

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 251

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING SECTION 39-4113,
 2 IDAHO CODE, TO REVISE CODE REFERENCES, TO REVISE PROVISIONS
 3 RELATING TO CERTAIN FEES, TO PROVIDE THAT PUBLIC SCHOOL BUILDING
 4 PLANS SHALL BE APPROVED BY EITHER THE LOCAL GOVERNMENT OR
 5 THE DIVISION OF BUILDING SAFETY, TO PROVIDE THAT CERTAIN CITIES
 6 AND COUNTIES SHALL BE ELIGIBLE TO PERFORM SCHOOL PLAN REVIEWS
 7 IF CERTAIN REQUIREMENTS ARE MET, TO PROVIDE REQUIREMENTS
 8 REGARDING PLANS EXAMINERS WHO PERFORM PLAN REVIEWS, TO
 9 PROVIDE FOR CERTAIN CONTRACTS, TO PROVIDE PROVISIONS RELATING
 10 TO COUNTY ELIGIBILITY TO PERFORM CERTAIN PLAN REVIEW SERVICES,
 11 TO PROVIDE FOR CERTAIN COPIES, TO PROVIDE THAT A SCHOOL DISTRICT
 12 MAY ELECT TO UTILIZE CERTAIN SCHOOL PLAN REVIEW SERVICES, TO
 13 REVISE PROVISIONS RELATING TO A SCHOOL DISTRICT'S USE OF THE
 14 DIVISION OF BUILDING SAFETY'S PLAN REVIEW SERVICES, TO REVISE
 15 PROVISIONS RELATING TO THE APPROVAL OF PUBLIC SCHOOL BUILDING
 16 PLANS AND TO REVISE PROVISIONS RELATING TO THE APPLICATION OF
 17 LAW; AMENDING SECTION 39-4116, IDAHO CODE, TO DELETE REFERENCE TO
 18 A DATE; AND AMENDING SECTION 39-8007, IDAHO CODE, TO PROVIDE THAT
 19 THE ADMINISTRATOR SHALL ESTABLISH A PROGRAM FOR THE TIMELY
 20 REVIEW OF PUBLIC SCHOOL CONSTRUCTION PLANS AND TO REVISE A
 21 CODE REFERENCE.
 22

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

24 SECTION 1. That Section 39-4113, Idaho Code, be, and the same is hereby amended to
 25 read as follows:

26 39-4113. PLAN REVIEWS – MAXIMUM FEES AND SCHOOL INSPECTIONS. (1)
 27 The administrator shall establish a program for plan reviews and permit issuance entirely within
 28 the division of building safety. Plan reviews shall be for the provisions of this chapter and
 29 chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, chapter 50, title 54, Idaho
 30 Code, and chapter 286, title 4439, Idaho Code, pertaining to construction, alteration or repair
 31 of buildings or structures within the scope of the division's jurisdiction pursuant to this chapter.
 32 Plans for schools reviewed by the division shall not include a review for compliance with the
 33 provisions of chapter 2, title 41, Idaho Code, or for local planning and zoning requirements.

34 (2) Plan review fees shall be established by rules promulgated by the board. ~~Until such~~
 35 ~~rules are effective, plan review fees shall not exceed those specified by section 304(e), Uniform~~
 36 ~~Building Code, 1985 edition.~~ Local governments elected by school districts to perform
 37 building plan reviews for public schools as provided for in this section shall not charge a fee

1 for such review of building plans in excess of what the division has established by rule for
2 building plan review services for public schools.

3 (3) Each manufacturer of commercial coaches and modular buildings shall submit the
4 building plans for every model of such structure to the administrator for the purpose of review.

5 (4) (a) Public school building plans shall be approved by either the local government or
6 the division of building safety, whichever the school district elects. Any city or county
7 that has adopted by ordinance all the applicable codes pursuant to section 39-4109, Idaho
8 Code, and the codes as permitted in chapter 10, title 54, Idaho Code, chapter 26, title
9 54, Idaho Code, and chapter 50, title 54, Idaho Code, shall be eligible to perform school
10 plan reviews only if the following additional requirements are met: plans examiners
11 performing building and energy code plan reviews shall hold current certification as
12 a commercial building plans examiner by the International Code Council; examiners
13 performing plumbing code plan reviews shall hold current certification as a plumbing
14 inspector by the international association of plumbing and mechanical officials and
15 shall be a licensed Idaho journeyman plumber; examiners performing electrical code
16 plan reviews shall hold current certification as an electrical inspector by the national
17 certification program for construction code inspectors and shall be a licensed Idaho
18 journeyman electrician; and examiners performing mechanical code plan reviews shall
19 hold current certification as a commercial mechanical inspector by the International Code
20 Council.

