

**IDAHO BUILDING CODE BOARD  
VIDEOCONFERENCE MEETING**

**Tuesday – February 18, 2020 – 9:30 a.m. (MST)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian  
1250 Ironwood Drive, Suite 220, Coeur d’Alene  
155 North Maple Street, Blackfoot**

**MINUTES OF THE FEBRUARY 18, 2020 MEETING**

**NOTE:** The following report is not intended to be a verbatim transcript of the discussions at the meeting, but to record the significant features of those discussions.

Chairman Andrew Bick called the meeting to order at 9:32 a.m. (MST)

**Board Members Present:**

Andrew Bick, Chairman  
Jason Blais, Vice-Chairman  
John Cotner  
Stan Browning  
Jon Laux  
Kent Soelberg  
Rob Brooks  
Chuck Bleth (Teleconference)

**DBS Staff Members Present:**

Chris L. Jensen, Administrator  
Ron Whitney, Deputy Administrator  
Jeff Egan, Building Program Manager  
Larry Jeffres, Regional Manager, Region 1  
Patrick J. Grace, Regional Manager, Region 2  
Adam Bowcutt, Regional Manager, Region 3  
Lisa Stover, Building Program Supervisor  
Renee Bryant, Administrative Assistant 2

◆ **Recognition**

Mike Tracy was recognized with a plaque for his years of service on the Board.

◆ **Acknowledgement**

Jon Laux, County Building Inspector, and Rob Brooks, Public Member, were welcomed as the newest members on the Board.

◆ **Open Forum**

There were no new issues to discuss under open forum.

◆ **Approval of the February 18, 2020 Agenda, October 2, 2019 Special Meeting Minutes and October 29, 2019 Meeting Minutes**

**MOTION:** Jon Laux made a motion to approve the agenda and minutes as presented. Rob Brooks seconded. All in favor, motion carried.

◆ **Authorize Notice of Adoption of Temporary Rule Regarding IDAPA 07.03.01**

At the adjournment of the 2019 Legislative Session, a concurrent resolution to extend the current administrative rules was not approved; therefore, all agencies with governing boards/commissions had to approve the re-adoption of their rules. In anticipation of the possibility of it happening again, the Board has been asked by the Governor’s office to approve the rules, as presented to the 2020 legislature, on a temporary basis in the event they are not reauthorized upon sine die of the 2020 Legislature.

**MOTION:** Kent Soelberg made a motion that upon *sine die* of the 2020 session of the Idaho Legislature, and conditioned upon the Board's rules not otherwise being approved by the Legislature or not extended pursuant to the Idaho Administrative Procedure Act, the Board adopt as temporary rules the Board's rules in IDAPA 07.03.01 related to the Building Code Board presented to the 2020 Idaho Legislature, and that the Board delegate to the Administrator the authority to make and approve all notices and filings under the rulemaking process. Rob Brooks seconded. All in favor, motion carried.

◆ **Election of Officers**

Idaho Code 39-4106(2) requires the Board to elect, by majority vote, a chairman every two years. Although not required, the Board elects a vice-chairman as well.

**MOTION:** Rob Brooks made a motion to reappoint Andrew Bick as Chairman and Jason Blais as Vice-Chairman. John Cotner seconded. All in favor, motion carried.

◆ **Program Manager Report**

State Veterans Home – This new 85,000 square foot skilled nursing facility will consist of 64 beds in Post Falls; costing approximately \$37 million dollars. This will be the fourth Veterans Home in the state, along with Boise, Pocatello and Lewiston.

