

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, January 12, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood
Vice Chairman Shepherd	Rep McDonald
Rep Gestrin	Rep Dixon
Rep Hixon	Rep Harris
Rep Kauffman	Rep Holtzclaw
Rep Packer	Rep Monks

Rep DeMordaunt
Rep Syme
Rep King
Rep Wintrow
Rep Gannon

COMMITTEE SECRETARY

Jasmine Platt
Room: EW60
Phone: 332-1146
email: htran@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, January 12, 2017
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon
**ABSENT/
EXCUSED:** Representative(s) McDonald, Dixon, Holtzclaw
GUESTS: None

Chairman Palmer called the meeting to order at 1:35 PM.

Chairman Palmer assigned **Rep. Dixon** as the Subcommittee Chairman for all Administrative Rules. He followed this assignment by naming the Subcommittee members: **Rep. Gestrin, Rep. Harris, Rep. DeMordaunt, and Rep. Syme.**

Chairman Palmer introduced **Rep. DeMordaunt** and **Rep. Syme**, the Committee's newest Legislators.

Chairman Palmer introduced **Katie Groves**, Page, and **Jasmine Platt**, Secretary, to the Committee.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 1:40 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 18, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS24840	Educational Encouragement	Major Stephen Stokes
RS24838	Approval of Board of Examiners	Captain Jackson Gray
RS24845	Armies and Military Property	Lieutenant Colonel Paul Boice
RS24988	Plug-In Hybrids and Fees	Representative Steven Harris

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, January 18, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Lieutenant Colonel Paul Boise, Idaho National Guard, Major Stephen Stokes, Idaho National Guard; Captain Jackson Gray, Idaho National Guard; Shoni Pegram, Governor's Office; Ramon Hobdey-Sanchez, Idaho Transportation Department; Captain Tim Horn, Idaho State Police

Chairman Palmer called the meeting to order at 1:31 PM.

RS 24840: **Major Stephen Stokes**, Attorney Advisor to the Adjutant General, presented **RS 24840**. The purpose of this proposed legislation is to remove the word "nontechnician" from line 3 of the Idaho Code to allow federal technicians who work for the Idaho National Guard to participate in the State Tuition Assistance Program. Major Stokes gave a brief summary of the detrimental effect this term has had on affected parties.

MOTION: **Rep. Gannon** made a motion to introduce **RS 24840**. **Motion carried by voice vote.**

RS 24838: **Captain Jackson Gray** presented **RS 24838**. The purpose of this proposed legislation is to amend Section 46-714 of the Idaho Code to declare any contract with state match meeting the threshold amount specified by 67-5711 must have the approval of the Board of Examiners. Captain Gray gave a brief summary of the proposed legislation.

MOTION: **Rep. Wintrow** made a motion to introduce **RS 24838**. **Motion carried by voice vote.**

RS 24845: **Lieutenant Colonel Paul Boise**, Staff Adjutant to the General, presented **RS 24845**. The purpose of this proposed legislation is to add a new section to Chapter 7, Title 46 of the Idaho Code. The new section would be 46-728, which would state "Any reference to the term armory in Chapter 7, Title 46, Idaho Code, shall be considered a reference to an "Idaho Military Division Facility." Lieutenant Colonel Boise gave a brief summary of the function of the proposed legislation.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 24845**. **Motion carried by voice vote.**

RS 24988: **Rep. Steven Harris** presented **RS 24988**. The purpose of this proposed legislation is to remove the additional registration fee for all-gasoline hybrid vehicles while continuing to charge the fee for plug-in hybrids. This proposed legislation also exempts neighborhood electric vehicles from the electric vehicle fee.

MOTION: **Rep. Packer** made a motion to introduce **RS 24988**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 1:43 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
DIXON SUBCOMMITTEE
2:00 PM or Upon Adjournment of the Full Committee
Room EW40
Wednesday, January 18, 2017

DOCKET NO.	DESCRIPTION	PRESENTER
<u>11-1301-1601</u>	Idaho State Police Motor Carrier Rules	Captain Tim Horn, ISP
<u>11-1301-1602</u>	Idaho State Police Motor Carrier Rules	Captain Tim Horn
<u>11-1301-1603</u>	Idaho State Police Motor Carrier Rules	Captain Tim Horn

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Dixon
Rep.Harris
Rep.Gannon
Rep.DeMordaunt
Rep.Syme

COMMITTEE SECRETARY

Jasmine Platt
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MINUTES
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE
DIXON SUBCOMMITTEE**

DATE: Wednesday, January 18, 2017

TIME: 2:00 PM or Upon Adjournment of the Full Committee

PLACE: Room EW40

MEMBERS: Chairman Dixon, Representatives Harris, Gannon, DeMordaunt, Syme

**ABSENT/
EXCUSED:** None

GUESTS: Captain Tim Horn, Idaho State Police, Ramon Hobdey-Sanchez, Governmental Affairs Program Specialist, Idaho Transportation Department

Chairman Dixon called the meeting to order at 1:51 PM.

DOCKET NO. 11-1301-1601: **Captain Tim Horn**, Captain of Commercial Vehicle Safety, Idaho State Police, presented **Docket No. 11-1301-1601**, Motor Carrier Rules. This Rule references Section 49-2212, Idaho Code, that provides for the adoption of the Federal Hazardous Materials Regulations by reference and the changes to those regulations as they occur by operation of law. There are no changes to the pending rule and it is being adopted as originally proposed.

MOTION: **Rep. Harris** made a motion to recommend the full committee approve **Docket No. 11-1301-1601. Motion carried by voice vote.**

DOCKET NO. 11-1301-1602: **Captain Tim Horn**, Captain of Commercial Vehicle Safety, Idaho State Police, presented **Docket No. 11-1301-1602**, Motor Carrier Rules. This Rule proposes the adoption of 49 CFR Part 380, which would assist in the safe operation of Long Combination Vehicles (i.e. a tractor and two or three trailers), also referred to as LCVs, on Idaho roadways by making sure drivers have sufficient training with a qualified instructor before being released to operate LCVs. This will affect most over-legal permits issued by ITD.

In answer to committee questions, **Captain Horn** responded that this proposed Rule change had been presented and publicized and received no comment.

In answer to committee questions, **Captain Horn** said there had not been any opposition to this proposed change.

Ramon Hobdey-Sanchez, Governmental Affairs Program Specialist, Idaho Transportation Department presented to the Subcommittee a supporting comment to Captain Horn's presentation, stating that the Idaho Transportation Department did not oppose the adoption of this Rule and had been working closely with the Idaho State Police in the interest of safety and trucking.

MOTION: **Rep. Syme** made a motion to recommend the full committee approve **Docket No. 11-1301-1602. Motion carried by voice vote.**

DOCKET NO. 11-1301-1603: **Captain Tim Horn**, Captain of Commercial Vehicle Safety, Idaho State Police, presented **Docket No. 11-1301-1603**, Motor Carrier Rules. This Rule proposes Electronic Logging Devices (ELD) be used rather than paper log books for the purpose of tracking driving hours for commercial drivers. ELDs help reduce the drivers' ability to deceive their authorities into allowing extended and therefore unsafe driving/working hours in the effort of making more money. Captain Horn provided a brief explanation of the impact and proposed a time frame for implementation.

In answer to committee questions, **Captain Horn** stated that this proposed legislation would affect trucks over 10,000 pounds that travel the interstate.

In answer to committee questions, **Captain Horn** explained an ELD will cost \$400-\$600 per vehicle to install, and that the installation cost would fall on the carrier company, be incentivized, and be given with notice.

MOTION: **Rep. Harris** made a motion to recommend the full committee approve **No. 11-1301-1603. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:35 PM.

Representative Dixon
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
DIXON SUBCOMMITTEE
9:15 or Upon Adjournment of the Floor
Room EW40
Friday, January 20, 2017

DOCKET NO.	DESCRIPTION	PRESENTER
<u>39-0306-1601</u>	Rules Governing Allowable Vehicle Size	Ramon Hobdey-Sanchez
<u>39-0312-1601</u>	Rules Governing Safety Requirements of Overlegal Permits	Ramon Hobdey-Sanchez
<u>39-0315-1601</u>	Rules Governing Excess Weight Permits for Reducible Loads	Ramon Hobdey-Sanchez
<u>39-0322-1601</u>	Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations	Ramon Hobdey-Sanchez
<u>39-0323-1601</u>	Rules Governing Revocation of Overlegal Permits	Ramon Hobdey-Sanchez

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Dixon
Rep.Gannon
Rep.Harris
Rep.DeMordaunt
Rep.Syme

COMMITTEE SECRETARY

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MINUTES
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE
DIXON SUBCOMMITTEE**

DATE: Friday, January 20, 2017

TIME: 9:15 or Upon Adjournment of the Floor

PLACE: Room EW40

MEMBERS: Chairman Dixon, Representatives Gannon, Harris, DeMordaunt, Syme

**ABSENT/
EXCUSED:** None

GUESTS: Alan Frew, Division of Motor Vehicles Administrator, Idaho Transportation Department; Kimbol Allen, Chief Engineer, Idaho Transportation Department; Ramon Hobdey-Sanchez, Governmental Affairs Specialist, Idaho Transportation Department; Captain Tim Horn, Idaho State Police; Lieutenant Scott Hanson, Idaho State Police

Chairman Dixon called the meeting to order at 9:26 AM.

Ramon Hobdey-Sanchez, Governmental Affairs Specialist, Idaho Transportation Department, introduced his three Subject Matter Experts (SME): **Alan Frew**, Division of Motor Vehicles Administrator, Idaho Transportation Department, **Kimbol Allen**, Chief Engineer, Idaho Transportation Department, and **Captain Tim Horn**, Idaho State Police.

DOCKET NO. 39-0306-1601: **Ramon Hobdey-Sanchez**, Governmental Affairs Specialist, Idaho Transportation Department, presented **Docket No. 39-0306-1601**. The changes to this rule are being made to ensure congruency with the FAST Act (2015) and **S1261** (2016), and involve a language change to reflect Idaho Code regarding the existing regulations of load overhangs and/or extensions.

MOTION: **Rep. Harris** made a motion to recommend that the full committee approve **Docket No. 39-0306-1601. Motion carried by voice vote.**

DOCKET NO. 39-0312-1601: **Ramon Hobdey-Sanchez**, Governmental Affairs Specialist, Idaho Transportation Department, presented **Docket No. 39-0312-1601**. The modifications to this Rule address vehicle inspections, driver training, and safety standards for brakes.

In answer to committee questions, **Captain Tim Horn** responded that school buses are exempt from these standards because a) they do not meet the weight requirement of affected vehicles, and b) they have existing safety criteria put forth by their authorities, who are responsible for their inspection.

