

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.10.01 – RULES GOVERNING THE DAMAGE PREVENTION BOARD, DIVISION OF BUILDING SAFETY

DOCKET NO. 07-1001-1701

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 55-2203, 55-2208 and 55-2211, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held by the Idaho Damage Prevention Board, and are scheduled as follows:

Thursday, March 23, 2017 9:30 a.m. (MDT)	Thursday, May 25, 2017 9:30 a.m. (MDT)	Thursday, July 13, 2017 9:30 a.m. (MDT)
---	---	--

**Idaho Division of Building Safety
1090 E. Watertower, Suite 150
Meridian, ID 83642**

**via VIDEO-TELECONFERENCE (Same Dates and Times as Above)
at the Following Division of Building Safety Locations:**

**Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, Idaho 83814**

**Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, Idaho 83201**

During the scheduled public meetings, additional negotiated rulemaking meetings may be established by the Board, if necessary. Adequate notice of the dates, locations, and manner of participation of any such meeting will be posted on the Division of Building Safety website <http://dbs.idaho.gov/>.

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not alter than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

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

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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:

Pursuant to Sections 55-2203, 55-2208 and 55-2211, Idaho Code, the Idaho Damage Prevention Board has the authority through the promulgation of rules to provide for the following: the adoption of training programs on pertinent underground facility damage topics for general use and remedial training pursuant to Section 55-2211, Idaho Code; a process for reviewing the adequacy of facility owners internal performance measures; a process for reviewing and improving technologies and analyzing data related to underground facilities; the forms and procedures to be used for submitting complaints related to damage to underground facilities; the fines to be paid for civil penalties imposed for violations of Title 55, Chapter 22, Idaho Code; a procedure for processing claims of underground facility damage; and the reporting of information to the Board related to damage to underground facilities or excavator downtime. The Board seeks the participation of the affected industry, all interested stakeholders, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of rules related to the prevention of damage to underground facilities in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Ron Whitney, Deputy Administrator – Division of Building Safety (208) 332-7150. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Damage Prevention Board by March 20, 2017. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 30th day of January, 2017.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840