation code pursuant to chapter 97, title
 15 39, Idaho Code.

16 Local governments are not required by this chapter to adopt the other refer-
 17 enced codes in the International Building Code. Local jurisdictions shall
 18 not adopt provisions, chapters, sections or parts of subsequent versions
 19 of the International Residential Code or residential provisions of the
 20 International Energy Conservation Code, or subsequent versions in their
 21 entirety, that have not been adopted ~~by the Idaho building code board in~~
 22 section 39-4109, Idaho Code, except as provided in subsection (4) of this
 23 section.

24 (3) All single-family homes and multiple-family dwellings up to two
 25 (2) units are hereby exempted from the provisions of the International Fire
 26 Code, the International Building Code and the Idaho residential code that
 27 require such dwellings to have automatic fire sprinkler systems installed.
 28 Nothing in this section shall prevent any person from voluntarily installing
 29 an automatic fire sprinkler system in any residential dwelling.

30 (4) ~~Except as provided in this subsection, local governments may amend~~
 31 ~~by ordinance the adopted codes or provisions of referenced codes to reflect~~
 32 ~~local concerns, provided such amendments establish at least an equivalent~~
 33 ~~level of protection to that of the adopted building code. A local jurisdic-~~
 34 ~~tion shall not have the authority to amend any accessibility provision pur-~~
 35 ~~suant to section 39-4109, Idaho Code, except as provided in this subsection.~~
 36 Local governments may amend by ordinance as provided in this subsection.

37 (a) A local jurisdiction shall not have the authority to amend any ac-
 38 cessibility provision pursuant to section 39-4109, Idaho Code.

39 (b) A local jurisdiction shall not adopt any provision, chapter, sec-
 40 tion or part of the International Residential Code or residential pro-
 41 visions of the International Energy Conservation Code, or subsequent
 42 versions in their entirety, that have not been adopted or that have been
 43 expressly rejected or exempted from the adopted version of those codes
 44 ~~by the Idaho building code board through the negotiated rulemaking~~
 45 ~~process~~ as provided in section 39-4109, Idaho Code.

46 (c) Local jurisdictions may amend by ordinance the following provi-
 47 sions of the Idaho residential code to reflect local concerns:

- 48 (i) Part I, Administrative;
 49 (ii) Part II, Definitions;

1 (iii) Part III, Building Planning and Construction, Section R 301,
2 Design Criteria; and

3 (iv) Part IX, Appendices.

4 (d) ~~Local jurisdictions may amend by ordinance the following provi-~~
5 ~~sions of the Idaho energy conservation code to reflect local concerns:~~

6 ~~(i) Chapter 1, Scope and Application; and~~

7 ~~(ii) Chapter 2, Definitions.~~

8 ~~(e)~~ Local jurisdictions may amend the remainder of Part III of the 2018
9 Idaho residential code if they find that good cause for building or life
10 safety exists for such an amendment to such codes and that such amend-
11 ment is reasonably necessary. Amendments shall be adopted by ordinance
12 in accordance with the provisions of chapter 9, title 50, Idaho Code, or
13 chapter 7, title 31, Idaho Code, and provided further that such local
14 jurisdiction shall conduct a public hearing and, provided further, that
15 notice of the time and place of the public hearing shall be published
16 in the official newspaper or paper of general circulation within the
17 jurisdiction and written notice of each ~~of~~ such public hearing and the
18 proposed language shall be given by the local jurisdiction to the lo-
19 cal chapters of the entities identified in section 39-4109 (54), Idaho
20 Code, not less than thirty (30) days prior to such hearing. In the event
21 that there are no local chapters of such entities identified in section
22 39-4109 (54), Idaho Code, within the local jurisdiction holding the
23 hearings, the notice shall be provided to the state associations of the
24 respective entities.

25 (5) Local governments shall exempt agricultural buildings from the re-
26 quirements of the codes enumerated in this chapter and the rules promulgated
27 by the board. A county may issue permits for farm buildings to assure com-
28 pliance with road setbacks and utility easements, provided that the cost for
29 such permits shall not exceed the actual cost to the county of issuing the
30 permits.

31 (6) Permits shall be governed by the laws in effect at the time the per-
32 mit application is received.

33 (7) The division shall retain jurisdiction for in-plant inspections
34 and installation standards for manufactured or mobile homes and for in-plant
35 inspections and enforcement of construction standards for modular buildings
36 and commercial coaches.

37 SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature
38 that notwithstanding the provisions of chapter 52, title 67, Idaho Code,
39 any rules, including temporary rules, promulgated pursuant to this act must
40 be approved by concurrent resolution during the next succeeding regular
41 session of the Legislature, and in the case of a temporary rule, if not so
42 approved, the rule shall expire at the end of said succeeding session and
43 cannot be re-promulgated without going through the negotiated rulemaking
44 process.

45 SECTION 5. An emergency existing therefor, which emergency is hereby
46 declared to exist, this act shall be in full force and effect on and after
47 July 1, 2022.