

NOTICE OF RULEMAKING

Please be advised that the Idaho Building Code Board is currently in the process of adopting the 2009 editions of the International Building Codes pursuant to I.C. §§ 39-4107 and 39-4109. The intent is to maintain the 3-year code cycle with a January 1, 2011 effective date. These codes include the International Building Code, International Residential Code, International Energy Conservation Code, and the International Existing Building Code. Pursuant to I.C. § 39-4109 these codes may be adopted and amended by the Building Code Board through the negotiated rulemaking process. That law also provides that written notice must be provided to specific entities enumerated therein as part of the rulemaking process. Your organization is identified in that statute as one of the entities to whom such express notice is to be provided. Consequently, the Board is providing you with this Notice that it will engage in the rulemaking process to adopt the above-identified building codes, and will conduct public meetings to discuss the adoption and possible amendment of the codes. Attached to this Notice please find the Notice of Intent to Promulgate Rules – Negotiated Rulemaking that will be published in the June 3, 2009 Idaho Administrative Bulletin.

The public meetings will be held on June 10, 2009 and August 12, 2009 at the Division of Building Safety (DBS) office at 1090 E. Watertower St, Meridian, Idaho 83642. Attached to this Notice is a copy of the tentative agenda for the June 10 meeting. The Board will permit oral comments or presentations to be made to the Board by any interested individuals at that time. Additionally, a form with instructions is attached to this Notice on which the Board is requesting you use to submit comments, questions, or recommendation about the adoption of any code provisions. The form is also available on the DBS website and may be submitted electronically via the website <http://dbs.idaho.gov>. It also may be printed and sent via mail to DBS at the address above. The deadline for submitting comments on that form is **May 27, 2009**. The Board respectfully requests that the deadline be adhered to in order that the Board is able to prepare and give due consideration to all comments and recommendations in advance of the June 10 meeting; however, if special or extenuating circumstances arise, the board will accept comments up until, but not later than, June 8, 2009. The Board also requests that you provide any additional documentation that supports any comment or recommendation you may have.

The board intends to adopt the 2009 editions of the above-identified building codes; however the text of the rule that the Board will promulgate to adopt the Codes is unknown at this time and will be established based on any amendments made to the

codes as determined through the negotiated rulemaking process. Please be advised that pursuant to I.C. § 39-4109(3) the Board can make no amendments to the International Residential Building Code which provide for standards that are more restrictive than those published by the International Code Council. Additionally, the Board must abide by the newly enacted state law (as expressed in House Bill 218a) that relates to the International Building Code and the International Residential Code provisions regarding the installation of fire sprinklers in single family homes and multiple family dwellings up to two (2) units.

Should you have any questions or concerns about this rulemaking process or the public meetings please contact me or an appropriate member of the DBS staff at 208-334-3950, or the Chairman of the Idaho Building Code Board Ed Wagner at 208-769-2352 and edwag@cdaid.org. The Idaho Building Code Board looks forward to your participation in this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Kelly Pearce', with a horizontal line underneath.

C. KELLY PEARCE
Secretary, Idaho Building Code Board
Administrator, Division of Building Safety

Cc: Idaho State Building Code

Enclosure: (1) Notice of Intent to Promulgate Rules – Negotiated Rulemaking
(2) June 10, 2009 Building Code Board Agenda
(3) Building Code Change Submittal Form and Instructions

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0901

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

MEETING SCHEDULE: A public meeting(s) on the negotiated rulemaking will be held as follows: *(Include the following information for the scheduled meeting: Date – Time – Location)*

Public meetings are scheduled by the Idaho Building Code Board for June 10, 2009 and August 12, 2009 at the Idaho Division of Building Safety located at 1090 E. Watertower, Meridian, ID 83642 at 9:30AM (MST).

METHOD OF PARTICIPATION: Persons wishing to participate in the informal negotiated rulemaking must do the following: *(Give an explanation of how a person may participate in the process. This may include allowing requests to give oral presentation or additional meetings, submission of written comments, etc. The agency may use its discretion on how this may be done.)*

Interested members of the public who wish to participate must submit any comments, questions, recommendations, or ideas to the Idaho Building Code Board on designated forms available at the Division of Building Safety website <http://dbs.idaho.gov/> and at the DBS office in Meridian, ID. Individuals may also attend the public meetings to be conducted at the above dates during which the Idaho Building Code Board will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved: *(Include a descriptive summary of the subject matter to be addressed in the proposed rulemaking)*

Pursuant to I.C. §§ 39-4107 and 39-4109, the Idaho Building Code Board has the authority through the promulgation of rules to adopt and amend building codes which establish the building construction and safety standards in the state of Idaho. These codes include the International Building Code, International Residential Code, International Energy Conservation Code, and the International Existing Building Code. The Building Code Board desires to adopt the 2009 editions of these codes with possible amendments thereto. The Board seeks the participation of the affected industry and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about building code construction standards to be adopted for use in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Steve Keys, Deputy Administrator – Operations, (208) 332-8986.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before *(include the date by which comments must be received)*.

All comments, recommendations, and ideas must be submitted on the appropriate form to the Division of Building Safety or the Idaho Building Code Board by May 27, 2009. The point of contact at DBS is C. Kelly Pearce (208-334-3950).

DATED this 5th day of May 2009.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

State of Idaho Building Code Board Guidelines for Submitting Proposed Changes to the 2009 Building or Energy Codes

The Idaho Building Code Board is currently engaged in the process of adopting the 2009 International Building Codes. Recent legislation has provided the Building Code Board with new authority to amend the adopted building codes through a negotiated rulemaking process. As a result, the Board is soliciting and will consider input from members of the public who may have recommendations regarding the adoption and amendment of codes. In order to provide a uniform process for submission and consideration of individual recommendations, the Board has developed the attached form for use by persons or organizations wishing to provide comments. All comments and/or recommendations should be submitted to the Board in the format of the attached form. Forms may be acquired from the Division of Building Safety, Building Bureau, or may be printed directly from the DBS website at www.dbs.idaho.gov. When submitting recommended changes to a particular building code, existing provisions in the code proposed for deletion must be shown by using ~~striketrough~~. Text proposed to be added must be shown by using underlines.

In order to receive the best possible consideration, a proposed code amendment must clearly identify reasons for the change with supporting documentation meeting the standard of providing reasonable safeguards for the health, safety, welfare, comfort, and security of the residents of Idaho who are occupants of and/or users of buildings. In addition, the Idaho Building Code Board will review proposed amendments using the following criteria (must satisfy at least one to be recommended):

1. The code change is unique to Idaho because of geographic or climatic conditions.
2. The code change is necessary to interface with other laws or regulations of Idaho.
3. The estimated added cost or economic impact is reasonable and necessary in order to realize the goal of the proposed code change.
4. The matter addressed by the proposed amendment is not adequately covered by the existing code.
5. The code change is necessary to conserve scarce resources.

**State of Idaho Building Code Board
Building Code Change Submittal**

Date _____

Proponent _____
(Jurisdiction, Chapter, Company, Association, Organization, etc)

Name _____

Address _____
Street City State Zip Code

Email _____ Phone Number _____

Specific code considered for amendment (IBC, IRC, IECC, IEBC) _____

Section _____ Page _____ Change the paragraph to read as follows:

Reason for change with supporting documentation: