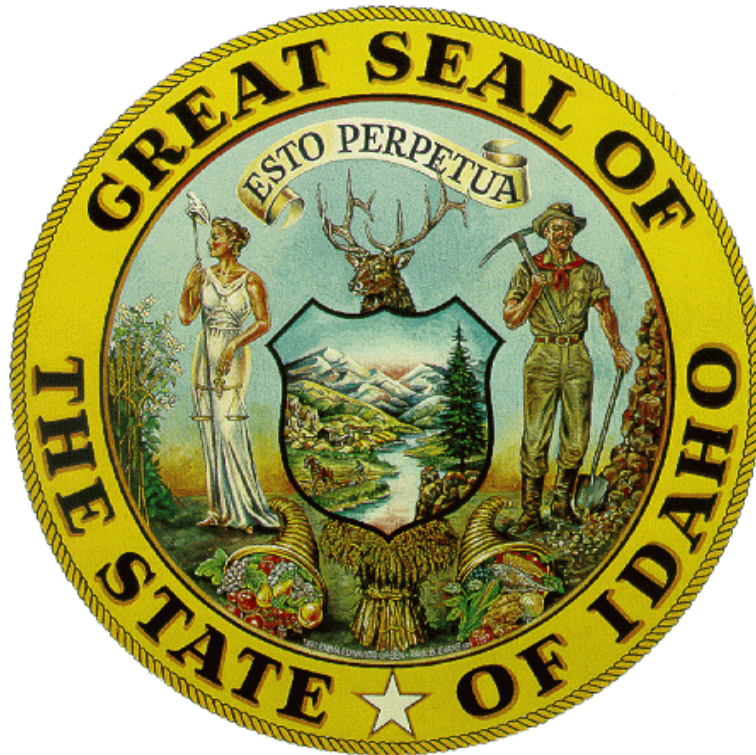


DIVISION OF BUILDING SAFETY

FACTORY BUILT STRUCTURES  
ADVISORY BOARD MEETING

FEBRUARY 9, 2021



# FACTORY BUILT STRUCTURES ADVISORY BOARD

**Agenda Item No. 01**

**Agenda and Minutes**

**PRESENTER:** Markus Alley, Chairman

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**OBJECTIVE:** Approve the Factory Built Structures Advisory Board's February 9, 2021 Agenda and Meeting Minutes from February 11, 2020, August 13, 2020 (Special) and October 14, 2020 (Special).

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**ACTION:** Consent

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**BACKGROUND:**

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** Tentative Agenda and Draft Minutes

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# **TENTATIVE AGENDA**

## **NOTICE OF PUBLIC MEETING**

### **FACTORY BUILT STRUCTURES ADVISORY BOARD MEETING**

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

**Teleconference – 877-820-7831--529619  
dbs.idaho.gov – (208) 332-7137**

**Tuesday, February 9, 2021**

**9:30 a.m. – 10:30 a.m. (MST)  
8:30 a.m. – 9:30 a.m. (PST)**

**This is a public meeting. Seating capacity is limited due to the social distancing protocols implemented during the COVID-19 Pandemic. The public is encouraged to attend telephonically with the information provided above.**

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**9:30 a.m. CALL TO ORDER – Markus Alley, Chairman**

- Roll Call & Introductions
- Open Forum

#### **CONSENT AGENDA**

1. Approval of the February 9, 2021 Agenda, and Meeting Minutes from February 11, 2020, August 13, 2020 (Special) and October 14, 2020 (Special) – Markus Alley

#### **INFORMATIONAL AGENDA**

2. Modular Buildings Manufacturers and PW Contractor License – Patrick Grace, Deputy Administrator
3. Administrator Report – Ron Whitney, Administrator
  - Financial Report

**10:30 a.m. ADJOURN**

*All times, other than beginning, are approximate and scheduled in accordance to Mountain Standard Time (MST), unless otherwise noted. Agenda items may shift depending on the Factory Built Structures Advisory Board's preference. 01/21/2021rb*

**FACTORY BUILT STRUCTURES ADVISORY BOARD  
VIDEOCONFERENCE MEETING**

**Tuesday – February 11, 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**

**DRAFT MINUTES OF THE FEBRUARY 11, 2020 MEETING**

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

Chairman Markus Alley called the meeting to order at 9:34 a.m. (MST)

**Board Members Present:**

Markus Alley, Chairman  
Jeff Chrisman, Vice-Chairman  
Ken Roche  
Spencer McLean  
Kenna Draper  
Michael Hampton  
Mike Jensen  
Brian Mattson

**DBS Staff Members Present:**

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

◆ **Open Forum**

Name Change – The Idaho Housing Alliance’s name has been changed to the Idaho Manufactured Housing Association (IMHA).

