

Moved by Lakey

Seconded by Patrick

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 660

AMENDMENT TO SECTION 1

1 On page 1 of the printed bill, in line 28, delete "and" and insert:
2 "through rulemaking conducted pursuant to the Idaho administrative proce-
3 dure act, chapter 52, title 67, Idaho Code, and approved by".
4

AMENDMENT TO SECTION 2

5 On page 2, delete lines 1 through 49; and on page 3, delete lines 1 through
6 36, and insert:
7

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

10 39-4109. APPLICATION OF CODES. (1) The following codes are hereby
11 adopted for the state of Idaho division of ~~building safety~~ occupational and
12 professional licenses and shall only be applied by local governments as pre-
13 scribed by section 39-4116, Idaho Code:

14 (a) The 2006 International Building Code shall be in effect, until
15 such time as a subsequent version is adopted by the Idaho building
16 code board, at which time the subsequent versions of the International
17 Building Code as adopted and amended by the Idaho building code board
18 through the negotiated rulemaking process as established in section
19 67-5221, Idaho Code, and as further provided in subsection (5) of this
20 section and in accordance with subsections (2) and (3) of this section
21 shall be in effect:

22 (i) Including appendices thereto pertaining to building accessi-
23 bility;

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

28 (iii) Including the incorporated Idaho residential code, parts I,
29 II, III and IX; Idaho energy conservation code; and rules promul-
30 gated by the board to provide equivalency with the provisions of
31 the Americans with disabilities act accessibility guidelines and
32 the fair housing act accessibility guidelines shall be included.

33 (b) The version of the International Residential Code adopted by the
34 Idaho building code board, together with the amendments, revisions or
35 modifications adopted by the Idaho building code board through the ne-
36 gotiated rulemaking process, except for parts IV, V, VI, VII and VIII,
37 as they pertain to energy conservation, mechanical, fuel gas, plumb-
38 ing and electrical requirements, shall collectively constitute and be

1 named the Idaho residential code. The Idaho residential code shall be
2 in effect until such time as a subsequent version is adopted by the Idaho
3 building code board, at which time the subsequent version of the Idaho
4 residential code, as adopted and amended by the Idaho building code
5 board through the negotiated rulemaking process provided in this sec-
6 tion, shall be in effect. Any amendments, revisions or modifications
7 made to the Idaho residential code by the board shall be made by adminis-
8 trative rules promulgated by the board;

9 ~~(c) The version of the International Energy Conservation Code adopted~~
10 ~~by the Idaho building code board, together with the amendments, dele-~~
11 ~~tions or additions adopted by the Idaho building code board through the~~
12 ~~negotiated rulemaking process provided in this chapter, shall be in~~
13 ~~effect. The International Energy Conservation Code, together with any~~
14 ~~amendments, revisions or modifications made by the board, shall collec-~~
15 ~~tively constitute and be named the Idaho energy conservation code. The~~
16 ~~Idaho energy conservation code shall be in effect until such time as a~~
17 ~~subsequent version is adopted by the Idaho building code board, at which~~
18 ~~time the subsequent versions of the Idaho energy conservation code, as~~
19 ~~adopted and amended by the Idaho building code board through the nego-~~
20 ~~tiated rulemaking process provided in this section, shall be in effect.~~
21 ~~Any amendments, revisions or modifications made to the Idaho energy~~
22 ~~conservation code by the board shall be made by administrative rules~~
23 ~~promulgated by the board~~ The 2018 Idaho energy conservation code, as
24 amended, revised, or modified by the Idaho building code board and ap-
25 proved by the legislature pursuant to section 39-9701, Idaho Code; and

26 (d) The 2006 International Existing Building Code as published by the
27 International Code Council shall be in effect until such time as a sub-
28 sequent version is adopted by the Idaho building code board, at which
29 time the subsequent versions of the International Existing Building
30 Code, as adopted and amended by the Idaho building code board through
31 the negotiated rulemaking process provided in this section, shall be in
32 effect.

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

36 (3) No amendments to the Idaho residential building code shall be made
37 by the Idaho building code board that provide for standards that are more re-
38 strictive than those published by the International Code Council.

39 (4) Any edition of the building codes adopted by the board will take ef-
40 fect on January 1 of the year following its adoption.

41 (5) In addition to the negotiated rulemaking process set forth in sec-
42 tion 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public
43 hearings, not less than sixty (60) days apart. Express written notice of
44 such public hearings shall be given by the board to each of the following en-
45 tities not less than five (5) days prior to such hearing: associated general
46 contractors of America, associated builders and contractors, association
47 of Idaho cities, Idaho association of building officials, Idaho association
48 of counties, Idaho association of REALTORS®, Idaho building contractors
49 association, American institute of architects Idaho chapter, Idaho fire
50 chiefs association, Idaho society of professional engineers, Idaho state

1 independent living council, southwest Idaho building trades, Idaho building
 2 trades, and any other entity that, through electronic or written communica-
 3 tion received by the administrator not less than twenty (20) days prior to
 4 such scheduled meeting, requests written notification of such public hear-
 5 ings.".

6 AMENDMENT TO SECTION 3

7 On page 3, delete lines 37 through 49; delete page 4; and on page 5, delete
 8 lines 1 through 33, and insert:

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

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

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

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

31 (b) Idaho residential code, parts I-III and IX; and

32 (c) 2018 Idaho energy conservation code, pursuant to chapter 97, title
 33 39, Idaho Code.

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

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

47 (4) Except as provided in this subsection, local governments may amend
 48 by ordinance the adopted codes or provisions of referenced codes to reflect

1 local concerns, provided such amendments establish at least an equivalent
2 level of protection to that of the adopted building code. A local jurisdic-
3 tion shall not have the authority to amend any accessibility provision pur-
4 suant to section 39-4109, Idaho Code, except as provided in this subsection.

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

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

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

16 (i) Part I, Administrative;

17 (ii) Part II, Definitions;

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

20 (iv) Part IX, Appendices.

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

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

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

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

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

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

