

Moved by Guthrie

Seconded by Thayn

IN THE SENATE  
SENATE AMENDMENT TO H.B. NO. 547

AMENDMENT TO SECTION 1

1 On page 1 of the printed bill, in line 35, following "parts" insert:  
2 "IV,"; and in line 36, following "to" insert: "energy conservation".  
3

AMENDMENT TO THE BILL

4 On page 2, delete lines 49 and 50; delete pages 3 and 4, and insert:  
5 "SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby  
6 amended to read as follows:  
7

8 39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING  
9 CODES. (1) Local governments enforcing building codes shall do so only in  
10 compliance with the provisions of this section. Local governments that have  
11 not previously instituted and implemented a code enforcement program prior  
12 to the effective date of this act may elect to implement a building code  
13 enforcement program by passing an ordinance evidencing the intent to do so.  
14 Local governments may contract with a public or private entity to administer  
15 their building code enforcement program.

16 (2) Local governments that issue building permits and perform build-  
17 ing code enforcement activities shall, by ordinance effective January 1 of  
18 the year following the adoption by the Idaho building code board, adopt the  
19 following codes as published by the International Code Council together with  
20 any amendments or revisions set forth in section 39-4109, Idaho Code, in-  
21 cluding subsequent versions of the International Building Code as adopted  
22 and amended by the Idaho building code board through the negotiated rulemak-  
23 ing process provided in this chapter:

24 (a) International Building Code, including all rules promulgated by  
25 the board to provide equivalency with the provisions of the Americans  
26 with disabilities act accessibility guidelines and the federal fair  
27 housing act accessibility guidelines;

28 (b) Idaho residential code, parts I-~~IV~~III and IX; and

29 (c) Idaho energy conservation code.

30 Local governments are not required by this chapter to adopt the other refer-  
31 enced codes in the International Building Code. Local jurisdictions shall  
32 not adopt provisions, chapters, sections or parts of subsequent versions  
33 of the International Residential Code or residential provisions of the  
34 International Energy Conservation Code, or subsequent versions in their  
35 entirety, that have not been adopted by the Idaho building code board except  
36 as provided in subsection (4) of this section.

37 (3) All single family homes and multiple family dwellings up to two  
38 (2) units are hereby exempted from the provisions of the International Fire  
39 Code, the International Building Code and the Idaho residential code that

1 require such dwellings to have automatic fire sprinkler systems installed.  
 2 Nothing in this section shall prevent any person from voluntarily installing  
 3 an automatic fire sprinkler system in any residential dwelling.

4 (4) Except as provided in this subsection, local governments may amend  
 5 by ordinance the adopted codes or provisions of referenced codes to reflect  
 6 local concerns, provided such amendments establish at least an equivalent  
 7 level of protection to that of the adopted building code. A local jurisdic-  
 8 tion shall not have the authority to amend any accessibility provision pur-  
 9 suant to section 39-4109, Idaho Code, except as provided in paragraphs (a)  
 10 and (b) of this subsection.

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

13 (b) A local jurisdiction shall not adopt any provision, chapter, sec-  
 14 tion or part of the International Building Residential Code or Idaho  
 15 residential code or appendices thereto residential provisions of the  
 16 International Energy Conservation Code, or subsequent versions in  
 17 their entirety, that has have not been adopted or that has have been ex-  
 18 pressly rejected or exempted from the adopted version of those codes by  
 19 the Idaho building code board through the negotiated rulemaking process  
 20 as provided in section 39-4109, Idaho Code. Provided however, that,  
 21 after a finding by the local jurisdiction

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

24 (i) Part I, Administrative;

25 (ii) Part II, Definitions;

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

28 (iv) Part IX, Appendices.

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

31 (i) Chapter 1, Scope and Application; and

32 (ii) Chapter 2, Definitions.

33 (e) Local jurisdictions may amend the remainder of Part III of the  
 34 Idaho residential code if they find that good cause for building or  
 35 life safety exists for such an amendment to such codes and that such  
 36 amendment is reasonably necessary, a local jurisdiction may adopt such  
 37 provision. Amendments shall be adopted by ordinance in accordance with  
 38 the provisions of chapter 9, title 50, Idaho Code, or chapter 7, ti-  
 39 tle 31, Idaho Code, and provided further that such local jurisdiction  
 40 shall conduct a public hearing and, provided further, that notice of the  
 41 time and place of the public hearing shall be published in the official  
 42 newspaper or paper of general circulation within the jurisdiction and  
 43 written notice of each of such public hearing and the proposed language  
 44 shall be given by the local jurisdiction to the local chapters of the  
 45 entities identified in section 39-4109(5), Idaho Code, not less than  
 46 thirty (30) days prior to such hearing. In the event that there are no  
 47 local chapters of such entities identified in section 39-4109(5), Idaho  
 48 Code, within the local jurisdiction holding the hearings, the notice  
 49 shall be provided to the state associations of the respective entities.

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

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

9 (7) The division shall retain jurisdiction for in-plant inspections  
10 and installation standards for manufactured or mobile homes and for in-plant  
11 inspections and enforcement of construction standards for modular buildings  
12 and commercial coaches.

13 SECTION 3. NON-RETROACTIVITY CLAUSE. This act shall not be applied  
14 retroactively to the effective date of this act. Codes or amendments thereto  
15 adopted by local jurisdictions shall remain in full force and effect.

16 SECTION 4. An emergency existing therefor, which emergency is hereby de-  
17 clared to exist, this act shall be in full force and effect on and after its  
18 passage and approval."

19 CORRECTION TO TITLE

20 On page 1, in line 3, following "CODE" insert: "AND TO PROVIDE REFER-  
21 ENCES TO THE IDAHO BUILDING CODE"; also in line 3, delete "AND"; and in line  
22 5, following "CODES" insert: "; PROVIDING NON-RETROACTIVITY; AND DECLARING  
23 AN EMERGENCY".