

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 60

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 67-2601A,
2 IDAHO CODE, TO AUTHORIZE THE ADMINISTRATOR TO ENTER INTO AGREEMENTS
3 WITH VENDORS AND CONTRACTORS AND TO PROVIDE A CORRECT CODE REFERENCE.
4

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

6 SECTION 1. That Section 67-2601A, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-2601A. DIVISION OF BUILDING SAFETY. (1) The division of building
9 safety will be headed by an administrator appointed by and serving at the
10 will of the governor. The division administrator, deputy administrators and
11 regional managers shall be nonclassified employees exempt from the provi-
12 sions of chapter 53, title 67, Idaho Code.

13 (2) The administrator shall administer the following provisions and
14 shall perform such additional duties as are imposed on him by law: chapter
15 41, title 39, Idaho Code, relating to the building code board; chapter 40,
16 title 39, Idaho Code, relating to manufactured homes; chapter 41, title
17 39, Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho
18 Code, relating to manufactured home dealer and installer licensing; chapter
19 25, title 44, Idaho Code, relating to mobile home rehabilitation; chapter
20 10, title 54, Idaho Code, relating to electrical contractors and journey-
21 men; chapter 19, title 54, Idaho Code, relating to licensing of public works
22 contractors; chapter 26, title 54, Idaho Code, relating to plumbing and
23 plumbers; chapter 45, title 54, Idaho Code, relating to public works con-
24 struction management licensing; chapter 50, title 54, Idaho Code, relating
25 to heating, ventilation and air conditioning systems; chapter 80, title 39,
26 Idaho Code, relating to school building safety; and chapter 86, title 39,
27 Idaho Code, relating to elevator safety.

28 (3) The administrator shall cooperate with the industrial commission
29 and aid and assist the commission in its administration of sections 72-720,
30 72-721 and 72-723, Idaho Code, and at the request of the commission shall
31 make inspection of appliances, tools, equipment, machinery, practices or
32 conditions, and shall make a written report to the commission. The adminis-
33 trator shall make recommendations to the commission to aid the commission in
34 its administration of sections 72-720, 72-721 and 72-723, Idaho Code, pro-
35 vided however, that nothing herein shall be construed as transferring to the
36 administrator any of the authority or powers now vested in the industrial
37 commission.

38 (4) In administering the laws regulating professions, trades and occu-
39 pations that are devolved for administration upon the division, and in addi-
40 tion to the authority granted to the administrator by the laws and rules of
41 the agencies and entities within the division, the administrator may:

1 (a) Revise the operating structure of the division as needed to provide
2 efficient and appropriate services to the various professions, trades,
3 occupations and programs administered within the division;

4 (b) Conduct examinations to ascertain the qualifications and fitness
5 of applicants to exercise the profession, trade or occupation for which
6 an examination is held; pass upon the qualifications of applicants for
7 reciprocal licenses, certificates and authorities; prescribe rules for
8 a fair and impartial method of examination of candidates to exercise the
9 respective professions, trades or occupations; issue registrations,
10 licenses and certificates; and until fees are established in rule, the
11 administrator shall charge a fee of seventy-five dollars (\$75.00) for
12 each examination administered;

13 (c) Conduct hearings on proceedings to discipline, renew or reinstate
14 licenses, certificates or authorities of persons exercising the re-
15 spective professions, trades or occupations; appoint hearing officers,
16 administer oaths, issue subpoenas, and compel the attendance of wit-
17 nesses; revoke, suspend, refuse to renew, or take other disciplinary
18 action against such licenses, certifications or authorities; and pre-
19 scribe rules to recover costs and fees incurred in the investigation and
20 prosecution of any certificate holder, licensee or registrant of the
21 division, its boards, bureaus and programs, in accordance with the con-
22 tested case provisions of chapter 52, title 67, Idaho Code, and the laws
23 and rules of the boards, bureaus and programs the division administers;

24 (d) Assess civil penalties as authorized;

25 (e) Promulgate rules establishing: a coordinated system for the
26 issuance, renewal, cancellation and reinstatement of licenses, cer-
27 tificates, registrations and permits; assessment of all related fees;
28 the terms by which fees may be prorated, if any; and procedures for the
29 replacement of lost or destroyed licenses, certificates or registra-
30 tions; and

31 (f) Promulgate other rules as may be necessary for the orderly admin-
32 istration of the chapters specified in subsection (2) of this section
33 and such rules as may otherwise be required by those chapters as well as
34 rules for the standardization of operating procedures.

35 (5) Notwithstanding any law governing any specific board, bureau or
36 program comprising the division of building safety, each board member shall
37 hold office until a successor has been duly appointed and qualified.

38 (6) The administrator shall have the authority to employ individuals,
39 make expenditures, enter into contracts, require reports, make investiga-
40 tions, travel, and take other actions deemed necessary.

41 (7) Notwithstanding any other provision of law, the administrator
42 shall have the authority to enter into agreements with any vendor or con-
43 tractor to provide services or administer any obligation imposed on the
44 administrator or the division of building safety by law, as well as the au-
45 thority to make expenditures and make purchases in accordance with chapter
46 57, title 67, Idaho Code, to effectuate such agreements.