Modular Industry – Chairman Alley stated the relevance of the Board is to help regulate rules to the modular industry; which is the third or fourth largest industry in Idaho that produces over a half billion dollars of manufacturing exports a year.

◆ **Approval of the February 11, 2020 Agenda, July 9, 2019 Meeting Minutes, August 15, 2019 Special Meeting Minutes and October 2, 2019 Special Meeting Minutes**

**MOTION:** Mike Jensen made a motion to approve the agenda and minutes as presented. Michael Hampton and Kenna Draper seconded. All in favor, motion carried.

◆ **Authorize Notice of Adoption of Temporary Rule Regarding IDAPA 07.03.03 and 07.03.11**

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 re-adoption of their rules. The temporary rules are conditional and will only

become effective at sine die if the pending rules are not approved or rejected by the 2020 Legislature. Based on the memorandum provided by the Division, and specifically the Governor's findings concerning the adoption of temporary rules, the following motion was made.

**MOTION:** Ken Roche 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 and proposed rules the Board's rules in IDAPA 07.03.03, 07.03.09, 07.03.11, 07.03.12 and 07.03.13 related to the Factory Built Structures 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. Mike Hampton seconded. All in favor, motion carried.

◆ **2019 Installers and Inspectors Training Report**

Training – Teri Ottens, IMHA Representative, addressed the 2019 Installer and Inspector Training report. Under the manufactured housing rule, installers and inspectors are required to obtain eight hours of continuing education once every three years with the three-year period ending January 1, 2021. With lack of participation in the Lewiston and Twin Falls areas, training will only be provided in Boise, Pocatello, and Coeur d'Alene the last two weeks in September.

CE Broker – DBS is working with CE Broker, online continuing education tracking system, on the following issues for manufactured housing training: 1) Approve/authorize credit every time a trainee takes the same class, which rarely changes, provided by IMHA several times a year, every year; 2) No renewal button, which means IMHA must reapply every year for the same course to be approved; and 3) Get class approval every time a date is set for multiple classes throughout the year. Once changes have been made, IMHA will try to backload to January 1, 2018 to ensure everyone gets the proper credits to renew their licenses.

◆ **Rule Issues with Idaho Tax Commission on Factor Built Structures**

During the temporary rule process in 2019, Jack Lyman, IMHA Representative, was approached by the Idaho State Tax Commission (ISTC) to ensure its rules related to manufacturing housing were appropriate. During the review/revision procedure, it was noted modular buildings were defined in two different sections of Idaho Code; Title 39 Health and Safety and Title 63 Tax Code. The practical impact of two different codes is office trailers; which are not considered modular buildings under the tax code definition and is subject to sales tax. Stating modular buildings should be defined consistently in Idaho Code, Mr. Lyman recommended the Board direct DBS to engage in negotiated rulemaking or discussion with ISTC to possibly reach a commonality of the definition and implement through legislation. Understanding it takes a lot of effort and can be difficult for agencies to get legislation through, Mr. Lyman offered the support of IMHA and to carry the bill to the legislature should the Board feel it is important enough to pursue. Upon further discussion, it was determined this is a tax issue, not the jurisdiction of this Board.

◆ **Review Amendments to the Idaho Manufactured Home Installation Standard**

As a follow-up to the July 2019 Board meeting, there has been some ongoing negotiations relative to the Manufactured Home Installation Standards; however, nothing drastic or critical to be presented at this time.

◆ **Administrator Report**

Budget – On February 24, 2020, the budget will be presented to the Joint Finance-Appropriations Committee. One major item in the budget is the purchase of the Division’s new office in Blackfoot, Idaho.

Construction – Construction throughout the state of Idaho does not seem to be slowing down and is estimated another five years with the current construction cycle. The Idaho National Laboratory, Idaho Falls, is expecting to hire 5,000 people to work on the small-scale modular reactor project; starting in 2021. Northgate project, Pocatello, has broken ground and will be a community; adding jobs, as well as homes, a technology park and a shopping district. In Chubbuck, there is a massive development in construction involving the construction of up to 1,200 homes, and in Rexburg, there are several new housing developments as well.