MOTION: **Rep. Gannon** made a motion to recommend that the full committee approve **Docket No. 39-0312-1601. Motion carried by voice vote.**

DOCKET NO. 39-0315-1601: **Ramon Hobdey-Sanchez**, Governmental Affairs Specialist, Idaho Transportation Department, presented **Docket No. 39-0315-1601**. The modifications to this rule address truck permitting and 129,000 pound commercial motor vehicles (129K trucks) on the state's Interstate system. This Rule aims to lay the groundwork for a statewide permitting system with local approval.

MOTION: **Rep. Harris** made a motion to recommend that the full committee approve **Docket No. 39-0315-1601. Motion carried by voice vote.**

DOCKET NO. 39-0322-1601: **Ramon Hobdey-Sanchez**, Governmental Affairs Specialist, Idaho Transportation Department, introduced **Docket No. 39-0322-1601**. The modifications to this rule address commercial motor vehicle brakes. Specifically, that the brakes on all commercial motor vehicles must be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured.

In answer to committee questions, **Ramon Hobdey-Sanchez** responded that the Idaho Association of Cities agreed with the proposed Rule modifications, and that the Idaho Transportation Department will not impede or deny local jurisdiction.

MOTION: **Rep. Syme** made a motion to recommend that the full committee approve **Docket No. 39-0322-1601**. **Motion carried by voice vote.**

DOCKET NO. 39-0323-1601: **Ramon Hobdey-Sanchez**, Governmental Affairs Specialist, Idaho Transportation Department, presented **Docket No. 39-0323-1601**. The modification to this Rule addresses a new instance in which a permit can be revoked. Specifically, revocation of a permit for non-compliance if the motor carrier has violated Out-of-Service order by the Federal Motor Carrier Safety Administration (FMCSA) as described in 49 CFR Part 386.

In answer to committee questions, **Ramon Hobdey-Sanchez** responded that revocation would still be at the discretion of the Idaho Transportation Department.

MOTION: **Rep. Gannon** made a motion to recommend that the full committee approve **Docket No. 39-0323-1601**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 9:53 AM.

Representative Dixon
Chair

Jasmine Platt
Secretary

AGENDA
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE
AND
SENATE TRANSPORTATION COMMITTEE**

1:30 P.M.

Room WW02

Tuesday, January 24, 2017

Meeting followed by Field Trip

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Annual Idaho Transportation Department (ITD) Update	Brian Ness , Director, Idaho Transportation Department
Tour of Main Street Station	Following the Director's update, members of the House and Senate Transportation Committees are invited to board a Valley Transit Bus at the 8th Street, Senate-side entrance of the Capitol to take a tour of Boise's public transportation hub, Main Street Station. <u>Departure time:</u> Between 2:15 and 2:30 PM. <u>Return time:</u> Before 3:00 PM. Please dress accordingly.	Ken Burgess , Partner, COMPASS and Veritas Advisors

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood
Vice Chairman Shepherd	Rep McDonald
Rep Gestrin	Rep Dixon
Rep Hixon	Rep Harris
Rep Kauffman	Rep Holtzclaw
Rep Packer	Rep Monks

Rep DeMordaunt
Rep Syme
Rep King
Rep Wintrow
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
JOINT MEETING
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 24, 2017

TIME: 1:30 P.M.

PLACE: Room WW02, Lincoln Auditorium

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon; Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Den Hartog, Lodge, Harris, Buckner-Webb

**ABSENT/
EXCUSED:** None

GUESTS: Brian Ness, Director, Idaho Transportation Department; Mollie McCarty, Governmental Affairs Manager, Idaho Transportation Department; Ken Burgess, Partner, Veritas Advisors and COMPASS; Austin Hopkins and Hannah Schwarz, Idaho Conservation League; Dennis Tanikuni, Assistant Director of Governmental Affairs, Idaho Farm Bureau; Dave Cariso and Matthew Conde, AAA Idaho; Jeff Miles, LHTAC; Roger Seiber, ACHD; Ceci Thunes, Idaho Walk Bike Alliance

Chairman Brackett called the meeting to order at 1:32 PM.

Chairman Brackett introduced **Brian Ness**, Director of the Idaho Transportation Department.

Brian Ness, Director of the Idaho Transportation Department, presented the Idaho Transportation Department's Annual Update to the House and Senate Transportation Committees. In this presentation, he addressed three main points: the FY18 Governor's Recommendation, the positive changes at ITD, and the Department's focus for the future, which revolves around safety, mobility, and economic opportunity.

Mr. Ness, Director of the Idaho Transportation Department, presented **Frederick G. "Bud" Wright**, Executive Director of American Association of State Highway and Transportation Officials (AASHTO), who provided an introduction and explanation of the President's Award for Performance Excellence, and offered recognition to the Idaho Transportation Department for their 10 awards since 2010.

In response to Committee questions, **Mr. Ness** stated the Idaho Transportation Department had not had direct contact with the Trump Administration, only with the Transition Team. The ITD has been in touch with the Trump Transition Team to discuss Western and rural transportation issues, and they are debating solutions.

Chairman Brackett introduced **Ken Burgess**, Partner, Veritas Advisors and COMPASS, to the Committees to provide a brief explanation of the Main Street Station field trip to follow the joint meeting adjournment.

Mr. Burgess presented an overview of the Main Street Station transportation terminal and invited the Committee members for a brief tour.

ADJOURN: There being no further business to come before the Committees, the meeting was adjourned at 2:00 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
DIXON SUBCOMMITTEE
Rules
1:30 P.M.
Room EW40
Thursday, January 26, 2017

DOCKET NO.	DESCRIPTION	PRESENTER
Docket No. 35-0105-1601	Idaho Motor Fuels Tax Administrative Rules	Don Williams , Tax Policy Specialist, Idaho State Tax Commission
Docket No. 35-0105-1602	Idaho Motor Fuels Tax Administrative Rules	Don Williams , Tax Policy Specialist, Idaho State Tax Commission
Docket No. 39-0311-1601	Rules Governing Overlegal Permittee Responsibility and Travel Restrictions	Alan Frew , Motor Vehicles Administrator, Idaho Transportation Department
Minutes	Approve the Subcommittee Minutes of the January 18th and January 20th, 2017 meetings.	

NOTE TO SUBCOMMITTEE MEMBERS: Copies of the above Rules will be provided.

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Dixon
Rep.Gannon
Rep.Harris
Rep.DeMordaunt
Rep.Syme

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
DIXON SUBCOMMITTEE
Rules

DATE: Thursday, January 26, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Dixon, Representatives Gannon, Harris, DeMordaunt, Syme

**ABSENT/
EXCUSED:** None

GUESTS: Don Williams, Tax Policy Specialist, Idaho State Tax Commission; Alan Frew, Division of Motor Vehicles Administrator, Idaho Transportation Department; Doreen Warren, Public Information Director, Idaho State Tax Commission; Matthew Conde, AAA; Suzanne Budge, SBS Associates LLC; David Doeringsfeld, General Manager, Port of Lewiston; Ramon Hobdey-Sanchez, Governmental Affairs Program Specialist, Idaho Transportation Department

Chairman Dixon called the meeting to order at 1:31 PM.

DOCKET NO. 35-0105-1601: **Don Williams**, Tax Policy Specialist, Idaho State Tax Commission, presented **Docket No. 35-0105-1601**, Idaho Motor Fuels Tax Administrative Rules. This Rule proposes amendments to the following: Motor Fuels Tax Rule 003 to add additional references to appeal rights and for clarity, Motor Fuels Tax Rule 004 to update the incorporated references, Motor Tax Fuels 140 to be deleted and subsections 140.01 and 140.04 merged with Rule 130, Motor Fuels Tax Rule 311 to reference Idaho Code section 63-2470, and Motor Fuels Tax Rule 400 to eliminate references to the gaseous fuel decal.

MOTION: **Rep. Syme** made a motion to recommend the full committee approve **Docket No. 35-0105-1601. Motion carried by voice vote.**

DOCKET NO. 35-0105-1602: **Don Williams**, Tax Policy Specialist, Idaho State Tax Commission, presented **Docket No. 35-0105-1602**, Idaho Motor Fuels Tax Administrative Rules. This Rule proposes amendments to Motor Fuels Tax Rule 130, including: deleting Subsection 130.04, titled Supplemental Reports, and the removal of dated material. In addition, Motor Tax Fuels 140 will be deleted and subsections 140.01 and 140.04 merged with Rule 130.

MOTION: **Rep. Syme** made a motion to recommend the full committee approve **Docket No. 35-0105-1602. Motion carried by voice vote.**

DOCKET NO. 39-0311-1601: **Alan Frew**, Division of Motor Vehicles Administrator, Idaho Transportation Department, presented **Docket No. 39-0311-1601**. The modifications being made to this Rule address truck permitting for non-reducible, oversized loads traveling on U.S. 12 in northern Idaho, between milepost 74 and milepost 174. Specifically, loads that fall under one of the following criteria: 1) exceeds sixteen (16) feet wide and/or one hundred and fifty (150) feet in length; 2) load movement requires longer than twelve (12) hours to travel through the designated mileposts; or 3) load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance. As per a Federal Court decision, the United States Forest Service has the duty to regulate oversize loads traveling through the Nez Perce – Clearwater Forest (US 12 from milepost 74 to 174). The Forest Service has issued the following written criteria to determine which "oversize" loads will be subject to Forest Service review: load exceeds sixteen (16)

feet wide, and/or one hundred and fifty (150) feet in length, load movement requires longer than twelve (12) hours to travel through the designated mileposts, and load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance. These additional safety requirements include, at a minimum, the following: ambulances and possible law enforcement escorts to ensure public safety, safety lighting will be addressed so as to not create a safety hazard to the traveling public, loads cannot utilize turnouts - which are designated for recreational vehicles for non-emergency parking, time of travel will be determined based on traffic volume and best interest of the public, night time movement may be required and/or movement may be restricted during holidays or weekends, loads require a vehicle safety inspection by the Idaho State Police or equivalent agency of another jurisdiction prior to issuance of a permit. ITD shall monitor the loads as they travel the highway and ensure only one (1) load shall operate on this section of highway at any one time.

In response to Committee questions, **Mr. Frew** stated the Forest Service developed the criteria that ITD has adopted. The ITD is attempting to put the Department, the taxpayers, and commerce in the best possible situation for when the unresolved litigation - a jurisdictional conflict stalled for three years in the 9th Circuit Court of Appeals - ends.

In response to Committee questions, **Mr. Frew** stated that Forest Service did not have the jurisdiction to permit. ITD will be issuing the permits and sending a copy of the permits to the Forest Service for their approval.

