

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 274

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE ENERGY CONSERVATION CODE; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 39, IDAHO CODE, TO PROVIDE FOR THE IDAHO ENERGY CONSERVATION CODE, TO PROVIDE FOR APPROVAL OF THE IDAHO ENERGY CONSERVATION CODE BY THE IDAHO BUILDING CODE BOARD AND THE LEGISLATURE, AND TO PROVIDE FOR PREEMPTION; AND AMENDING SECTION 39-4109, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE APPROVAL OF THE IDAHO ENERGY CONSERVATION CODE.

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

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

CHAPTER 97
IDAHO ENERGY CONSERVATION CODE

39-9701. (1) On and after July 1, 2021, the Idaho state energy code shall be the international energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature. The international energy conservation code, together with such amendments, revisions, or modifications as approved by the Idaho building code board and the legislature shall collectively constitute and be named the Idaho energy conservation code.

(2) For purposes of implementing this chapter, the version of the international energy conservation code in effect on July 1, 2021, shall be deemed approved by the Idaho building code board and the legislature.

(3) The provisions of this chapter preempt, eliminate, and prohibit any cities, counties, incorporated or unincorporated areas, special use districts, or any other local governmental entities of any kind from adopting any energy code or related requirements that differ from or are more extensive than the requirements of the Idaho energy conservation code as provided for in this section.

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

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

(a) The 2006 International Building 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 International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section

1 67-5221, Idaho Code, and as further provided in subsection (5) of this
2 section and in accordance with subsections (2) and (3) of this section
3 shall be in effect:

4 (i) Including appendices thereto pertaining to building accessi-
5 bility;

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

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

15 (b) The version of the International Residential Code adopted by the
16 Idaho building code board, together with the amendments, revisions or
17 modifications adopted by the Idaho building code board through the ne-
18 gotiated rulemaking process, except for parts IV, V, VI, VII and VIII,
19 as they pertain to energy conservation, mechanical, fuel gas, plumb-
20 ing and electrical requirements, shall collectively constitute and
21 be named the Idaho residential code. The Idaho residential code shall
22 be in effect until such time as a subsequent version is adopted by the
23 Idaho building code board and approved by the legislature, at which
24 time the subsequent version of the Idaho residential code, as adopted
25 and amended by the Idaho building code board through the negotiated
26 rulemaking process provided in this section, shall be in effect. Any
27 amendments, revisions or modifications made to the Idaho residential
28 code by the board shall be made by administrative rules promulgated by
29 the board;

30 (c) The version of the International Energy Conservation Code adopted
31 by the Idaho building code board, together with the amendments, dele-
32 tions or additions adopted by the Idaho building code board through the
33 negotiated rulemaking process provided in this chapter, if approved by
34 the legislature, shall be in effect. The International Energy Conser-
35 vation Code, together with any amendments, revisions or modifications
36 made by the board and approved by the legislature, shall collectively
37 constitute and be named the Idaho energy conservation code. The Idaho
38 energy conservation code shall be in effect until such time as a sub-
39 sequent version is adopted by the Idaho building code board, at which
40 time the subsequent versions of the Idaho energy conservation code, as
41 adopted and amended by the Idaho building code board through the ne-
42 gotiated rulemaking process provided in this section, if approved by the
43 legislature, shall be in effect. Any amendments, revisions or modifi-
44 cations made to the Idaho energy conservation code by the board shall be
45 made by administrative rules promulgated by the board and approved by
46 the legislature; and

47 (d) The 2006 International Existing Building Code as published by the
48 International Code Council shall be in effect until such time as a sub-
49 sequent version is adopted by the Idaho building code board, at which
50 time the subsequent versions of the International Existing Building

1 Code, as adopted and amended by the Idaho building code board through
2 the negotiated rulemaking process provided in this section, shall be in
3 effect.

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

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

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

12 (5) In addition to the negotiated rulemaking process set forth in sec-
13 tion 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public
14 hearings, not less than sixty (60) days apart. Express written notice of
15 such public hearings shall be given by the board to each of the following en-
16 tities not less than five (5) days prior to such hearing: associated general
17 contractors of America, associated builders and contractors, association
18 of Idaho cities, Idaho association of building officials, Idaho association
19 of counties, Idaho association of REALTORS®, Idaho building contractors
20 association, American institute of architects Idaho chapter, Idaho fire
21 chiefs association, Idaho society of professional engineers, Idaho state
22 independent living council, southwest Idaho building trades, Idaho building
23 trades, and any other entity that, through electronic or written communica-
24 tion received by the administrator not less than twenty (20) days prior to
25 such scheduled meeting, requests written notification of such public hear-
26 ings.