Housing – The median price for a single-family home in Ada County is \$350,000; 11% over last year and 17% over the year before. The new record is attributed to an increasing share of new home sales and a lack existing homes being sold. In 2011, there were 4,500 single-family home-starts in Idaho. In 2020, there will be a little over 16,000 homes, with an increase of 1,000 homes every year for the next five years.

◆ **Adjournment**

MOTION: Ken Roche made a motion to adjourn the meeting. Jeff Chrisman seconded. All in favor, motion carried.

The meeting adjourned at 10:37 a.m. (MST)

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MARKUS ALLEY, CHAIRMAN  
FACTORY BUILT STRUCTURES  
ADVISORY BOARD

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RON WHITNEY, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

01/08/2021rb

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DATE

**FACTORY BUILT STRUCTURES ADVISORY BOARD  
SPECIAL TELE/VIDEOCONFERENCE MEETING**

**Thursday – August 13, 2020 – 10:30 a.m. (MDT)**

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

**DRAFT MINUTES OF THE AUGUST 13, 2020 MEETING**

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

Chairman Markus Alley called the meeting to order at 10:34 a.m. (MDT)

**Board Members Present:**

Markus Alley, Chairman  
Brian Mattson  
Michael Jensen  
Ken Roche  
Spencer McLean  
Kenna Draper  
Michael Hampton

**DBS Staff Members Present:**

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

- ◆ **Vote to authorize Notice of Omnibus Rulemaking – Adoption of Proposed Rule and Notice of Omnibus Fee Rulemaking – Adoption of Proposed Fee Rule with regard to IDAPA 24.39.31, (formerly 07.03.03), IDAPA 24.39.32, (formerly 07.03.09), IDAPA 24.39.33, (formerly 07.03.11), IDAPA 24.39.34, (formerly 07.03.12), and IDAPA 24.39.35, (formerly 07.03.13) in Docket Number 24-0000-2000F**

For administrative rules to continue to be effective, the legislature has to reauthorize them each year. This year, similar to last year, the legislature did not reauthorize any rule that had a fee in it. To ensure the fee rules remain in place, the Governor's office has promulgated them on a temporary basis. The Board has authority over the rules; therefore, DBS asked for approval to place the rules in a proposed state. Once approved, the rules will be published in the Idaho Administrative Bulletin for possible reauthorization at the 2021 legislature.

DBS has been moved under the Division of Occupational and Professional Licensing. Therefore, the IDAPA rules under the Factory Built Structures Advisory Board have been recodified from 07.03.03 to 24.39.31, 07.03.09 to 24.39.32, 07.03.11 to 24.39.33, 07.03.12 to 24.39.34, and 07.03.13 to 24.39.35.

**MOTION:** Spencer McLean made a motion to vote to authorize Notice of Omnibus Rulemaking – Adoption of Proposed Rule and Notice of Omnibus Fee Rulemaking – Adoption of Proposed Fee Rule with regard to IDAPA 24.39.31, (formerly 07.03.03),

IDAPA 24.39.32, (formerly 07.03.09), IDAPA 24.39.33, (formerly 07.03.11), IDAPA 24.39.34, (formerly 07.03.12), and IDAPA 24.39.35, (formerly 07.03.13) in Docket Number 24-0000-2000F. Michael Hampton seconded. Roll Call: Ken Roche-Aye, Michael Jensen-Aye, Spencer McLean made the motion, Michael Hampton seconded, Kenna Draper-Aye, Brian Mattson-Aye, and Markus Alley-Aye. All in favor, motion carried.

◆ **Adjournment**

**MOTION:** Spencer McLean made a motion to adjourn the meeting. Michael Hampton seconded.

The meeting adjourned at 10:43 a.m. (MDT)

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MARKUS ALLEY, CHAIRMAN  
FACTORY BUILT STRUCTURES  
ADVISORY BOARD

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RON WHITNEY, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

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DATE

These DRAFT minutes are subject to possible correction and final approval by the Factory Built Structures Advisory Board.  
08/24/2020rb



**FACTORY BUILT STRUCTURES ADVISORY BOARD  
SPECIAL TELE/VIDEOCONFERENCE MEETING**

**Wednesday – October 14, 2020 – 10:00 a.m. (MDT)**

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

**DRAFT MINUTES OF THE OCTOBER 14, 2020 MEETING**

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

Chairman Markus Alley called the meeting to order at 10:03 a.m. (MDT)

