

STATEMENT OF PURPOSE

RS26452

Idaho Code section 55-2205(2) states, "If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of the underground facilities and with reasonable accuracy as defined in section 55-2202(15), Idaho Code." Idaho Code section 55-2202(9) defines an identified but unlocatable underground facility as "an underground facility which has been identified but cannot be located with reasonable accuracy." By definition, an identified but unlocatable underground facility cannot be located with reasonable accuracy as required by Idaho Code section 55-2205(2). This legislative proposal will correct this discrepancy and require locatable underground facilities to be marked with reasonable accuracy, as was the initial intent of the statute. This legislative proposal will also revise Idaho Code section 55-2205(4) to align it with changes to Idaho Code section 55-2205(2). Idaho Code section 55-2208(5) requires that "[u]nderground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime . . . shall report such information to the board in accordance with the rules promulgated by the board." This requirement may cause duplicative reporting of the same incident by both underground facility owners and excavators. The Damage Prevention Board (Board) and stakeholders believe underground facility owners are best situated to report damage to their underground facilities and excavators are best situated to report downtime they suffer due to violations of chapter 22, title 55, Idaho Code. Accordingly, the Board and stakeholders believe only underground facility owners should be required to report damage to underground facilities and only excavators should be required to report excavator downtime. This legislative proposal will eliminate potential double reporting by requiring only underground facility owners to report damage to underground facilities and only excavators to report excavator downtime. Chapter 22, title 55, Idaho Code, does not have definitions for "hand digging," "soft digging," or "locator." These are terms that need definition because they are or will be used in chapter 22, title 55, Idaho Code; IDAPA 07.10.01; or both. This legislative proposal will add definitions for "hand digging," "soft digging," and "locator" to Idaho Code section 55-2202.

FISCAL NOTE

There will be a positive fiscal impact to the Damage Prevention Board fund created by more efficient reporting of damage to underground facilities and excavator downtime. There will also be a positive fiscal impact to excavators, who will not be required to locate and mark identified but unlocatable underground facilities with reasonable accuracy.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).