

**DAMAGE PREVENTION BOARD  
SPECIAL TELECONFERENCE/VIDEOCONFERENCE MEETING**

**Monday – December 17, 2018 – 9:30 a.m. (MST)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian  
2055 Garrett Way, Building 1, Suite 4, Pocatello**

**\*MINUTES OF THE DECEMBER 17, 2018 MEETING**

**NOTE:** The following report is not a verbatim transcript of the discussions at the meeting; however, it is intended to record the significant features of those discussions.

Chairman Jeffrey Diehl called the meeting to order at 9:30 a.m. (MST)

**Board Members Present:**

Jeffrey Diehl, Chairman  
Jerry Piper, Vice-Chairman  
Joe Leckie  
Mark Van Slyke  
Julie Maki  
Nichole Rush  
Vaughn Rasmussen, Pocatello  
Scott Spears – Teleconference  
Jeanna Anderson – Teleconference  
Roy Ellis – Teleconference

**DBS Staff Members Present:**

Ron Whitney, Deputy Administrator  
Spencer Holm, Deputy Attorney General  
Patrick J. Grace, Regional Manager, Region 2  
Amy Kohler, Compliance Program Specialist  
Renee Bryant, Administrative Assistant 2

◆ **2019 Proposed Legislation--Service Laterals--Idaho Code § 55-2202**

In July, the Board approved proposed statute changes that enhanced definitions; assigning clear responsibility to the party accountable for locating wet utility service laterals.

Recently hearing about the proposal, Andrew Waldera, Attorney for Sawtooth Law Offices representing Pioneer Irrigation District, met with Board Members Bob Chandler and Mark Van Slyke, as well as DBS staff and Deputy Attorney General Spencer Holm to discuss what might be done to continue to preserve what historically has been irrigation exemption from Idaho Code § 55-2202. The irrigation entity exemption applies to irrigation facilities, water conveyance being delivered primarily for irrigation. Based on the conversation, Deputy Attorney General Holm drafted new proposed language to capture the parenthetical in the definition of service laterals.

There is reference to stormwater in the definition of *Service Lateral*; which, is not in the original definition of *Underground Facility*. Mr. Waldera suggested adding the word “stormwater” to the *Underground Facility* definition for consistency purposes. Another recommendation was to replace the word “delivered” with “used” in the definition of *Service*

*Lateral* since irrigation entities do not “deliver” to the point of use. This change would capture both sides of the irrigation system.

The question arose if the Board goes forward with continuing the parenthetical carve out in the service lateral legislation, are the terms primarily for irrigation and is irrigation itself further defined anywhere that would give the Board a better sense of what the scope of the exemption is. Board Member Scott Spears stated the carve out for irrigation has been in there since the original statute in 1990 and didn’t see a point in making changes or even messing with the exemption in the context of trying to bring other laterals and responsibility into play.

Chairman Diehl clarified the purpose of this meeting is to evaluate and vote on the proposed modified language, not address the parenthetical. Therefore, the Chairman supports adding “stormwater” to new paragraph 21; however, expressed leaving the paratheatrical language as is with the Board evaluating the entire exemption in 2019.

**MOTION:** Joe Leckie made a motion to accept the modified language with the spoken adaptation of adding “stormwater” in front of “sewage” in paragraph twenty-one. Mark Van Slyke seconded. eight ayes and one nay, motion passed.

◆ **Adjournment**

The Chairman adjourned the meeting at 10:09 a.m. (MST)

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JEFFREY DIEHL, CHAIRMAN  
DAMAGE PREVENTION BOARD

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RON WHITNEY, DEPUTY ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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