

PENDING RULES COMMITTEE RULES REVIEW BOOK

**Submitted for Review Before
House Business Committee
66th Idaho Legislature
First Regular Session – 2021**



Prepared by:

*Office of the Administrative Rules Coordinator
Division of Financial Management*

January 2021



State of Idaho
DIVISION OF FINANCIAL MANAGEMENT
Executive Office of the Governor

BRAD LITTLE
Governor

ALEX J. ADAMS
Administrator

January 11, 2021

MEMORANDUM

TO: **Members of the 2021 Idaho State Legislature**

FROM: **Alex J. Adams, Administrator** *Alex J. Adams*
Bradley A. Hunt, Rules Coordinator *Bradley A. Hunt*

SUBJECT: **Overview of Executive Agency Rulemaking in 2020**

Background. Governor Little initiated a rules moratorium for calendar year 2020 and thus the volume of rulemaking is down substantially relative to most years. Most rules published in the Legislative Rules Review book are simply re-published because the 2020 Legislature adjourned *sine die* without passing a concurrent resolution approving any pending fee rules as specified in Section 67-5224, Idaho Code. The necessary fee rules were re-published in the following special bulletins:

- [April 15](#) – Temporary Fee Rules
- [September 16](#) – Proposed Fee Rules
- [November 18](#) – Pending Fee Rules

Changes in Existing Fee Rules. Since all fee rules expired upon sine die, there is no existing rule available to amend. Therefore, only a clean version of the rule chapter is able to be presented to the Legislature in January 2021. In some cases, fee rules were modified based on public comment, or to implement Executive Order [2020-13](#), among other reasons. Given the unprecedented volume, all edits are incorporated within a single docket and presented as a clean fee rule chapter. There are several ways that legislators may view previous rules for comparison purposes:

- An [archive of any rule](#) since 1996 is available on the DFM website. This allows legislators to see the evolution of a rule over time.
- The Legislative Services Office analyzes all proposed rules. You can find their analysis of proposed rules which, in some cases, may discuss changes to rules between sine die and the proposed rules. These may be found on the [Legislature's website](#).
- Changes made between the proposed and pending rule stages were noted in the [November 18th](#) bulletin where applicable.

Process for Approving/Extending Rules. Below, you will find a brief description on legislative actions and outcomes regarding the rules review process and contents of the Legislative Rules Review Books:

- Pending Fee Rules must be affirmatively approved by both bodies via adoption of concurrent resolution to become final.
- Temporary Rules must be affirmatively approved by both bodies via adoption of concurrent resolution to be extended.
- Pending Rules become final and effective sine die unless rejected, in whole or in part, via concurrent resolution adopted by both bodies.
 - Pending rules may be approved, in whole or in part, or rejected if determined to be inconsistent with legislative intent of the governing statute.
 - If rejected, new or amended language must be identified at a numerical or alphabetical designation within the rule and specified in the concurrent resolution.
- A link to LSO's proposed rule analysis is provided at the beginning of each docket and includes any required supporting documentation (e.g. Cost Benefit Analysis (CBA), Incorporation By Reference Synopsis (IBRS)) as part of the analysis.
- All 2021 review books can be accessed on the DFM website [here](#).

Contact Information. If questions arise during the rules review process, please do not hesitate to contact the Rules Coordinator, Brad Hunt: Brad.Hunt@dfm.idaho.gov; 208-854-3096.

HOUSE BUSINESS COMMITTEE
ADMINISTRATIVE RULES REVIEW
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18.08.01 – Adoption of the International Fire Code

Docket No. 18-0801-20014

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE
18.08.01 – ADOPTION OF THE INTERNATIONAL FIRE CODE
DOCKET NO. 18-0801-2001
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Proposed Rule Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2021 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-254, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The State Fire Marshal adopts the International Fire Code (IFC) then adjusts, via negotiated rulemaking, provisions of the IFC that we wish to exempt Idaho from enforcing at least at the state level. Under the 2018 fire code (IFC) that will go into effect on January 1, 2021, there was a new section added regulating food trucks. Two sub sections require additional inconveniences on the part of the food truck owner and additional money to the entrepreneur. Section 319.2 states that permits shall be required as set forth in Section 105.6. This rulemaking seeks to change the language so that permits be required “if required by the local jurisdiction.”

The SFM is unaware of any company that provides this inspection and certification in Idaho. This rulemaking will leave it to the individual jurisdictions to determine inspection and enforcement feasibility.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2020, [Idaho Administrative Bulletin, Vol. 20-9, pages 69-70](#).

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Knute Sandahl at knute.sandahl@doi.idaho.gov or (208) 334-4377.

Dated this 1st day of October, 2020.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 41-254, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

The State Fire Marshal adopts the International Fire Code (IFC) then adjusts, via negotiated rulemaking, provisions of the IFC that we wish to exempt Idaho from enforcing at least at the state level. Under the 2018 fire code (IFC) that will go into effect on January 1, 2021, there was a new section added regulating food trucks. Two sub sections require additional inconveniences on the part of the food truck owner and additional money to the entrepreneur. Section 319.2, International Fire Code, states that permits shall be required as set forth in Section 105.6, International Fire Code. This rulemaking seeks to change the language so that permits be required "if required by the local jurisdiction."