David Doeringsfeld, General Manager, Port of Lewiston, spoke in favor of **Docket No. 39-0311-1601**, stating that the administrative rule change, in combination with the additional safety requirements therein, will benefit the public by aligning the Idaho Transportation Department (ITD) overlegal permit requirements with criteria set forth by the U.S. Forest Service (USFS), and that the inability to ship oversized shipments on U.S. Highway 12 has had a negative impact on the Port of Lewiston and the economy of north central Idaho.

- MOTION:** **Rep. Harris** made a motion to recommend the full committee approve **Docket No. 39-0311-1601. Motion carried by voice vote.**
- MOTION:** **Rep. Gannon** made a motion to approve the Subcommittee minutes of the January 18th and January 20th, 2017 meetings. **Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:08 PM.

Representative Dixon
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, January 30, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25024	Motor vehicles/ unattended	Representative Steven Harris
H 18	Educational Encouragement	Major Stephen Stokes, Attorney Advisor to the Adjutant General
H 17	Approval of Board of Examiners	Captain Jackson Gray
H 19	Armories and Military Property	Lieutenant Colonel Paul Boice, Staff Adjutant to the General

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, January 30, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Representative(s) Hixon

GUESTS: Lieutenant Colonel Paul Boise, Staff Adjutant to the General, Idaho National Guard, Major Stephen Stokes, Attorney Advisor to the Adjutant General, Idaho National Guard, Captain Jackson Gray, Idaho National Guard; Laura Lantz, Nick Veldhouse, Hannah Schwarz, Jonathan Parker, Idaho Association of Highway Districts; Jack Lyman, Idaho House Alliance; Dave Carlson, Matthew Conde, AAA Idaho

Chairman Palmer called the meeting to order at 1:31 PM.

RS 25024: **Rep. Harris** presented **RS 25024**. The purpose of this proposed legislation is to allow for individuals to remotely start a locked vehicle and to idle the car to warm up in cold weather, both of which are implied to be prohibited by the Unattended Motor Vehicle Code. This legislation permits both activities and clarifies that the code does not apply to vehicles on private property.

MOTION: **Rep. Dixon** made a motion to introduce **RS 25024**. **Motion carried by voice vote.**

H 18: **Major Stephen Stokes**, Attorney Advisor to the Adjutant General, presented **H 18**. The purpose of this legislation is to remove the word "nontechnician" from line 3 of the Idaho Code to allow federal technicians who work for the Idaho National Guard to participate in the State Tuition Assistance Program. Major Stokes gave a brief summary of the detrimental effect this term has had on affected parties.

MOTION: **Rep. Kauffman** made a motion to send **H 18** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

H 17: **Captain Jackson Gray** presented **H 17**. The purpose of this legislation is to amend Section 46-714 of the Idaho Code to declare any contract with state match meeting the threshold amount specified by Section 67-5711 must have the approval of the Board of Examiners. Captain Gray gave a brief summary of the proposed legislation's effects on construction and maintenance contracts.

MOTION: **Rep. Holtzclaw** made a motion to send **H 17** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Holtzclaw** will sponsor the bill on the floor.

H 19: **Lieutenant Colonel Paul Boise**, Staff Adjutant to the General, presented **H 19**. The purpose of this proposed legislation is to add a new section to Chapter 7, Title 46 of the Idaho Code. The new section would be 46-728, which would state "Any reference to the term armory in Chapter 7, Title 46, Idaho Code, shall be considered a reference to an "Idaho Military Division Facility." Lieutenant Colonel Boise gave a brief summary of the function of the proposed legislation and how it seeks to update and modernize antiquated terminology.

MOTION: **Rep. Monks** made a motion to send **H 19** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Syme** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:46 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 02, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS24952	Motor vehicles, front license plate	Representative Ronald Nate
RS25101	Motor fuels tax, increase/distribution	Representative Clark Kauffman
RS24850	Motor vehicles, special licenses	Amy Smith, Department of Motor Vehicles Business Analyst, Idaho Transportation Department
H 20	Vehicles, plug-in hybrid, fees	Representative Steven Harris

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

Jasmine Platt
Room: EW60
Phone: 332-1146
email: htran@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 02, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Vice Chairman Shepherd

GUESTS: Jerry Whitehead, Chairman of the Idaho Transportation Board, Amy Smith, Department of Motor Vehicles Business Analyst, Idaho Transportation Department; Laura Lantz, Nick Veldhouse, Jonathan Parker, Idaho Association of Highway Districts; Ed Wardwell, Idaho Hybrid Owners; Ken Miller; Jane Wittmeyer, Wittmeyer and Associates; Roger Seiber, Ada County Highway District; Laila Kral, Local Highway Technical Assistance Council; Dave Carlson, AAA Idaho; Kevin Hanigan, Executive Director, Idaho Automobile Dealers Association; Suzanne Budge, SBS Associates LLC

Chairman Palmer called the meeting to order at 1:31 PM.

Chairman Palmer removed **RS 25101** from the meeting agenda.

RS 24952: **Rep. Nate** presented **RS 24592**. The purpose of this proposed legislation is to allow for vehicles that were not manufactured with a bracket or license plate holder on the front of their vehicle to display one license plate only on the rear of the vehicle.

In response to committee questions, **Rep. Nate** stated that vehicles manufactured with a means of displaying a front license plate would still have to display a front plate.

In response to committee questions, **Rep. Nate** stated there are an increasing number of new cars that are manufactured without a means of displaying a front plate, citing the fact that there are more than 19 states that no longer require a front license plate, it is unappealing stylistically, and creates wind resistance and drag on vehicles.

In response to committee questions, **Rep. Nate** stated the proposed legislation had not been discussed with Idaho State Police or any local police departments, who he believes will be speak in opposition to the legislation.

MOTION: **Rep. Harris** made a motion to introduce **RS 24952**. **Motion carried by voice vote.**

RS 24850: **Amy Smith**, Department of Motor Vehicles Business Analyst, Idaho Transportation Department presented **RS 24850**. The purpose of this proposed legislation is to increase the license plate fee from \$3.00 to \$3.75, allowing the plate fee to be commensurate with current production and distribution costs, and to move towards eliminating sections in code that are no longer active and/or necessary. Ms. Smith gave a brief summary of the proposed legislation.

In response to committee questions, **Ms. Smith** stated the fee increase would cost less than \$0.25 per plate over the plates' seven year lifespan, which was established by the plate manufacturer.

MOTION: **Rep. Kauffman** made a motion to introduce **RS 24850**. **Motion carried by voice vote.**

H 20: **Rep. Harris** presented **H 20**. The purpose of this legislation is to remove the additional registration fee for all-gasoline hybrid vehicles while continuing to charge the fee for plug-in hybrids. This legislation also exempts neighborhood electric vehicles from the electric vehicle fee.

In response to committee questions, **Rep. Harris** stated that the legislation was not intended to rewrite the fee structure, but to update an old statute.

Ed Wardwell, Idahoan and member of Idaho Hybrid Owners Group, spoke in support of **H 20**. The passage of **H 312aa** in 2015 added the additional \$75 fee only on gas hybrids because it was believed these vehicles were paying less in the gas tax that covers road damage and repair. However, highway MPG comparisons of vehicles and their hybrid counterparts show only a small difference in gas taxes. The Hybrid Toyota Camry saves \$9.00/10,000 mi, the Hybrid Toyota Highlander saves \$14.00/10,000 mi, and the Hybrid Toyota Rav 4 saves \$3.00/10,000 mi.

Mr. Wardwell said that the main contributors to road damage are heavy trucks, citing a 2011 report from the Congressional Budget Office, Economic and Budget Issue Brief: Spending and Funding for Highways. TA fully-loaded tractor-trailer truck has 1,000 times the damaging effects on Idaho roads than cars or trucks. Contrary to **H 312aa**, the vehicles that are not paying their fair share are the big trucks and not hybrids or electric cars.

Mr. Wardwell said **H 20** is a first step in recognizing that isolating efficient vehicles from each other does not correct the real problem, and that the Idaho Hybrid Owners Group supports **H 20**.

Ken Miller, Idahoan, spoke in support of **H 20**. The scope of the prior sessions' legislation was too large, and we need to address the larger issue at hand, which is funding for road improvements. Funding based on fuel taxation is not sustainable.

MOTION: **Rep. Gestrin** made a motion to send **H 20** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Harris** will sponsor the bill on the floor.

MOTION: **Rep. DeMordaunt** made a motion to approve the Subcommittee minutes of the January 26th, 2017 meeting. **Motion carried by voice vote.**

Rep. Dixon, Chairman of the Subcommittee, presented the Subcommittee Report on Rules.

MOTION: **Rep. Dixon** made a motion to recommend that the full committee approve all Administrative Rule Dockets with the exception of **Docket No. 11-1301-1603**, which will be reviewed by the full committee.

In response to committee questions, **Rep. Dixon** explained **Docket No. 11-1301-1603** regarding ELDs.

In response to committee questions, **Rep. Dixon** explained **Docket No. 39-0311-1601** regarding US 12.

In response to committee questions, **Mollie McCarty**, Government Affairs Program Manager, Idaho Transportation Department, stated that the court ruling on the US 12 issue is still a valid reason for **Docket No. 39-0311-1601** to move forward. The U.S. Forest Service still has jurisdiction, and the Idaho Transportation Department is responding to public concern and aims to clarify information to permit seekers.

In response to committee questions, **Ms. McCarty** stated that **Docket No. 39-0311-1601** aims to eliminate confusion.

In response to committee questions, **Ms. McCarty** stated U.S. Forest Service still has jurisdiction, and they are free to pursue the settlement. The ITD will issue a permit based on the additional requirements and safety features, but the U.S. Forest Service will still have the authority to do what it is they need to do.

In response to committee questions, **Ms. McCarty** stated that ITD was not a party to the settlement. The Department is aware and monitoring the situation, which is pending appeal.

