

**IDAPA 07 – DIVISION OF BUILDING SAFETY**

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

**DOCKET NO. 07-1001-1801**

**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, 55-2205 and 55-2211, Idaho Code.

**MEETING SCHEDULE:** Public meetings on the negotiated rulemaking will be held as follows:

<b>Thursday, May 24, 2018 9:30 a.m. (MDT)</b>	<b>Thursday, July 26, 2018 9:30 a.m. (MDT)</b>
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**Idaho Division of Building Safety  
1090 E. Watertower St., 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, ID 83814**

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

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

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later 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’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meetings to be conducted on the dates listed above. The Board will allow oral comments or presentations to be made at the meetings. More information on the meetings is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at [ron.whitney@dbs.idaho.gov](mailto:ron.whitney@dbs.idaho.gov).

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 AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Pursuant to Sections 55-2203, 55-2205 and 55-2211, Idaho Code, the Board has the authority, through the promulgation of rules, to provide for the location and marking of underground facilities in Idaho; fund the activities

of the board through certain fees; and provide for the filing of complaints and issuance of penalties regarding violations of Title 55, Chapter 22, Idaho Code. The Board desires to amend provisions of the existing rules governing damage prevention practices in Idaho through the negotiated rulemaking process. Specifically, the Board seeks to provide for the location and marking of certain underground facilities in Idaho; review certain fees that fund the activities of the board; and review procedures for the filing of complaints and issuance of penalties regarding violations of Title 55, Chapter 22, Idaho Code. The Board seeks the participation of the affected industry, stakeholders, other interested parties 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 governing damage prevention practice for application in Idaho.

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by May 18, 2018, for the May meeting and July 20, 2018, for the July meeting.

Dated this 27th day of March, 2018.

Ron Whitney, Deputy Administrator  
Division of Building Safety  
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P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
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