

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 407

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 39-4115, IDAHO
2 CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PERSONNEL OF THE IDAHO
3 BUILDING CODE BOARD AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING
4 SECTION 67-2601A, IDAHO CODE, TO PROVIDE THAT REGIONAL MANAGERS SHALL
5 BE NONCLASSIFIED EMPLOYEES.
6

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

8 SECTION 1. That Section 39-4115, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 39-4115. PERSONNEL. The division shall ~~employ a bureau chief, who~~
11 ~~shall in addition to his other duties, function~~ designate a nonclassified
12 employee to serve as the executive director of the board, and such other
13 personnel as necessary to effect enforcement of the codes herein enumerated
14 or otherwise prescribed by rules promulgated by the board pursuant to this
15 chapter. ~~All such employees, except the bureau chief, shall be classified as~~
16 ~~prescribed in chapter 53, title 67, Idaho Code.~~

17 SECTION 2. That Section 67-2601A, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-2601A. DIVISION OF BUILDING SAFETY. (1) The division of building
20 safety will be headed by an administrator appointed by and serving at the
21 will of the governor. The division administrator, deputy administrators
22 and ~~bureau chiefs~~ regional managers shall be nonclassified employees exempt
23 from the provisions of chapter 53, title 67, Idaho Code.

24 (2) The administrator shall administer the following provisions and
25 shall perform such additional duties as are imposed on him by law: chapter
26 41, title 39, Idaho Code, relating to the building code board; chapter 40,
27 title 39, Idaho Code, relating to manufactured homes; chapter 41, title 39,
28 Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code,
29 relating to manufactured home dealer and installer licensing; chapter 25,
30 title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10,
31 title 54, Idaho Code, relating to electrical contractors and journeymen;
32 chapter 19, title 54, Idaho Code, relating to licensing of public works
33 contractors; chapter 26, title 54, Idaho Code, relating to plumbing and
34 plumbers; chapter 45, title 54, Idaho Code, relating to public works con-
35 struction management licensing; chapter 50, title 54, Idaho Code, relating
36 to heating, ventilation and air conditioning systems; chapter 80, title 39,
37 Idaho Code, relating to school building safety; and chapter 86, title 39,
38 Idaho Code, relating to elevator safety.

39 (3) The administrator shall cooperate with the industrial commission
40 and aid and assist the commission in its administration of sections 72-720,

1 72-721 and 72-723, Idaho Code, and at the request of the commission shall
2 make inspection of appliances, tools, equipment, machinery, practices or
3 conditions, and shall make a written report to the commission. The adminis-
4 trator shall make recommendations to the commission to aid the commission in
5 its administration of sections 72-720, 72-721 and 72-723, Idaho Code, pro-
6 vided however, that nothing herein shall be construed as transferring to the
7 administrator any of the authority or powers now vested in the industrial
8 commission.

9 (4) In administering the laws regulating professions, trades and occu-
10 pations that are devolved for administration upon the division, and in addi-
11 tion to the authority granted to the administrator by the laws and rules of
12 the agencies and entities within the division, the administrator may:

13 (a) Revise the operating structure of the division as needed to provide
14 efficient and appropriate services to the various professions, trades,
15 occupations and programs administered within the division;

16 (b) Conduct examinations to ascertain the qualifications and fitness
17 of applicants to exercise the profession, trade or occupation for which
18 an examination is held; pass upon the qualifications of applicants for
19 reciprocal licenses, certificates and authorities; prescribe rules for
20 a fair and impartial method of examination of candidates to exercise the
21 respective professions, trades or occupations; issue registrations,
22 licenses and certificates; and until fees are established in rule, the
23 administrator shall charge a fee of seventy-five dollars (\$75.00) for
24 each examination administered;

25 (c) Conduct hearings on proceedings to discipline, renew or reinstate
26 licenses, certificates or authorities of persons exercising the re-
27 spective professions, trades or occupations; appoint hearing officers,
28 administer oaths, issue subpoenas, and compel the attendance of wit-
29 nesses; revoke, suspend, refuse to renew, or take other disciplinary
30 action against such licenses, certifications or authorities; and pre-
31 scribe rules to recover costs and fees incurred in the investigation and
32 prosecution of any certificate holder, licensee or registrant of the
33 division, its boards, bureaus and programs, in accordance with the con-
34 tested case provisions of chapter 52, title 67, Idaho Code, and the laws
35 and rules of the boards, bureaus and programs the division administers;

36 (d) Assess civil penalties as authorized;

37 (e) Promulgate rules establishing: a coordinated system for the
38 issuance, renewal, cancellation and reinstatement of licenses, cer-
39 tificates, registrations and permits; assessment of all related fees;
40 the terms by which fees may be prorated, if any; and procedures for the
41 replacement of lost or destroyed licenses, certificates or registra-
42 tions; and

43 (f) Promulgate other rules as may be necessary for the orderly admin-
44 istration of the chapters specified in subsection (2) of this section
45 and such rules as may otherwise be required by those chapters as well as
46 rules for the standardization of operating procedures.

47 (5) Notwithstanding any law governing any specific board, bureau or
48 program comprising the division of building safety, each board member shall
49 hold office until a successor has been duly appointed and qualified.

1 (6) The administrator shall have the authority to employ individuals,
2 make expenditures, enter into contracts, require reports, make investiga-
3 tions, travel, and take other actions deemed necessary.