SUBSTITUTE MOTION:

Rep. Harris made a substitute motion to recommend that the full committee approve all Administrative Rule Dockets with the exception of **Docket No. 11-1301-1603**, which will be reviewed by the full committee. **Motion carried by voice vote.**

MOTION:

Rep. Gannon made a motion to approve the minutes of the January 12th, 18th, 24th, and 30th, 2017 meetings. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the Committee, the meeting was adjourned at 2:05 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, February 06, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25102	Park Model Recreation Vehicles	Jack Lyman, Idaho Housing Alliance
H 78	Motor vehicles/unattended	Representative Steven Harris
H 110	Motor vehicles, front license plate	Representative Ronald Nate
H 111	Motor vehicles, license plate fees	Amy Smith, Department of Motor Vehicles Business Analyst, Idaho Transportation Department

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

Jasmine Platt
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Phone: 332-1146
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, February 06, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Amy Smith, Department of Motor Vehicles Business Analyst, Pat Carr, Ports of Entry Manager, Ramon Hobdey-Sanchez, Government Affairs Program Specialist, Idaho Transportation Department; Jack Lyman, Idaho Housing Alliance; Fred Birnbaum, Vice President, Idaho Freedom Foundation; Victor Mccraw, Division Administrator, Idaho Peace Officer Standards and Training; Kedrick Wills, Deputy Director, Idaho State Police; Laura Lantz, Jonathan Parker, Idaho Association of Highway Districts; Julie Hart, IDABO; Kevin Hanigan, Executive Director, Idaho Automobile Dealers Association; Matthew Conde, AAA; Jane Wittmeyer, Lobbyist, Wittmeyer and Associates

Chairman Palmer called the meeting to order at 1:33 PM.

RS 25102: **Jack Lyman**, Idaho Housing Alliance, presented **RS 25102**. The purpose of this proposed legislation is to define "park model recreational vehicles" or PMRVs, also known as park models, park trailers, and park-model recreational trailers and provides for the titling, licensing and registration of PMRVs regardless of width. The proposed legislation provides that the registration fees paid by PMRVs greater than 8 1/2 feet wide will be returned to the counties where those PMRVs are located. The proposed legislation would allow but not require these vehicles to be titled, licensed, and registered by the Idaho Transportation Department, and if not registered as recreational vehicles, to be taxed as personal property.

MOTION: **Rep. Kauffman** made a motion to introduce **RS 25102**. **Motion carried by voice vote.**

H 78: **Rep. Harris** presented **H 78**. The purpose of this legislation is to allow for individuals to remotely start a locked vehicle and to idle the car to warm up in cold weather, both of which are implied to be prohibited by the Unattended Motor Vehicle Code. This legislation permits both activities and clarifies that the code does not apply to vehicles on private property.

In response to Committee questions, **Rep. Harris** stated the legislation does not address other parking regulations, such as applying a parking brake or turning vehicle wheels into the curb. The legislation applies to the car idling and only requires the vehicle to be locked, without regards to other parking compliance.

MOTION: **Rep. Packer** made a motion to send **H 78** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Harris** will sponsor the bill on the floor.

H 110:

Rep. Nate presented **H 110**. The purpose of this legislation is to allow for vehicles that were not manufactured with a bracket or license plate holder on the front of their vehicle to display one license plate only on the rear of the vehicle. Rep. Nate clarified that the legislation aims to help car dealers and purchasers, avoids difficulties for residents, and matches 19 other states and the country of Canada's regulations.

In response to Committee questions, **Rep. Nate** stated he had spoken with the liaison for sheriffs, but had not yet received a formal response from law enforcement.

In response to Committee questions, **Rep. Nate** stated that the main reason for the legislation is convenience, as it removes an additional task for vehicle dealers and owners and adds to the aesthetic value of the vehicle in the process.

Fred Birnbaum, Vice President, Idaho Freedom Foundation, spoke **in support** of **H 110**. Enforcement of the two-plate requirement is already very loose, with many more tickets given for not having a front plate in Canyon County than in Boise. As only certain people are currently ticketed, and car design is leaning away from the manufacture of front plate brackets, this legislation is intended to catch up with current attitudes and trends in vehicle design.

Victor Mccraw, Division Administrator, Idaho Peace Officer Standards and Training, spoke **in opposition** to **H 110**, sharing anecdotes from his tenure with the State police agency for the Arizona Department of Public Safety beginning in 1986.

Mr. Mccraw said the elimination of the two-plate regulation, which occurred about one and a half years into his career, substantially inhibited his ability to identify cars used in crimes such as a hit and run or abduction by reducing or eliminating the visibility of an identifying legal marker, and thus inhibited his ability to perform his duties as a patrolman.

Mr. Mccraw said that not requiring a front license plate also has unintended consequences, such as individuals using fictitious or novelty plates in lieu of real plates.

In response to Committee questions, **Mr. Mccraw** stated that in combination with the one-plate requirement in Arizona, the use of specialty plates did cause confusion for law enforcement, as it was permissible to have more than one license number on two different specialty plates, leading to misidentification. The more information law enforcement has, and the more angles they can obtain that information from, the easier their job becomes.

Kedrick Wills, Deputy Director, Idaho State Police, spoke **in opposition** to **H 110**. Only being able to see vehicles from the rear creates job difficulties for law enforcement and may compromise the premium for officer safety in Idaho. Not requiring a front license plate makes backed-in cars unidentifiable. Not requiring a front plate on only new vehicles makes for dubious legality for older vehicles, and is not very enforceable. Law enforcement needs every tool they can manage to do their jobs safely and successfully.

Rep. McDonald spoke **in opposition** to **H 110**, sharing anecdotes from his tenure with the Idaho State Police. The way that plates are affixed or are removed entirely constitutes probable cause to pull a driver over to inspect the vehicle further, which often results in felony activity.

Rep. Nate spoke **in support** of **H 110**. There were no studies available to demonstrate that public or officer safety is compromised by not having a front plate, and front plates are already not required on some classic cars, motorcycles, or ATVs. The number of citations in the last year is low, enforcement is infrequent and irregular, and can be discriminatory. If the issue is purely identification, and without traffic camera enforcement, we could seek other solutions.

MOTION: **Rep. Gannon** made a motion to **HOLD H 110** in committee.

SUBSTITUTE MOTION: **Rep. Harris** made a substitute motion to send **H 110** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: **Chairman Palmer** requested a roll call vote. **Motion carried by a vote of 10 AYE, 7 NAY. Voting in favor** of the motion: **Chairman Palmer, Vice Chairman Shepherd, Rep. Gestrin, Hixon, Youngblood, Dixon, Harris, Holtzclaw, Monks, and DeMordaunt. Voting in opposition** to the motion: **Rep. Kauffman, Packer, McDonald, Syme, King, Wintrow, and Gannon. Rep. Nate** will sponsor the bill on the floor.

H 111: **Amy Smith**, Department of Motor Vehicles Business Analyst, Idaho Transportation Department presented **H 111**. The purpose of this legislation is to increase the license plate fee from \$3.00 to \$3.75, allowing the plate fee to be commensurate with current production and distribution costs, and to move towards eliminating sections in code that are no longer active and/or necessary. Ms. Smith gave a brief summary of the legislation, stating that the fund is in jeopardy of being depleted.

In response to Committee questions, **Ms. Smith** stated there are around 25 speciality plates remaining after the cancellations, of which approximately 10 are collegiate plates.

In response to Committee questions, **Ms. Smith** stated that the Idaho Transportation Department is requesting around twice as much as the deficit with the legislation in order to not come before the Committee again in the coming years and to allow for redistribution of moneys through the Highway Distribution account and to the counties, which is how the moneys were handled prior to the current shortfall.

In response to Committee questions, **Ms. Smith** stated that the \$0.50 has been getting pulled from the license plate fee since 1999, when the red, white, and blue background was adopted, and goes to the Idaho Heritage Trust Fund administered through the Governor's office. A plate design change would be at the choosing of the legislature.

In response to Committee questions, **Ms. Smith** stated that there are no known agreements requiring the Idaho Transportation Department to make a new change.

MOTION: **Rep. King** made a motion to send **H 111** to **General Orders. Motion carried by voice vote. Rep. Harris** and **Rep. Monks** wished to be recorded as voting no.**Rep. King** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:30 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 08, 2017

SUBJECT	DESCRIPTION	PRESENTER
Docket No. 11-1301-1603	Idaho State Police Motor Carrier Rules, ELDs	Captain Tim Horn, Idaho State Police
RS25169C1	Motor Vehicle Laws, Passing Speed Limits	Representative Lance Clow
RS25222	Used Car Dealer Licensing	Bobby Petersen, Idaho State Independent Auto Dealers Association

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

Jasmine Platt
Room: EW60
Phone: 332-1146
email: htran@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 08, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Representative(s) Hixon, Youngblood, Monks

GUESTS: Captain Tim Horn, Sergeant Scott Hanson, Idaho State Police; Wyatt Prescott, Executive Vice President, Idaho Cattle Association; Bobby Petersen, Idaho State Independent Auto Dealers Association; Matthew Conde, Dave Carlson, AAA; Grey Casey, Veritas Advisors; Dennis Stevenson, Rules Coordinator, Department of Administration

Chairman Palmer called the meeting to order at 1:31 PM.

**DOCKET NO.
11-1301-1603:** **Captain Tim Horn**, Commercial Vehicle Safety, Idaho State Police, presented **Docket No. 11-1301-1603**, Motor Carrier Rules. This Rule references Section 49-2212, Idaho Code, that provides for the adoption of the Federal Hazardous Materials Regulations by reference and the changes to those regulations as they occur by operation of law. With some exceptions, all commercial vehicle drivers who are required to complete paper logs to document record of duty status (RODS) to comply with 49 CFR 49, will be required to use Electronic Logging Devices (ELDs) no later than December 18th, 2017.

In response to committee questions, **Captain Horn** stated companion drivers in commercial vehicles can both use an ELD, operating the vehicle and logging information back and forth.

In response to committee questions, **Captain Horn** stated that companion drivers could use the ELD to deceive others, but they would both need to show their individual time worked to their authorities, just as one would use a time card. Paper has proven to be a much easier way to deceive or falsify hours compared to an ELD.

In response to committee questions, **Captain Horn** stated that the optimal time of day to transport cattle was not information he was privy to, and that cattle transporters should work with the Federal Motor Carrier Safety Association (FMCSA) to file an extension. He said that cattle shouldn't be on a truck longer than 36 hours.

In response to committee questions, **Captain Horn** stated the ELD rule would affect very few carriers, and that most intrastate carriers would be exempt. The ELD requirement applies mostly to interstate drivers.

In response to committee questions, **Captain Horn** stated that ELDs would not be required for commercial drivers travelling within 100 air miles of their originating location that can return back to that location within 14 hours.

In response to committee questions, **Captain Horn** stated that the opposition to this rule stems from the cost of implementation. The cost does not compare to the time that it saves by being implemented, saving the driver from tracking their hours, miles, and locations. Others are upset that they will no longer be able to deceive, which will prevent them from getting more money.

In response to committee questions, **Captain Horn** stated the cost of an ELD device ranges from \$200-\$2000, and provided an example of an ELD that costs \$240/year/truck. Many smart phones can be used in lieu of an ELD if plugged into the truck's MC. Although the price is varied, many insurance companies provide exemptions for using one.

