

Dear Senators COOK, Ward-Engelking, Lakey, and
Representatives CLOW, Berch, Crane:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Building Safety - Uniform School Building Safety:
IDAPA 24.39.60 - Rules Governing Uniform School Building Safety (ZBR Chapter Rewrite) -
Proposed Rule (Docket No. 24-3960-2401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 12/03/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/31/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Division Manager - Matt Drake

DATE: November 14, 2024

SUBJECT: Division of Occupational and Professional Licenses - Building Safety - Uniform School Building Safety

IDAPA 24.39.60 - Rules Governing Uniform School Building Safety (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 24-3960-2401)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses submits Notice of Rulemaking regarding the Rules Governing Uniform School Building Safety. The Division notes that this is a Zero-Based Regulation ("ZBR") chapter rewrite. Accordingly, the Division states that this rulemaking streamlines and simplifies existing rules.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rules are not anticipated to have a fiscal impact.

Statutory Authority

This rulemaking appears authorized pursuant to Section 39-8007, Idaho Code.

cc: Division of Occupational and Professional Licenses - Building Safety - Uniform School Building Safety
Russ Barron

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.60 – RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

DOCKET 24-3960-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Sections 67-2604, 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, as well as Title 39, Chapter 80, Idaho Code, and Section 39-8007, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.39.60 – Rules Governing Uniform School Building Safety
Monday, November 18, 2024 3:00 p.m. (MT)
Division of Occupational and Professional Licenses EagleRock Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714
Virtual Meeting Link
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Uniform School Building Safety Program is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. This rulemaking does not impose or increase fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-3940-2401. Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2024, Idaho Administrative Bulletin, Vol. 24-7, p.265-266.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 27, 2024.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3960-2401
(ZBR Chapter Rewrite)

24.39.60 – RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Section 39-8007, Idaho Code. (3-31-22)

001. SCOPE.

The rules prescribe the Idaho Uniform School Building Safety Code and provide for enforcement and administration of the Idaho Uniform School Building Safety Act. (3-31-22)

002. INCORPORATION BY REFERENCE.

01. Uniform Codes. The following uniform codes ~~are hereby incorporated by reference into these rules as, and insofar as, the most recent editions have been~~ adopted by the appropriate governing authority for the state of Idaho pursuant to applicable Idaho Code: (3-31-22)()

- a. ~~International~~ Idaho Building Code, as in IDAPA 24.39.30; (3-31-22)()

- b. International Mechanical Code; (3-31-22)
- c. International Fuel Gas Code; (3-31-22)
- d. Safety Code for Elevators and Escalators (ASME/ANSI A17.1), as adopted in IDAPA 24.39.40; ~~(3-31-22)~~()
- e. International Energy Conservation Code; (3-31-22)
- f. Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1); (3-31-22)
- g. Idaho Fire Code (IFC); (3-31-22)
- h. National Electrical Code (NEC), as adopted in IDAPA 24.39.10; ~~(3-31-22)~~()
- i. Idaho State Plumbing Code (UPC), as adopted in IDAPA 24.39.20; ~~(3-31-22)~~()
- j. Pacific NW AWWA Manual for Backflow Prevention and Cross Connection Control; and (3-31-22)
- k. Idaho Safety and Occupational Health Standards. (3-31-22)

02. Idaho Uniform School Building Safety Code. The codes set forth in Subsection 002.01 of this rule, together with the definitions contained therein ~~and the written interpretations thereof, insofar as they are applicable to school facilities;~~ constitute the Idaho Uniform School Building Safety Code. ~~(3-31-22)~~()

~~003. — 009.~~ **(RESERVED)**

~~010~~**03. DEFINITIONS.**

- 01. Act.** The Idaho Uniform School Building Safety Act. (3-31-22)
- 02. Building Code.** The Building Code specified in Paragraph 002.01.a. of these rules. (3-31-22)
- 03. Code.** The Idaho Uniform School Building Safety Code. (3-31-22)
- 04. School Building or Building.** Any school building, including its structures and appurtenances necessary for the operation of the school building, and subject to the provisions of the Act. (3-31-22)

~~011~~**04. -- 049**~~299.~~ **(RESERVED)**

~~050~~**300. VIOLATION OF CODE.**

- 01. Imminent Safety Hazard.** Code violations that constitute an imminent safety hazard, include, but are not limited to, whenever the following are observed: (3-31-22)
 - a. Any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic; (3-31-22)
 - b. The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic; (3-31-22)
 - c. The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half (1-1/2) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location; (3-31-22)
 - d. Any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to

such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location; (3-31-22)

e. Any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; (3-31-22)

f. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings; (3-31-22)

g. Any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; (3-31-22)

h. The building or structure, or any portion thereof, because of: (3-31-22)

i. Dilapidation, deterioration or decay; (3-31-22)

ii. Faulty construction; (3-31-22)

iii. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (3-31-22)

iv. The deterioration, decay or inadequacy of its foundation; or (3-31-22)

v. Any other cause, is likely to partially or completely collapse; (3-31-22)

i. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings; (3-31-22)

j. Any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (3-31-22)

i. Strength; (3-31-22)

ii. Fire-resisting qualities or characteristics; or (3-31-22)

iii. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location; (3-31-22)

k. Any building or structure, because of obsolescence; dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections or heating apparatus; or other cause, is determined by the state fire marshal to be a fire hazard; (3-31-22)

l. A building or structure, because of inadequate maintenance; dilapidation; decay; damage; faulty construction or arrangement; inadequate light, air or sanitation facilities; or otherwise, is determined to be unsanitary, unfit for human occupancy or habitation, or in such a condition that is likely to cause accidents, sickness, or disease; (3-31-22)

m. Any building or structure, because of dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections, or heating apparatus; or

other cause, is determined by the state fire marshal to be a fire or life safety hazard; and (3-31-22)

n. There is, within the building, the presence of vapors, fumes, smoke, dusts, chemicals, or materials in any form (natural or man made) in quantities that have been established by national health organizations to be a threat to the health or safety of the building occupants. This does not include materials stored, used, and processed in accordance with nationally recognized safety standards for the materials in question. (3-31-22)

~~051~~301. -- 999. (RESERVED)