**Board Members Present:**

Markus Alley, Chairman  
Jeff Chrisman, Vice-Chairman  
Mike Jensen  
Ken Roche  
Spencer McLean  
Kenna Draper  
Mike Hampton  
Brian Mattson

**DBS Staff Members Present:**

Ron Whitney, Administrator  
Patrick J. Grace, Deputy Administrator  
Spencer Holm, Deputy Attorney General  
Larry Jeffres, Regional Manager, Region 1  
Shelly Farris, Regional Supervisor, Region 3  
Jeff Egan, Building Program Manager  
Lisa Stover, Building Program Supervisor  
Renee Bryant, Administrative Assistant 2

◆ **Vote to Authorize Notice of Omnibus Fee Rulemaking – Adoption of Pending Fee Rule with regard to IDAPA 24.39.31, IDAPA 24.39.33, and IDAPA 24.39.34 in Docket Number 24-0000-2000F**

Deputy Administrator Patrick J. Grace addressed the history, as well as the rulemaking processes required to ensure the pending fee rule stays in effect until the possible approval at the 2021 legislature. In September 2020, the proposed rules were published in the Administrative Bulletin; requiring a public comment period of 21-days. The Division did not receive any comments. There were three minor changes made to the text of the rules since submitted to the 2020 legislative session: 1) Removed the reference “RME” from the last page of the rules, 2) Added a comma, and 3) Added the word “be” for clarity of a sentence. With the structural change of DBS merging into the Idaho Department of Occupational and Professional Licenses, IDAPA 07.03.03, 07.03.11 and 07.03.12 have been recodified to 24.39.31, 24.39.33 and 24.39.34.

**MOTION:** Ken Roche made a motion to vote to authorize Notice of Omnibus Fee Rulemaking – Adoption of Pending Fee Rule with regard to IDAPA 24.39.31, IDAPA 24.39.33, and IDAPA 24.39.34 in Docket Number 24-0000-2000F. Spencer McLean seconded. All in favor, motion carried.

◆ **Schedule 2021 Board Meetings**

The Board agreed to the following 2021 meeting dates with the condition a meeting can be cancelled if/or when necessary: February 9<sup>th</sup>, May 11<sup>th</sup>, and July 13<sup>th</sup>.

**MOTION:** Ken Roche made a motion to approve the proposed 2021 board meetings as presented. Mike Jensen seconded. All in favor, motion carried.

◆ **Universal Licensure**

In the past there has been a push to eliminate barriers to entry into professions, not just in Idaho but nationally. At the 2020 legislature, Senate Bill 1351 *Occupational Licensing* passed and became effective July 1, 2020. The two main points of the bill that affects the Division’s boards, which are more applicable to the Electrical, HVAC and Plumbing Boards since the installer license is primarily a function of federal regulation, are Idaho Codes (I.C.) §§ 67-9408 *Occupational and Professional Licensure Review Committee* and 67-9409 *Universal Licensure*. The subcommittee is set-up statutorily in I.C. 67-9408 and comprised of legislators that will review all new proposed regulation/licensure; making a non-binding recommendation to the House and Senate. I.C. 67-9409 establishes a universal licensure process to facilitate the efficient transfer of licenses between states to help fill needed positions in Idaho.

◆ **Adjournment**

**MOTION:** Spencer McLean made a motion to adjourn the meeting. Ken Roche seconded.

The meeting adjourned at 10:25 a.m. (MDT)

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MARKUS ALLEY, CHAIRMAN  
FACTORY BUILT STRUCTURES  
ADVISORY BOARD

\_\_\_\_\_  
RON WHITNEY, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

\_\_\_\_\_  
DATE

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DATE

These DRAFT minutes are subject to possible correction and final approval by the Factory Built Structures Advisory Board.  
01/07/2021rb

# FACTORY BUILT STRUCTURES ADVISORY BOARD

## Agenda Item No. 02 Modular Buildings Manufacturers and PW Contractor License

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**PRESENTER:** Patrick Grace, Deputy Administrator

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**OBJECTIVE:** Determine if there is a need to modify statutes.

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**ACTION:** Informational

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**BACKGROUND:** At the January 11, 2021 PWCL Board meeting, a question was posed to DBS on whether a manufacturer of modular buildings needs a public works contractor license (PWCL) for structures sited or incorporated into public works projects. A license is required to build a stick-built structure on site for a public works project; however, it is not clear if a license is required if structures are built at one location and moved to another location as part of a public works job. Upon researching, the Division determined structures built in a factory, and not affixed to the public works site, is personal property for which there is an exemption in statute. The property exemption goes back to 1941 when the Public Works Licensing Act was put into law.