Wyatt Prescott, Executive Vice President, Idaho Cattle Association, spoke in opposition to **Docket No. 11-1301-1603**. Mr. Prescott stated animal stress levels are the priority of the commercial drivers, who often have to drive through the night to transport cattle comfortably.

Mr. Prescott stated the Idaho Cattle Association does not oppose ELDs, but that the ELD fails to capture actual drive times accurately when under extenuating circumstances like transporting cattle, which are more comfortable and less stressed at night.

In response to committee questions, **Mr. Prescott** stated the rejection of **Docket No. 11-1301-1603** may or may not send a message to the federal government.

MOTION:

Rep. Wintrow made a motion to approve **Docket No. 11-1301-1603**.

Rep. Wintrow spoke to the motion, stating that although the situation surrounding the rule is complex, it is important to accept the rule because it will make for a compromise with the federal government and that exemptions can still be made. Overall, this rule is about safety for everyone, including drivers, pedestrians, and livestock.

SUBSTITUTE MOTION:

Rep. Gestrin made a substitute motion to reject **Docket No. 11-1301-1603**.

Rep. Harris spoke to the substitute motion, stating that the rule may be an example of federal overreach in Idaho because it only affects a certain number of drivers, and that the committee should hear from effected employers.

In response to committee questions, **Captain Horn** stated the year that the rule doesn't go into effect, it's a 5% reduction as soon as the Secretary contacts the Governor's office. The next year is a 10% reduction, the next year is a 25% reduction, and the next year is a 50% reduction in federal funds to the state of Idaho.

Rep. Kauffman spoke to the original motion, stating that in addition to safety and the fact that most interstate drivers already have an ELD, federal funding is important to the state.

In response to committee questions, **Captain Horn** stated that the affected federal funds would start with the federal mix-up funds, which is what was originally believed, but is now understood that the affected federal funds are highway funds. So the reduction in funding would affect both the mix-up funds and the highway funds in increments of 5%. It is a domino effect. Losing these funds would take money from commercial vehicle inspections, which set the safety standards, and which would damage not only interstate but intrastate carriers. The only people who can do the inspections are federally-funded Idaho State Police officers in the Commercial Vehicle Safety unit. Without the funds, ISP personnel performing the inspections would be laid off, and there would be increased insurance rates along with a host of other issues.

In response to committee questions, **Captain Horn** stated he didn't know how the loss of federal funds would affect Idaho long-term, or how soon it would happen, but the FMCSA has stated that after December 16th, the Secretary can contact the Governor's office and officially report that the State is out of compliance. After that, the funds would start to be reduced.

In response to committee questions, **Mr. Prescott** stated that the Idaho Cattle Association might be, if he had to guess, a year and a half away from receiving an exemption. They have been working for a long time with the administration to bring opportunity to the exemption.

In response to committee questions, **Captain Horn** defined the 100 air-mile exemption, stating that 100 air miles is how long it takes to fly from point A to point B, not the equivalent time it takes to drive the 100 miles. Drivers are exempt from the ELD requirement if they can travel from Point A to Point B, the 100 air miles, within 14 driving hours. They do not need a log book, but a timecard for hours worked only. For example, La Grande, Oregon is within 100 air miles.

Rep. DeMordaunt spoke to the original motion, stating the Idaho Trucking Association, who cares for small owner-operators, is **in support** of this rule, and because of her own personal experience, she will be supporting the original motion.

By a show of hands, the substitute motion failed on a tie vote.

**VOTE ON
SUBSTITUTE
MOTION:**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Palmer requested a roll call vote on the original motion to approve **Docket No. 11-1301-1603. Motion failed by a tie vote of 7 AYE and 7 NAY, 3 Absent/Excused. Voting in favor** of the motion: **Reps. Kauffman, McDonald, DeMordaunt, Syme, King, Wintrow, and Gannon. Voting in opposition** to the motion: **Chairman Palmer, Vice Chairman Shepherd, Reps. Gestrin, Packer, Dixon, Harris, and Holtzclaw. Reps. Hixon, Youngblood, and Monks** were absent/excused.

MOTION:

Rep. Harris made a motion to hold **Docket No. 11-1301-1603** for time certain, Friday, February 10th, 2017. By a show of hands, the motion carried.

RS 25169C1:

Rep. Clow presented **RS 25169C1**. The purpose of this proposed legislation is to increase the speed limit by 15 MPH when passing in designated areas, specifically when passing on the left in passing zones on two-lane highways with a posted speed limit of 55 MPH or above. Rep. Clow stated the Idaho State Police are in favor of this legislation.

MOTION:

Rep. Dixon made a motion to introduce **RS 25169C1. Motion carried by voice vote.**

RS 25222:

Bobby Petersen, representing the Idaho State Independent Auto Dealers Association, presented **RS 25222**. The purpose of this proposed legislation is to prevent those who have been convicted of crimes pertaining to the car business from immediately re-applying for and receiving a dealer or sales license. Under the existing code, these criminals can obtain a new license even if they haven't made any restitution for the damage they have caused by their previous illegal activity. With these changes to the Code, a license may be denied until a specified amount of time has passed since the previous conviction and/or until proper restitution has been made to those injured by previous crimes.

In response to committee questions, **Mr. Petersen** stated that the proposed legislation would not apply retroactively, and will only apply going forward.

MOTION:

Rep. Dixon made a motion to introduce **RS 25222. Motion carried by voice vote.**

MOTION:

Rep. Dixon made a motion to approve the minutes of the February 2, 2017 meeting. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:43 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Friday, February 10, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>RS25025C3</u>	Adjutant General, eligibility requirements	Shoni Pegram, Office of the Governor
<u>RS25233</u>	Park model recreational vehicles	Jack Lyman, Idaho Housing Alliance
<u>RS25101</u>	Motor fuels tax, increase/distribution	Representative Clark Kauffman
<u>RS25252</u>	Highway distribution account, apportionment	Chairman Joe Palmer
<u>RS25144</u>	Transportation funding, strategic initiatives program	Representative Clark Kauffman
<u>RS25259</u>	Budget stabilization fund	Representative Terry Gestrin
<u>Docket No. 11-1301-1603</u>	Idaho State Police Motor Carrier Rules, ELDs	

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

Jasmine Platt
Room: EW60
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Friday, February 10, 2017
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon
**ABSENT/
EXCUSED:** Vice Chairman Shepherd
GUESTS:

Chairman Palmer called the meeting to order at 1:30 PM.

Chairman Palmer withdrew **RS 25025C3** from the agenda.

Chairman Palmer clarified that **RS 25101** had recently been amended, and is now **RS 25101C1**.

RS 25233: **Jack Lyman**, Idaho Housing Alliance, presented **RS 25233**. The purpose of the proposed legislation is to define "park model recreational vehicle" in a way that eliminates the difference between those that are 8 1/2 feet wide and those that are wider with regards to titling, licensing, registration and taxation. It provides for the titling, licensing and registration of PMRVs regardless of width and provides that the registration fees paid by PMRVs greater than 8 1/2 feet wide will be returned to the counties where they are located. PMRVs that are attached to foundations, have attached additions or have been substantially modified could be titled but not licensed or registered. The Idaho Transportation Department estimates it will cost \$20,000 to implement this legislation **RS 25233** is an updated version of **RS 25102**.

In response to committee questions, **Mr. Lyman** explained the definition of park model recreational vehicles as being consistent with industry standards and federal regulation as being under 400 sq ft. Currently, units that are 8 1/2 feet wide can be titled, licensed, and registered by the DMV while those over 8 1/2 feet wide cannot. The proposed legislation aims to make all PMRVs able to be titled, licensed, and registered, unless there have been substantial modifications such as an added room or it is attached to the ground. In this case, it can be titled as personal property, but not licensed and registered.

In response to committee questions, **Mr. Lyman** stated PMRVs greater than 8 1/2 feet wide are not usually very mobile, as they require a special transport permit to get on the highway. They are often used as homes.

MOTION: **Rep. Packer** made a motion to introduce **RS 25233**. **Motion carried by voice vote.**

RS 25101C1: **Rep. Kauffman** presented **RS 25101C1**. The purpose of the proposed legislation is to revise section §63-2402 Idaho Code to increase the tax on motor fuel by \$0.05 to provide additional funding for the maintenance and construction of Idaho's road and bridge infrastructure. Distribution of will follow IC §63-2412, Section (2). Sixty percent (60%) will go to the state highway account and forty percent (40%) to local governments, pursuant to the provisions of Section §40-709 Idaho Code. The fuel tax increase aims to raise approximately \$49 million for road projects.

MOTION: **Rep. Packer** made a motion to introduce **RS 25101C1**.

Rep. Gannon spoke to the motion, stating the current state of the damaged roads after the harsh winter required emergency measures, and felt that the sunset included in the legislation was fair.

In response to committee questions, **Rep. Kauffman** stated the money is split 60/40 with the locals.

Rep. Youngblood invoked Rule 38 and spoke to the motion, stating that after the year we have had, the proposed legislation is desperately needed.

Rep. Harris spoke in opposition to the motion, stating there is not a need to raise taxes because the money is already there to make the repairs from surplus, there is only a need to prioritize how it is used.

SUBSTITUTE MOTION:

Rep. Harris made a substitute motion to return **RS 25101C1** to the sponsor.

Rep. Monks spoke to the substitute motion, stating the new tax would be a 48% increase from the tax two years ago. There is a need to look at other options for funding the road repairs besides raising taxes. There is money available, and for that reason he can't support it.

Rep. Hixon spoke to the substitute motion, stating taxes should not be raised in a surplus year.

Rep. Packer spoke to the original motion, stating the extenuating circumstances following the harsh winter impact on the roads causing a crumbling infrastructure, bridge failure, and road collapse call for this legislation. Repairs do not equal improvements. Raising taxes isn't ideal, but the money needs to be found if improvements are going to be made. A three-year sunset will stay within the needs, which are identifiable.

Rep. Wintrow spoke to the original motion, stating the raise in taxes is minimal and the proposed legislation has a sunset.

Rep. Gannon spoke to the original motion, stating the funds may not always be there, especially if other circumstances arise within the federal government. The tax cuts going through may leave the state with nothing or the state will be forced to spend what is left. There might not be as many funds available.

Rep. Kauffman spoke to the original motion, stating when the bill was drafted it never appeared to be easy. But in light of the road damage, it is prudent to make change now. When big changes haven't occurred since 1996, the lift can be a big lift, and the \$0.07 wasn't even the \$0.50 that was needed. This is what is needed for the current conditions.