21 (b) All plans examiners who perform plan reviews shall be full-time employees of the
22 division or the eligible local government in whose jurisdiction the public school facility is
23 to be constructed.

24 (c) An eligible local government may contract with the division for review of any portion
25 of the plans for which the local government does not have a properly certified plans
26 examiner. A county may be deemed eligible to perform plan review services only for
27 those types of installations for which they have authority pursuant to this chapter and
28 chapter 50, title 54, Idaho Code, to adopt an enforcement program. Where an eligible
29 county performs the plan review services, the electrical and plumbing code plan reviews
30 shall be performed by the division at the hourly rate as established in rule by the division.
31 Any local government elected to perform plan review services for public schools shall
32 provide the division a copy of all approved plans.

33 (d) Wherein the proposed work is valued in excess of one hundred thousand dollars
34 (\$100,000), a school district may elect to utilize the school plan review services available
35 from an eligible local government building code enforcement jurisdiction or from
36 the division. Wherein the proposed work is valued at one hundred thousand dollars
37 (\$100,000) or less, a school district may elect to use a local government without regard
38 to the eligibility requirements in subsection (4)(a) of this section. Election by a school
39 district shall be made by submitting a written certification to both the division and the
40 involved local government.

41 (e) ~~Each~~ If a school district elects to utilize the plan review services of the division, it
42 shall submit to the division of building safety three (3) sets of working drawings and
43 specifications for new public school buildings or facilities and additions or alterations
44 to existing buildings or facilities wherein the proposed work is valued in excess of
45 twenty five thousand dollars (\$25,000). The division will review the plans submitted to
46 it pursuant to this section for compliance with the current editions of the codes specified

1 in this chapter or within rules promulgated pursuant to this chapter by the board and by
2 section 39-8006, Idaho Code.

3 (5) These Public school building plans must be approved by either the local government
4 or the division before the school district may advertise for bids. Once plans are reviewed and
5 approved by the division of building safety pursuant to this section, no material change can be
6 made to such plans without review and approval of such change by the division of building
7 safety jurisdiction performing the plan review. All school construction or remodeling governed
8 by this chapter shall be inspected by building inspectors certified in accordance with section
9 39-4108, Idaho Code, or by Idaho licensed architects or engineers to determine compliance
10 with this chapter and the Idaho uniform school building safety act, chapter 80, title 39, Idaho
11 Code. Nothing in this section shall limit the authority of local governments to issue building
12 permits, perform fire code or other zoning and land use related plan reviews plans and or
13 provide a full range of building code enforcement activities as they relate to inspections of
14 school buildings or facilities sited within their jurisdiction regardless of the election exercised
15 by the school district pursuant to this section.

16 SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby amended to
17 read as follows:

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

25 (2) ~~By January 1, 2005,~~ Local governments that issue building permits and perform
26 building code enforcement activities shall, by ordinance, adopt the following codes as published
27 by the International Code Council together with any amendments or revisions set forth in
28 section 39-4109, Idaho Code:

- 29 (a) International Building Code, including all rules promulgated by the board to provide
- 30 equivalency with the provisions of the Americans with disabilities act accessibility
- 31 guidelines and the federal fair housing act accessibility guidelines;
- 32 (b) International Residential Code, parts I-IV and IX; and
- 33 (c) International Energy Conservation Code.

34 Local governments are not required by this chapter to adopt the other referenced codes in the
35 International Building Code.

36 (3) Local governments may amend by ordinance the adopted codes or provisions of
37 referenced codes to reflect local concerns, provided such amendments establish at least an
38 equivalent level of protection to that of the adopted building code. A local jurisdiction shall
39 not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho
40 Code.

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

1 (5) Permits shall be governed by the laws in effect at the time the permit application is
2 received.

3 (6) The division shall retain jurisdiction for in-plant inspections and installation standards
4 for manufactured or mobile homes and for in-plant inspections and enforcement of construction
5 standards for modular buildings and commercial coaches.

6 SECTION 3. That Section 39-8007, Idaho Code, be, and the same is hereby amended to
7 read as follows:

8 39-8007. POWERS AND DUTIES OF THE ADMINISTRATOR. (1) The administrator
9 shall enforce the provisions of this chapter in cooperation with the superintendent of public
10 instruction, the department of administration, and the building code advisory board.

11 (2) The administrator shall promulgate rules necessary to carry out the provisions of this
12 chapter. Such rules shall be promulgated pursuant to the provisions of chapter 52, title 67,
13 Idaho Code.

14 (3) The administrator shall establish a program for the timely review of ~~all~~ public school
15 construction plans as required by section 39-4113(4)(e), Idaho Code.

16 (4) Upon request, the administrator shall provide training to school districts on the Idaho
17 uniform school building safety code.