Upon further discussion, it became apparent there were two issues being discussed; license provisions and code provisions. Deputy Attorney General Spencer Holm read the legal definitions of personal and real property from Black's Law Dictionary. To determine if there is a need for modifications to the statute, Deputy Administrator Patrick Grace agreed to contact the modular industry, as well as meet with the Factory Built Structures Advisory Board prior to April 19, 2021 PWCL Board meeting.

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**ATTACHMENTS:** No Documentation

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# FACTORY BUILT STRUCTURES ADVISORY BOARD

**Agenda Item No. 03**

**Administrator Report**

**PRESENTER:** Ron Whitney, Administrator

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**OBJECTIVE:** Provide an overview of the Division's current activities.

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**ACTION:** Informational

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**BACKGROUND:** This topic is addressed at all regularly scheduled Factory Built Structures Advisory Board meetings to include the financial report.

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Financial Report

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**Division of Building Safety**  
**FACTORY BUILT STRUCTURES - 0229-28**  
 Fiscal Year 2021 Financial Statements  
 As of 11/30/2020

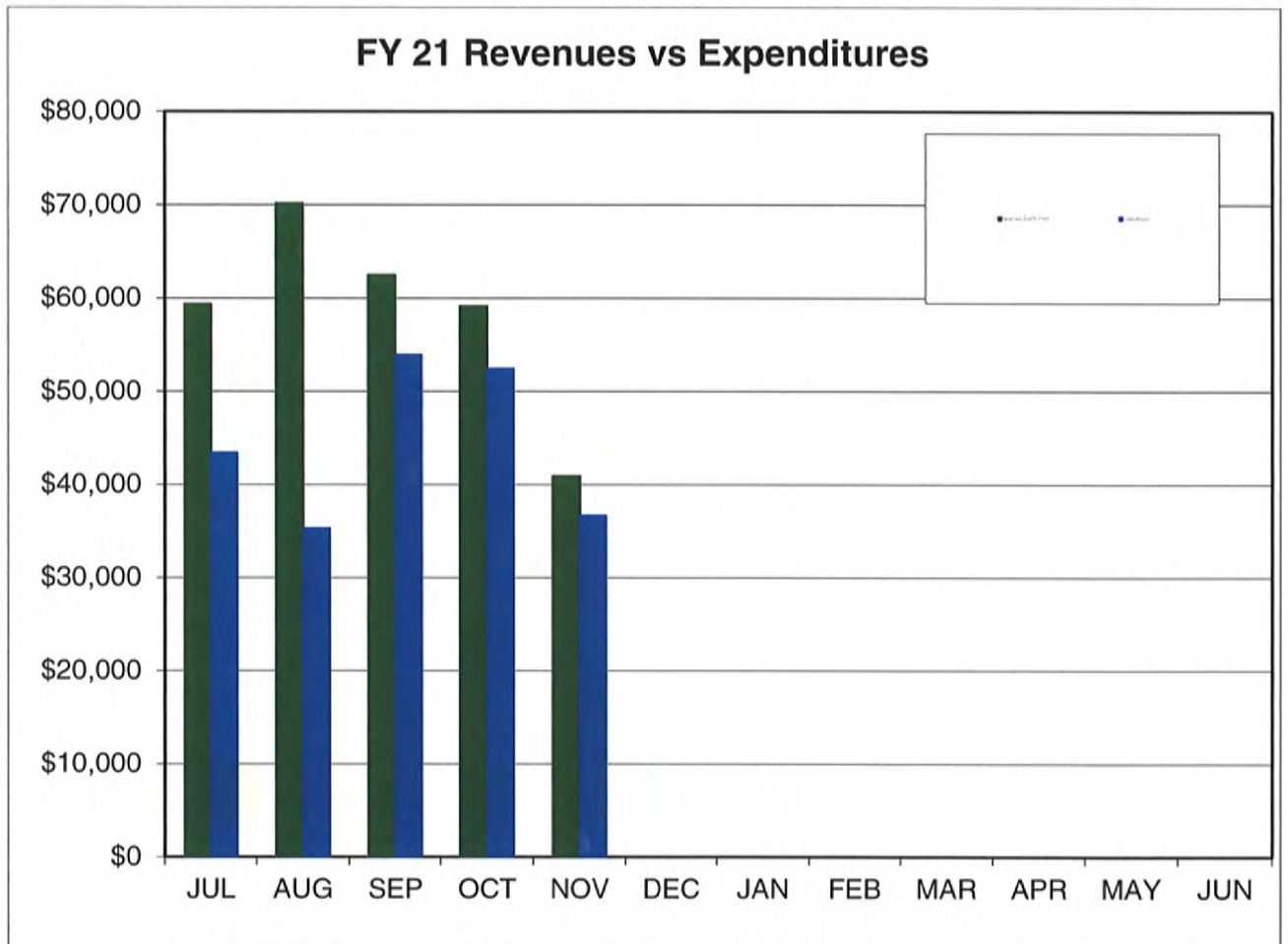
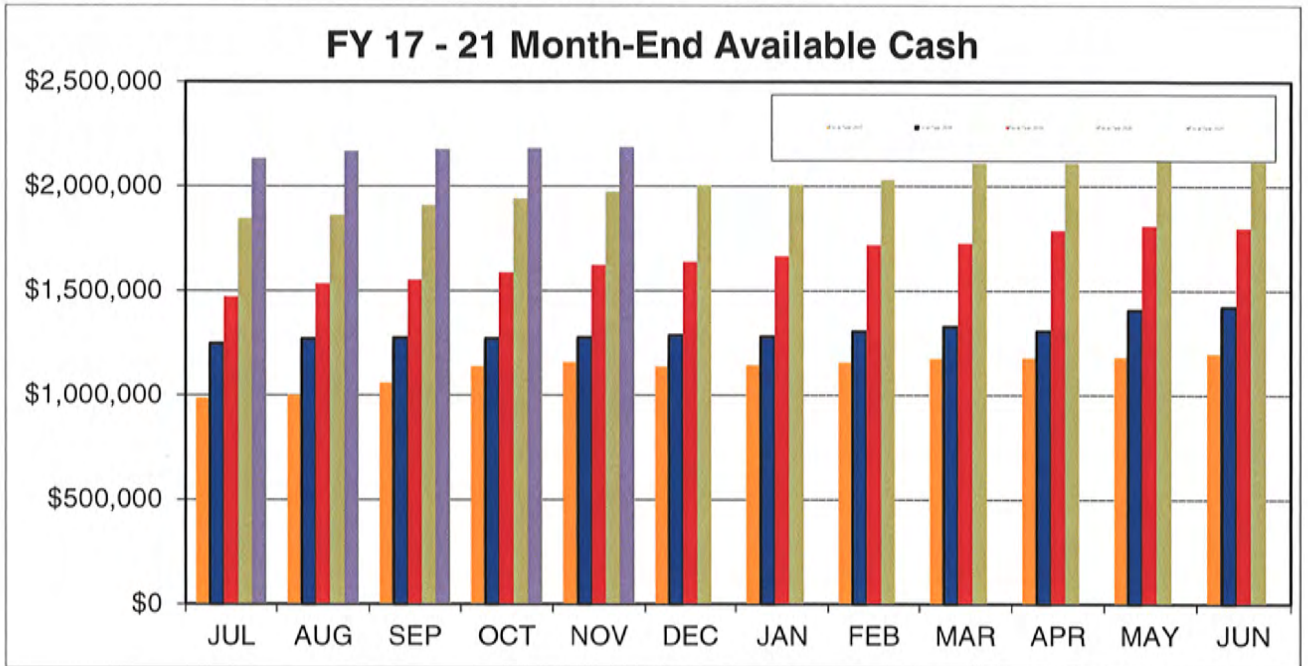
Statement of Revenues and Expenditures

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	522,900	291,819	55.8%	231,081	377,456	669,275	128.0%
Expenditures							
Personnel:	401,900	180,103	44.8%	221,797	245,595	425,698	105.9%
Operating:	85,000	41,366	48.7%	43,634	57,288	98,654	116.1%
Capital:	36,000	0	0.0%	36,000	36,000	36,000	100.0%
Total Expenditures	522,900	221,469	42.4%	301,431	338,883	560,352	107.2%
Net for FY 2021	0	70,350			38,573	108,923	

Statement of Cash Balance

July 1, 2020 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of November 30, 2020	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
2,116,055	291,819	(221,469)	98	2,186,502	38,573	2,225,076

# FACTORY BUILT STRUCTURES - 0229-28



# FACTORY BUILT STRUCTURES - 0229-28