Rep. Youngblood spoke to the original motion, stating that the proposed legislation is reasonable, and that growth must go toward growth. This is why there is a sunset, and the increase is low. There may be trouble if the roads and bridges don't get fixed.

Rep. Monks spoke to the substitute motion, stating there is a need to address the problem, but raising the gas tax is not the best way to accomplish this.

Rep. Kauffman spoke to the original motion, stating that although fuel tax isn't the best way to fund repairs long-term, this is what the state has to work with at this moment. The roads are falling apart now. There is a need now, and it's only for three years.

**ROLL CALL
VOTE:**

Chairman Palmer requested a roll call vote. **The substitute motion carried by a vote of 9 AYE, 7 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Chairman Palmer, Rep. Gestrin, Hixon, McDonald, Dixon, Harris, Holtzclaw, Monks, and DeMordaunt. Voting in opposition** to the motion: **Rep. Kauffman, Packer, Youngblood, Syme, King, Wintrow, and Gannon. Vice Chairman Shepherd** was absent/excused.

RS 25252:

Chairman Palmer presented **RS 25252**. The purpose of the proposed legislation is to transition Idaho State Police's funding component that they receive from gas tax to the General Fund. Currently the portion of funds that the Idaho State Police receives from the gas tax can only be used for specific purposes and requires significant effort from the Idaho State Police to ensure that those funds are spent appropriately. By transitioning these funds from a dedicated source to the General Fund, the Idaho State Police will be unencumbered in how they choose to allocate all of their funds.

MOTION:

Rep. Gestrin made a motion to introduce **RS 25252. Motion carried by a show of hands.**

RS 25144:

Rep. Kauffman presented **RS 25144**. The purpose of this legislation is to extend the sunset of IC §40-719, the Strategic Initiatives Program, to sunset in 2019 (2 years). This legislation also directs that the monies in the Strategic Initiatives Program shall be split sixty percent (60%) to the Idaho Transportation Department for the purposes of operating a Strategic Initiatives Program and forty percent (40%) to be distributed to local jurisdictions according to §40-719 (C)(i) of this section.

In response to committee questions, **Rep. Kauffman** stated there was not enough information available to quantify economic opportunity in rural areas.

In response to committee questions, **Rep. Kauffman** stated LTAC grades a lot of different applications in making their choices, and the best projects will race to the top to be funded. Locals should be in the surplus eliminator because the dollar amount of awards is enough to do a big project, such as a bridge. Locals should have a piece of this, it's General Fund money.

Rep. Youngblood, invoked Rule 38 in which he stated that he is the Chairman of a local highway district, and spoke **in support** of **RS 25144**, stating this will benefit the whole state.

In response to committee questions, **Rep. Kauffman** said the differences between the emergency clauses in **RS 25144** and **RS 25259** are negligible.

MOTION:

Rep. Youngblood made a motion to introduce **RS 25144. Motion carried by voice vote. Reps. Dixon and Gestrin** wished to be recorded as voting **NAY**.

RS 25259:

Rep. Gestrin presented **RS 25259**. The purpose of the proposed legislation is to extend the sunset date two years on the section of law authorizing the transfer from the General Fund to the Strategic Initiatives Program Fund. Known as the surplus eliminator of the General Fund as defined by the State Controller at the end of FY 2017 and FY 2018.

In response to committee questions, **Rep. Gestrin** stated he had not looked at the work that had been done with the Strategic Initiatives Fund and how it will spread around the state.

MOTION:

Rep. Hixon made a motion to introduce **RS 25259**.

In response to committee questions, **Chairman Palmer** stated that **RS 25144** and **RS 25259** are two different codes because of the way they are approached. They are similar but work in two different Sections of the Code because **RS 25144** deals with LTAC and **RS 25259** deals with the Strategic Initiatives.

SUBSTITUTE MOTION:

Rep. Kauffman made a substitute motion to return **RS 25259** to the sponsor.

Rep. Monks spoke to the original motion, stating there is a need to weigh both pieces of proposed legislation, and questioned why one would be preferable to the other.

Rep. Gannon spoke to the original motion, stating there is a need to assess the road damage and how much of that damage will be paid for by the highway districts versus ITD so that a decision can be reached on how to move forward.

ROLL CALL VOTE:

Chairman Palmer requested a roll call vote. **The substitute motion failed by a tie vote of 8 AYE, 8 NAY, 1 Absent/Excused. Voting in favor** of the substitute motion: **Rep. Kauffman, Packer, Youngblood, McDonald, Syme, King, Wintrow,** and **Gannon. Voting in opposition** to the motion: **Chairman Palmer, Rep. Gestrin, Hixon, Dixon, Harris, Holtzclaw, Monks,** and **DeMordaunt. Vice Chairman Shepherd** was absent/excused.

VOTE ON ORIGINAL MOTION:

Motion to introduce **RS 25259** carried by voice vote.

DOCKET NO. 11-1301-1603:

Chairman Palmer presented the letter written to the committee by **Captain Tim Horn**, Idaho State Police, addressing some financial misinformation provided to the committee during the February 8, 2017 meeting. See Attachment 1.

MOTION:

Rep. Dixon made a motion to reject **Docket No. 11-1301-1603.**

SUBSTITUTE MOTION:

Rep. Wintrow made a substitute motion to approve **Docket No. 11-1301-1603.**

Rep. Packer spoke to the original motion, stating two more sessions will pass before any funding is in jeopardy. This issue can be taken up again next year. A federal mandate should not be adopted before having discussions with affected employers.

VOTE ON SUBSTITUTE MOTION:

Substitute motion failed by voice vote.

VOTE ON ORIGINAL MOTION:

Original motion carried by voice vote.

ADJOURN:

There being no further business to come before the Committees, the meeting was adjourned at 2:27 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 14, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 132	Motor Vehicle Laws, Passing Speed Limits	Representative Lance Clow
H 157	Highway distribution account, apportionment	Chairman Joe Palmer

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer Rep Youngblood
Vice Chairman Shepherd Rep McDonald
Rep Gestrin Rep Dixon
Rep Hixon Rep Harris
Rep Kauffman Rep Holtzclaw
Rep Packer Rep Monks

Rep DeMordaunt
Rep Syme
Rep King
Rep Wintrow
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 14, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Ramon Hobdey-Sanchez, Government Affairs Specialist, Idaho Transportation Department; Kelli Brassfield, Idaho Association of Counties; Jonathan Parker, Idaho Association of Highway Districts; Roger Seiber, Capitol West; Representative Patrick McDonald, Idaho House of Representatives; Kendrick Wills, Deputy Director, Idaho State Police; Wayne Hammon, CEO, Idaho Association of General Contractors; Dave Carlson, AAA; Miguel Legarreta, Associated Taxpayers; Ceci Thunes, Idaho Walk Bike Alliance; Jeremy Chou, Givens Pursley LLP; Suzanne Budge, SBS Associates LLC

Chairman Palmer called the meeting to order at 1:31 PM.

H 132: **Rep. Clow** presented **H 132**. The purpose of this legislation is to increase the speed limit by 15 MPH when passing in designated areas, specifically when passing on the left in passing zones on two-lane highways with a posted speed limit of 55 MPH or above. The legislation is meant to improve the safety and efficiency of passing other vehicles.

In response to committee questions, **Rep. Clow** stated the legislation would allow a driver to pass at 70 MPH in a 55 MPH zone, 80 MPH in a 65 MPH zone, and 85 MPH in a 70 MPH zone, although there are very few highways in Idaho with a posted speed limit in excess of 65 MPH.

In response to committee questions, **Rep. Clow** stated a driver passing another vehicle would only be allowed to go 15 MPH over the posted speed limit, not any other speed, including that of the car being passed.

In response to committee questions, **Rep. Clow** stated the Boise Police Department supported the legislation, along with various sheriffs and the representative for the Sheriff's Association. These individuals and associations were in favor because the legislation outlines strict parameters for driver behavior when passing that stay within the other defined factors for a safe and legal pass on state highways.

In response to committee questions, **Rep. Clow** stated this legislation applies to all motor vehicles as defined in Idaho Code.

Dave Carlson of AAA Idaho spoke **in opposition** to **H 132**, stating there were lingering safety and enforcement concerns posed by the legislation that were unanswered. Mr. Carlson used Highway 55 as an example of dangerous conditions for passing, and hypothesized about an "authorized speed bubble" that would be interpreted differently by different drivers, and provided them with a blanket authorization to speed.

Rep. Clow spoke in support of **H 132**, stating the legislation provides specific parameters for passing which will still depend on if the zone, weather conditions, visibility, and other factors will permit a pass to be made. It is the responsibility of the driver to use their best judgment to make a pass in a zone legal to do so, but the legislation will provide guidance to law enforcement on how to judge driver speed.

MOTION: **Rep. Hixon** made a motion to send **H 132** to the floor with a **DO PASS** recommendation.

Rep. Hixon spoke to the motion, stating the issue the legislation addresses is a real one, and the legislation is a prudent solution to the problem.

VOTE ON MOTION: **Motion carried by voice vote.** **Rep. Packer** requested to be recorded as voting **NAY.** **Rep. Clow** will sponsor the bill on the floor.

Chairman Palmer turned the gavel over to **Vice Chairman Shepherd.**

H 157: **Chairman Palmer** presented **H 157.** The purpose of this legislation is to transition Idaho State Police's funding component that they receive from gas tax to the General Fund. Currently the portion of funds the Idaho State Police receives from the gas tax can only be used for specific purposes and requires significant effort from the Idaho State Police to ensure those funds are spent appropriately. By transitioning these funds from a dedicated source to the General Fund, the Idaho State Police will be unencumbered in how they choose to allocate all of their funds. Instead of 5% of the gas tax going to ISP, the 5% would go towards transportation, where it would be split equally between the Idaho Transportation Department and the local units of transportation government. This legislation would impact next year's budget and spread over 5 years, taking roughly \$3,000,000 per year. This legislation does not intend to take money from the Idaho State Police, but to aid in transportation costs that are not currently paid for by general funds.

In response to committee questions, **Chairman Palmer** stated that in comparison to the former distribution pattern of 60/40, 38% will be local and 57% will be for the state, with 5% equally split between the two, giving more funds to local units of transportation government than to ITD.

In response to committee questions, **Chairman Palmer** stated the gas tax is \$17,000,000 this year, not \$33,000,000, and will be spread out over five years, equating to roughly \$3,000,000 per year. There are other dedicated funds besides this, but this legislation only deals with the gas tax.

In response to committee questions, **Rep. Youngblood** stated the figure of \$17,000,000 was correct and equated to 26.5% of the Idaho State Police's total budget, but it specifically affects their patrol budget by 42%.