The SFM is unaware of any company that provides this inspection and certification in Idaho. This rulemaking will leave it to the individual jurisdictions to determine inspection and enforcement feasibility.

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

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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, pages 183-184](#). A public meeting was held June 17, 2020.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Knute Sandahl at knute.sandahl@doi.idaho.gov or (208) 334-4377. 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 September 23, 2020.

Dated this 23rd day of July, 2020.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 18-0801-2001

021. MOBILE FOOD PREPARATION VEHICLES, SECTION 319, INTERNATIONAL FIRE CODE.

01. Permit Required. To Section 319.2, International Fire Code, add permissive language: “IF REQUIRED BY A LOCAL JURISDICTION, permits may be required as set forth in Section 105.6.” ()

02. Fuel Gas Systems. To Section 319.10.3, International Fire Code, add permissive language: “IF REQUIRED BY THE LOCAL JURISDICTION, LP-gas containers installed on the vehicle and fuel-gas piping systems may be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, . . . Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection, OR PROVIDE DOCUMENTATION OF INSPECTION UPON REQUEST OF THE LOCAL JURISDICTION.” ()

02+2. CHAPTER 5 FIRE SERVICE FEATURES.

Make the following changes within Chapter 5 of the International Fire Code; (3-20-14)

01. Section 501. (4-7-11)

a. To section 501.3 after the phrase, Construction documents for proposed, add the word “driveways.” (4-7-11)

b. To section 501.4 after the phrase, When fire apparatus access roads, add the word “driveways.” (4-7-11)

02. Section 502. (3-29-17)

a. To section 502, add the following word “DRIVEWAY.” (3-29-17)

b. To section 502, add the words “FIRE STATION.” (3-29-17)

03. Section 503. (4-7-11)

a. To section 503 add the words, “AND DRIVEWAYS” to the section heading. (4-7-11)

b. To section 503.1.1 add the following sentence, “Driveways need to be provided and maintained in accordance with Sections 503.1.1 through 503.13.” (3-29-17)

c. To section 503.6 delete the sentence, “The installation of security gates across a fire apparatus access road shall be approved by the fire chief.” (4-7-11)

d. Add the following section, “503.7 Driveways. Need be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45720mm) from a fire apparatus access road. Driveways will provide a minimum unobstructed width of 12 feet (3658mm) and a minimum unobstructed height of 13 feet 6 inches (4115mm). Driveways in excess of 150 feet (45720mm) in length need to be provided with turnarounds. Driveways in excess of 200 feet (60960mm) in length and less than 20 feet (6096mm) in width may require turnouts in addition to turnarounds.” (4-7-11)

e. Add the following section, “503.7.1 Limits. A driveway cannot serve in excess of five single family dwellings.” (4-7-11)

f. Add the following section, “503.7.2 Turnarounds. Driveway turnarounds need to have an inside turning radius of not less than 30 feet (9144mm) and an outside turning radius of not less than 45 feet (13716mm). Driveways that connect with an access road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radius requirements for driveway turnarounds.” (4-7-11)

g. Add the following section, “503.7.3 Turnouts. Where line of sight along a driveway is obstructed by a man-made or natural feature, turnouts need to be located as may be needed by the fire code official to provide for safe passage of vehicles. Driveway turnouts will be of an all-weather road surface at least 10 feet (3048mm) wide and 30 feet (9144mm) long.” (4-7-11)

h. Add the following section, “503.7.4 Bridge Load Limits. Vehicle load limits will be posted at both entrances to bridges on driveways and private roads. Design loads for bridges will be established by the fire code official.” (4-7-11)

i. Add the following section, “503.7.5 Address markers. All buildings need to have a permanently posted address, which will be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address needs to be posted at the beginning of construction and maintained thereafter. The address need be visible and legible from the road on which the road on which the address is located. Address signs along one-way roads will be visible from both the intended direction of travel and the opposite direction. Where multiple address’s are required at a single driveway, they need to be mounted on a single post, and additional signs will be posted at locations where driveways divide.” (4-7-11)

j. Add the following section, “503.7.6 Grade. The gradient for driveways cannot exceed 10 percent unless approved by the fire code official.” (4-7-11)

k. Add the following section, “503.7.7 Security Gates. Where security gates are installed, they need to have an approved means of emergency operation. The security gates and emergency operation will be maintained operational at all times.” (4-7-11)

l. Add the following section, “503.7.8 Surface. Driveways need to be designed and maintained to support the imposed loads of local responding fire apparatus and will be surfaced as to provide all weather driving capabilities.” (4-7-11)

04. Section 507. To section 507.2 Type of water supply, delete the existing language and add the following, “A water supply will consist of water delivered by fire apparatus, reservoirs, pressure tanks, elevated tanks, water mains or other sources approved by the fire code official capable of providing the needed fire flow. Exception. The water supply prescribed by this code needs to apply to structures served by a municipal fire department or a fire protection district and within ten miles (16093m) of a responding fire station.” (4-7-11)

0223. -- 026. (RESERVED)