Modular Facilities – This topic was brought forth as a way of informing the Board and building officials of non-traditional modular projects being built in Idaho, and the proper way of handling them. The Division will have conversation with the Idaho Association of Building Officials; however, is currently meeting with local building officials where the projects are being built. Some believe a modular unit comes out of a factory with a state tag on it, and the local jurisdiction only needs to approve the foundation, with the State responsible for everything else. Some projects are so complex that the modular unit isn't the completed project; only a component of the project. When units are stacked on top of each other, this creates hallways between them and creates Americans with Disabilities Act issues, fire-related issues, etc. It then becomes a matter of how much of that work needs to be permitted and inspected onsite by the local jurisdiction. The modular building manufacturers will provide the Division with a completed Notice of Local Enforcement Agency (NLEA) form notifying the city or county of their project. The NLEA form will be included with their plan submittal for the modular building(s), and if the Division feels the project is complex in nature, it will communicate directly with the local jurisdiction to ensure everyone is on the same page.

◆ **Administrator Report**

Budget – The budget setting with the Joint Finance-Appropriations Committee is scheduled for Monday, February 24, 2020. The Administrator does not anticipate any problems and is asking for additional compliance officers and inspectors.

Housing Shortage – Southeast Idaho is expected to have a housing shortage with an estimated 5,000 individuals working on a small modular reactor project and micro reactor project, both significant funding sources. Those are in addition to the Extended Core Facility project, which foresees hiring 1,200 electricians.

Legislative Update – The following legislation pertains to the building industry; however, does not necessarily affect this Board:

- House Bill (HB) 420 – This bill is in reference to inactive contractor registration and language in the contractor registration statute. There has been discussion about contractor registration going to contractor licensing and whether the licensing should be at DBS under the jurisdiction of Idaho Building Code Board. The two primary items in the bill are: 1) Allow a contractor to put their registration in an inactive status, and 2) Strike language as it pertains to “gross negligence” and “reckless conduct” in the performance of construction under contractor registration.

Teri Ottens, Building Contractors Licensing Review Board Representative, explained the language was being removed because “gross negligence” is not defined; therefore the hardest to prove. Legislators believed the other items listed were justifiable when seeking civil penalties and/or taking away a license registration number.

- HB 472 – A legislator, with the intent of extending the exemption of fire sprinkler systems from one- and two-family dwellings to three and four-plexes, brought forth this bill. The first motion was to send the legislation to the floor with a do-pass; however, before the vote occurred, a substitute motion was made to send it to the floor without a recommendation. Before there was a vote on the substitute motion, there was an amended substitute motion for the language to be revised; making it more palatable before it came back for review. All three motions failed in committee; therefore, the bill died. The exemption for fire sprinklers will remain as it currently is in code.
- Senate Concurrent Resolution 127 – This Concurrent Resolution recognizes the economic benefits to Idaho arising from increased use of electric vehicles and requested the Idaho Building Code Board explore the adoption of electric vehicle-ready multifamily residential dwellings and commercial buildings that include electric vehicle-capable infrastructure. Idaho is one of eight western states that has signed the REV West Memorandum of Understanding to create an Intermountain West Electric Vehicle (EV) Corridor that will make it possible to seamlessly drive an EV across the Signatory States' major transportation corridors. Upon further discussion, the Senate did not vote; therefore, the bill died on the senate floor.

There is a moratorium on running rules this year. It appears the new “normal” will be to review all rules across state government every five year; therefore 20% every year for five years. The Governor’s office has asked if there are smaller administrative type amendments to rules to wait until that chapter comes up on its fifth-year review. This year, the Governor’s office wants the Board to repeal the entire chapter and give thought whether all the provisions in the chapter are needed and then go forward with the new rules.

The Chairman stated the Building Code Board should begin to consider when is a logical time frame to review, begin the negotiated rulemaking process, and adopt new codes in the state of Idaho. It was suggested to begin the process every fifth year as stated above.

Financial Report – Chairman Bick suggested the parameters on the Idaho Building Code FY 16-20 Month-End Available Cash graph, page two in the Financial Report, be changed to reflect the rise of the cash balance.

◆ **Adjournment**

**MOTION:** Jon Laux made a motion to adjourn the meeting. Rob Brooks seconded. All in favor, motion carried.

The meeting adjourned at 10:33 a.m. (MST)

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ANDREW BICK, CHAIRMAN  
IDAHO BUILDING CODE BOARD

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RON WHITNEY, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

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