Rep. Youngblood spoke in opposition to **H 157**, stating the funds must come from another source. The need for highway funds is real, but the state should be looking elsewhere for this money outside of ISP's dedicated patrol funds.

MOTION: **Rep. Harris** made a motion to send **H 157** to the floor with a **DO PASS** recommendation.

Rep. Packer spoke to the motion, stating the state's growth this year has made this legislation more palatable, and keeping ISP whole is critical. But the infrastructure needs of the state must be met, and the legislation is a thoughtful approach to taking care of the roads and bridges of the state.

Rep. Kauffman spoke in opposition to **H 157**, stating that while the legislation is more palatable than it has been previously, support for ISP is more important.

Rep. Wintrow spoke to the motion, stating the Idaho Constitution states that gas tax must go towards the roads, so ISP has used their dedicated gas tax funds for patrolling the roads.

Rep. McDonald spoke in opposition to **H 157**, stating there is no guarantee the funding will be there. There may be more winters to come that destroy the roads, and that's why there have been increases in the gas taxes and registration taxes. There are not enough patrol officers on the roads, and those that remain are forced to patrol areas too large. With less patrol officers, the roads and their drivers are less safe. To take up to 42% of the patrol budget is unheard of, as they are already just getting by with what little they have. While road repairs are an unquestionable priority, traffic safety must come first.

Kendrick Wills, Deputy Director, Idaho State Police spoke in opposition to **H 157**, stating it may be difficult to see this legislation from the prospective of his agency. Oregon State Police, once they moved from the highway distribution account to general funding, lost half of their patrol operation. The Section of the Idaho Constitution that has been referenced throughout today's meeting is Article 7, Section 17. While times are tough, general funds are hard to come by even in surplus. The state doesn't need more roadways, but safer roadways.

In response to committee questions, **Deputy Director Wills** stated the affected 42% of the patrol budget is dedicated funding, and it is the most core function ISP has. ISP would need to borrow from other programs to retain the lost dedicated funding.

Rep. Youngblood spoke to the motion, stating ISP stopped asking for 20 to 30 more officers each year for a reason. If their dedicated funding cannot be replaced, ISP may be in a hole that they cannot get out of. They would need to keep asking for money.

Wayne Hammon, CEO of the Idaho Association of General Contractors, spoke in support of **H 157**, stating there has been attempts over the last five years to get general funds for the roads, but every time they have died in the Senate. The money is already in the system, and it is already in transportation. Phasing in over the next five years will allow the parties to plan and compromise to benefit the state.

Jeremy Chou, Partner, Givens Pursley LLP, spoke in support of **H 157**, representing the American Council of Civil Engineers. Mr. Chou stated the American Council of Civil Engineers appreciates the five year transition from dedicated to general funds, and believes ISP must be appropriated as the other essential services are.

Chairman Palmer spoke to the motion, stating not one penny was guaranteed.

Rep. Packer spoke to the motion, stating this may provide even more security for ISP going forward, regardless of whether they are sustained by general or dedicated funding.

Rep. Gannon spoke to the motion, stating the committee needs to approach this issue by asking who will do the repairs and at what cost, how long will it take, and for how many years will it take to make the repairs. Meanwhile, ISP needs to retain their dedicated funding so that patrol can continue.

Rep. Wintrow spoke to the motion, stating the committee should support the dedicated funding, as they could have decided to raise taxes, but did not.

Rep. Youngblood spoke in opposition to **H 157**, stating the committee won't disappoint ISP regardless of the outcome of the vote, but the funds should still stay where they are and encouraged the committee to support ISP.

Rep. Monks spoke in support of **H 157**, stating the committee is clearly in agreement that more funding is needed for roads, although there are different ways of getting that funding. He supported the original motion, stating this is not a criticism of ISP, and he is optimistic funding for them will be found.

Rep. Syme spoke in opposition to **H 157**, stating in Canyon County, replacing one culvert on I-84 costs \$5,000,000. Getting \$3,000,000 per year is not enough, and is not worth the risk of taking funding from ISP.

Rep. Hixon spoke to the motion, stating he was in support.

Rep. Wintrow spoke to the motion, stating the committee hasn't explored all the available options, including mileage usage fees. The committee needs to discuss the entire puzzle, not just one piece.

**ROLL CALL
VOTE:**

Chairman Palmer requested a roll call vote. The motion carried by a vote of **10 AYE, 7 NAY**. Voting in favor of the motion: **Chairman Palmer, Vice Chairman Shepherd, Rep. Gestrin, Hixon, Packer, Dixon, Harris, Holtzclaw, Monks, and DeMordaunt**. Voting in opposition to the motion: **Rep. Kauffman, Youngblood, McDonald, Syme, King, Wintrow, and Gannon**. **Chairman Palmer** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committees, the meeting was adjourned at 2:41 PM.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 16, 2017

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Road Usage Charges	Travis Dunn, Partner, D'Artagnan Consulting and Stephen Fitzroy, Executive Vice President of EDR Group (facilitated by the Idaho Transportation Department)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 16, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Representative(s) Dixon

GUESTS: Jack Lyman, Idaho Housing Alliance; Nick Veldhouse, Jonathan Parker, Rod Twete, Idaho Association of Highway Districts; Bruce Wong, Director, John Kirk, David Wallace, Ada County Highway District

Chairman Palmer called the meeting to order at 1:32 PM.

Mollie McCarty, Government Affairs Program Manager, Idaho Transportation Department, introduced the presenters and gave a brief overview of the vehicle miles traveled tax, now known as the road user fee.

Travis Dunn, Partner, D'Artagnan Consulting, gave a presentation on distance charging as a possible solution to transportation funding problems. As Idahoans continue to purchase more fuel efficient vehicles, the gap between available funding and transportation needs expands. Mr. Dunn stated that tax based on the number of vehicle miles traveled (VMT) would protect transportation revenues against the effects of ever-increasing vehicle fuel efficiency and the use of alternative fuels. VMT tax has high potential for revenue in a transportation funding crisis that forecasts continued improvements in fuel economy despite recent gasoline price trends. Idaho can benefit from the other states that have found federally funded opportunities to do more localized research on the testing and implementation of distance charging.

In response to committee questions, **Mr. Dunn** stated Missouri's grant proposal was a registration fee based on vehicle horsepower, but they have now showed interest in MPG-based registration fees.

Stephen Fitzroy, Executive Vice President of EDR Group, gave a presentation on the economic and equity impacts of a road user charge to urban and rural counties. A study was performed in 7 Western states (including Idaho) to develop a method of switching to a "revenue-neutral" mileage-based system. There are roughly 26,500,000 vehicle miles traveled per day in all of Idaho, equating to 7,800,000,000 miles per year. The group focused on defining urban rural and mixed areas in terms of interactions between where people live and work, with an objective of developing a better foundation for deriving estimates of total household VMT. Mixed and rural drivers, who often own older and less efficient vehicles, would end up paying less, while urban drivers, who own newer and therefore more fuel efficient vehicles, would pay more. The group's systematic assessment for a number of states found that in general, there is likely to be no disadvantage for rural or suburban households if the decision is made to transition to a mileage-based rather than a sales tax based system. Although the results are only averages due to individual household travel patterns and vehicle purchase decisions that influence the degree to which these study results apply to them, this study provides some level of confidence that there will be no major inequity from a geographic

perspective, if a mileage-based system revenue system is introduced to replace a gas tax. These findings were supported by other studies.

In response to committee questions, **Mr. Fitzroy** stated this would only affect private passenger vehicles, the fuel tax, and just a portion of gas tax paid by households with passenger vehicles.

In response to committee questions, **Mr. Fitzroy** stated there must be a dialogue between the western states to decide what the best mileage taxation options are.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:09 P.M.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, February 20, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 156	Park model recreational vehicles	Jack Lyman, Idaho House Alliance

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, February 20, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Jack Lyman, Teri Ottens, Idaho Housing Alliance; Kelli Brassfield, Idaho Association of Counties; Jonathan Parker, Idaho Association of Highway Districts

Chairman Palmer called the meeting to order at 1:31 PM.

H 156: **Jack Lyman**, Idaho Housing Alliance, presented **H 156**. The purpose of this legislation is to define "park model recreational vehicle" in a way that eliminates the difference between those that are 8 1/2 feet wide and those that are wider with regards to titling, licensing, registration and taxation. It provides for the titling, licensing and registration of PMRVs regardless of width and provides that the registration fees paid by PMRVs greater than 8 1/2 feet wide will be returned to the counties where they are located. PMRVs that are attached to foundations, have attached additions or have been substantially modified could be titled but not licensed or registered. The Idaho Transportation Department estimates it will cost \$20,000 to implement this legislation. This legislation does not treat PMRVs as manufactured homes per Idaho Code 39-405(8).

In response to committee questions, **Mr. Lyman** stated PMRVs do not qualify for the 100K personal property tax exemption in the same way that manufactured homes do not.

In response to committee questions, **Mr. Lyman** stated there are no installation standards for PMRVs as defined in the Idaho Mobile Home Park Landlord-Tenant Act, Title 55 Chapter 20. There is not a definition for an RV park in the Act, and only covers renting. Buying a space to put your PMRV is not covered under the Mobile Home Park Landlord-Tenant Act.

In response to committee questions, **Mr. Lyman** stated registration fees for PMRVs can be higher or lower than property tax depending on the county.

In response to committee questions, **Mr. Lyman** stated PMRVs over 450 sq ft would not be in compliance, and would therefore meet either an HUD standard or be considered "out of code," such as a tiny home. A structure more than 450 sq ft on a trailer is not in compliance.

MOTION: **Rep. Harris** made a motion to send **H 156** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

MOTION: **Rep. Gannon** made a motion to approve the minutes of the February 6, 8, 10, and 14, 2017 meetings. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:52 P.M.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 22, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 131	Used Car Dealer Licensing	Bobby Petersen, Idaho State Independent Auto Dealers Association

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 22, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representative(s) Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Vice Chairman Shepherd, Representative(s) Gestrin

GUESTS: Bobby Petersen, Kyle Durham, Idaho State Independent Auto Dealers Association; Amy Smith, Division of Motor Vehicles Business Analyst, Brian Goeke, Motor Vehicle Program Supervisor, Alan Frew, Division of Motor Vehicles Administrator, Idaho Transportation Department; Nick Veldhouse, Idaho Association of Highway Districts; Kevin Hanigan, Idaho Automobile Dealers Association; Laila Kral, Jeff Miles, Local Highway Technical Assistance Council

Chairman Palmer called the meeting to order at 1:32 P.M.

