



C.L. "BUTCH" OTTER
Governor
Chris Jensen
Administrator

Building a Safer Idaho

1090 East Watertower Street, Suite 150
Meridian, Idaho 83642
Main # 1-800-955-3044
Fax # 1-877-810-2840
dbs.idaho.gov

NOTICE OF RULEMAKING

Please be advised that the Public Works Contractors License (PWCL) Board has scheduled a public hearing on July 9, 2018 to allow interested parties to recommend amendments to the PWCL rules regarding qualification criteria for different classes of public works contractor licenses to possibly include financial history and bonding capabilities, as well as work history and experience performing projects of varying value, size and scope. Additionally, recommendations may be made regarding the rules related to the requirement to notify the DBS when a qualified individual ceases to be associated with a public works contractor licensee, and the process involved with such notification. Additional meetings may be scheduled as a result of discussions and negotiations held on the above-referenced date, and if so, these dates will be posted on the DBS website.

The public hearings will be held at the Division of Building Safety (DBS) at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642, and via videoconferencing at 1250 Ironwood Dr., Suite 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. A copy of the tentative agenda for the board meetings will be posted on the DBS website in accordance with the Idaho Open Meeting Law (I.C. §74-201 *et seq*) when it becomes available. The Board will permit oral comments or presentations to be made to it by any interested individuals at that time. The board encourages interested parties to present proposals orally at the July 9, 2018 board meetings or to submit written proposals for the record at any time prior to July 2, 2018. All change proposals must include supporting information needed to facilitate consideration of the proposal.

Should you have any questions or concerns about this rulemaking process or the public meetings, please contact me or an appropriate member of the DBS staff at 208-334-3950. You may also contact the Chairman of the Idaho PWCL Board, Jim Roletto at 208-967-4232 and jim@enricoconsulting.com. The Idaho PWCL Board looks forward to your participation in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Jensen".

CHRIS JENSEN
Secretary, PWCL Board
Administrator, Division of Building Safety

c: Idaho PWCL Board

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.05.01 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-1801

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 Section 54-1907 and 54-1910, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

PUBLIC MEETING
Monday, July 9, 2018 – 9:30 a.m. (MDT)

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 Idaho 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 Public Works Contractor’s License 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 meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at 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 54-1907 and 54-1910, Idaho Code, the Board or Division has the authority, through the promulgation of rules, to require a public works contractor to be connected to an individual qualified by examination (QI) and suspend the license of a contractor without a QI. The Board desires to amend provisions of the existing rules of the Public Works Contractors License Board in Idaho through the negotiated rulemaking process. Specifically, the Board would like to define a QI and determine, in rule, the “reasonable length of time” a contractor’s license will

remain in force under section 54-1910(a), Idaho Code. In addition, the Board would like to clarify, in rule, that notice that a contractor's QI has ceased to be connected with the contractor must be provided to the administrator on forms prescribed by the administrator. The Board seeks the participation of the affected industry, 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 of the Public Works Contractors License Board 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. 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 July 2, 2018.

DATED this 3rd day of May, 2018.

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