H 131: **Bobby Petersen**, Idaho State Independent Auto Dealers Association, presented **H 131**. The purpose of this legislation is to prevent those who have been convicted of crimes pertaining to the car business from immediately re-applying for and receiving a dealer or sales license. Under the existing code, these criminals can obtain a new license even if they haven't made any restitution for the damage they have caused by their previous illegal activity. With these changes to the Code, a license may be denied until a specified amount of time has passed since the previous conviction and/or until proper restitution has been made to those injured by previous crimes.

In response to committee questions, **Mr. Petersen** provided an example of crimes committed in conjunction with a dealership, stating a dealer and two salesmen have been convicted of money laundering through the business. All three of them were able to get re-licensed. This legislation is not attempting to keep anyone away from the business, but to prevent those convicted of defrauding others from re-entering the business.

In response to committee questions, **Mr. Petersen** stated the Idaho Transportation Department is the issuer of the licenses, but the revocation of licenses is done through a hearing officer hired by ITD as a non-partial entity. The Dealer Advisory Board monitors the situation.

In response to committee questions, **Mr. Petersen** stated the instances of crime in this business are frequent, with the most common crime being the inability to provide titles or have a method of providing them. It is a statewide issue.

In response to committee questions, **Amy Smith**, Division of Motor Vehicles Business Analyst, Idaho Transportation Department, stated the most common crime was not providing a title, which even on the first infraction, was cause for citation. Usually if one customer has not been provided a title, others have not. Other common citations include not operating outside of the principle place of business, and not having the means to procure the title. A full list of offenses can be found under Title 49, Chapter 5 Idaho Code. These crimes cause the cancellation and/or revocation of dealer licensing.

In response to committee questions, **Mr. Petersen** stated this legislation will put an end to a dangerous loophole that does nothing to stop dealer reapplication once their license has been revoked.

Rep. Gannon invoked Rule 38.

**UNANIMOUS
CONSENT:**

Rep. Gannon requested unanimous consent to not vote on **H 131**. There being no objection, the request was granted.

MOTION:

Rep. McDonald made a motion to send **H 131** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hixon** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 1:47 P.M.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 28, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 204	Personal delivery devices / sidewalks	Representative Jason Monks, Teresa Molitor and David Catania, Starship Technologies
S 1043	Motor vehicles, widths exceptions	Roger Batt, President, Batt Associates
RS25373	State police, rule rejection	Representative Sage Dixon

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

Jasmine Platt
Room: EW60
Phone: 332-1146
email: htran@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 28, 2017

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Representative(s) Packer

GUESTS: Nick Veldhouse, Idaho Association of Highway Districts; Roger Batt, Eric Wareham, Western Equipment Dealers; Argia Phillips, Batt Associates; Ramon Hobdey-Sanchez, Alan Frew, Idaho Transportation Department; Jeff Miles, LHTAC; Dennis Tanikuni, Idaho Farm Bureau; Elizabeth Criner, Far West Agribusiness Association; Teresa Molitor, David Catania, Justin Hoffman, Starship Technologies; Benjamin Kelly, Food Producers of Idaho; Julie Pipal, Idaho Trucking Association; Soona Lee, EROAD; Mitch Coats, Food Producers of Idaho

Chairman Palmer called the meeting to order at 1:30 P.M.

H 204: **Teresa Molitor**, representing Starship Technologies, presented **H 204**. This legislation defines "personal delivery device" and "personal delivery device operator." It provides an exception for personal delivery device in the definition of motor vehicle, and clarifies that personal delivery devices may operate on sidewalks. The legislation gives cities, counties, and highway districts the authority to adopt regulations for the safe operation of personal delivery devices. Finally, it adds a new section of code that lists requirements for and restrictions on personal delivery devices.

David Catania, Director of Government Affairs, Starship Technologies, displayed the personal delivery device to the committee. Mr. Catania stated the personal delivery device was created primarily for convenience. The personal delivery device has nine cameras and demonstrates situational awareness, taking 3,000 images per second to create 3D maps. The device is remotely operated by a person, 100% electric, and is meant to compete with eCommerce and human delivery services. Currently, the device delivers small packages, take-out food, and groceries, but may be adapted for other delivery purposes.

Mr. Catania stated Starship Technologies is seeking permission for their personal delivery devices to be used on public sidewalks and crosswalks.

In response to committee questions, **Mr. Catania** stated the personal delivery devices have a two-hour battery life which varies based on the incline it is operating on and the weight of the item(s) stored inside, which is usually about 20 lbs.

In response to committee questions, **Mr. Catania** stated the device does not have "dead zones," for it only travels in places that it has already mapped from cell phone towers. It will not go in an unmapped area for the device's own safety.

In response to committee questions, **Mr. Catania** stated that to use the personal delivery device as the delivery option, a customer would only need to order an item from their mobile phone and select Starship as their delivery option. The customer would then select a delivery time to ensure they are home at the time of delivery, "follow" the device to the delivery destination using tracking software. When the personal delivery device arrives with the product, the customer would "allow" or unlock the device using a personalized code belonging only to the customer to retrieve the product. The personal delivery device would then return to the van where it was docked. This process cuts out the use of large trucks entirely.

In response to committee questions, **Mr. Catania** stated there has been 3,200,000 human interactions with Starship's personal delivery devices, and there had only been positive and neutral responses from the public. There had not been any substantial negative feedback.

In response to committee questions, **Mr. Catania** stated Starship had worked hard to address concerns from law enforcement by providing each personal delivery device with a unique number, like a motor vehicle VIN number, to easily identify the device. Every device comes equipped with contact information to speak with a company representative.

In response to committee questions, **Mr. Catania** stated the personal delivery device helps those with mobility issues, under-served communities, and those in food deserts. The device seeks to clear delivery truck clogging in residential areas, reduce package theft, and provide cost-efficient, quick, and environmentally-friendly service in 10% of what it costs to use a standard shipping trucks. Starship Technologies respects the individual rules of jurisdiction and has worked with the varied health, safety, and welfare concerns of communities.

In response to committee questions, **Mr. Catania** stated the personal delivery device is mainly used for food delivery at this time.

In response to committee questions, **Mr. Catania** stated the devices are subject to city regulation, and that the cities in which the devices operate are permitted to regulate them. Each jurisdiction is to decide whether or not they will allow the device.

MOTION:

Rep. Monks made a motion to send **H 204** to the floor with a **DO PASS** recommendation.

In response to committee questions, **Mr. Catania** stated legislation regulating and defining the device and its parameters for operation are needed before it operates in the jurisdiction. The introduction of the personal delivery devices will be slow, small, and methodical. The locals can limit the amount of devices and where they will operate.

In response to committee questions, **Mr. Catania** stated the personal delivery devices will operate exclusively on sidewalks and crosswalks. An area will need to have sidewalks first if they would like these devices to operate there.

In response to committee questions, **Mr. Catania** stated the applications of the personal delivery device are limitless. In some countries, they are delivering prescription drugs.

In response to committee questions, **Ms. Molitor** stated there are a few very important elements to the bill, including: a definition of "personal delivery device" and "personal delivery device" operator, a definition of a motor vehicle (under which a personal delivery device would be exempt), a declaration stating that the personal delivery device can operate on a public sidewalk, and eight new subsections of Idaho Code. There has not been any negative feedback from local transportation governance.

In response to committee questions, **Mr. Catania** stated the device will switch over to manual automation by the operator if it senses it is being stolen or disrupted. The GPS will send the coordinates to the operator, who will speak over the device intercom and inform the perpetrator to stop. There has not yet been an instance of human vandalism of the personal delivery devices.

In response to committee questions, **Mr. Catania** stated Starship Technologies has a high value placed on privacy and lawfulness. The data stored on the personal delivery device is erased nightly, with only small amounts kept in case of an emergency. In an emergency situation, the device's camera switches from high resolution to low resolution and blurs human faces. Only a few highly trained personnel have access to the data in emergency situations. In one country where the device operates, Germany, Starship is subject to some of the strictest privacy laws in the world.

In response to committee questions, **Ms. Molitor** stated there had not been any overt support for the legislation by local transportation authorities.

VOTE ON MOTION:

Motion carried by voice vote. Rep. Monks will sponsor the bill on the floor.

S 1043:

Roger Batt, Western Equipment Dealers, presented **S 1043**. This legislation amends the definition of "implements of husbandry" as the agriculture industry understands this definition. It authorizes equipment dealers to be allowed to move implements of husbandry during daylight hours from farm to farm, to and from an auction house, and to and from a repair shop without having to have a permit to do so. There will be a negative fiscal impact to the Idaho Transportation Department totaling about \$54,250.00 through the passage of this legislation.

Mr. Batt clarified that there had been an amendment to **S 1043** in **RS 25078A1**. The amendment in **RS 25078A1** deletes line 20, page 3 of the printed bill, and inserts a new partial sentence. The original printed bill, line 20, page 3, stated "their designated agents, including without limitation, equipment deal-" and now states "their designated agents, or equipment deal-."

Mr. Batt stated on page 1 of **S 1043** under the definition of "implements of husbandry," the phrase "when being incidentally operated" had been struck out because it allowed an interpretation under this definition that implements of husbandry, including planters, swathers, plows, hay balers, etc, are only defined as implements of husbandry only when they are being transported from one farm to another. These implements are implements whether they are in use or sitting idle. The language has been changed to clarify that the definition of "implements of husbandry" is not based solely on the activity of transporting the equipment.

Mr. Batt stated the current regulations for the transport of implements of husbandry create an inconvenience for equipment dealers who must first obtain a permit from the Idaho Transportation Department. Mr. Batt stated obtaining permits at night, on weekends, and on holidays, creates significant problems for the agricultural industry. The legislation contains an emergency clause.

In response to committee questions, **Mr. Batt** stated the legislation would exempt only equipment dealers from the permitting process.

In response to committee questions, **Mr. Batt** stated the permitting process is an onerous one, as many equipment dealers cannot reach ITD to obtain a permit when it is required. This solution provides convenience to the equipment dealers, as they can move the implements of husbandry more freely.

In response to committee questions, **Mr. Batt** stated implements of husbandry would still need to be adorned with a flag(s) or "flagged" to indicate a hazard on the roadway.

MOTION: **Rep. Hixon** made a motion to send **S 1043** to **General Orders**.

Alan Frew, Department of Motor Vehicles Administrator, Idaho Transportation Department, spoke **in opposition** to **S 1043**, stating if these vehicles are no longer required to operate under an overlegal permit, they are also not subject to all of the restrictions that overlegal permitted vehicles must follow. They would not be required to have specified lights, signs, and flags, two-way radio communications, escort vehicles, and they would not be notified of areas with lane width restrictions due to construction. During the summer or harvest months, ITD prefers to have good communication with the drivers of these loads, which can be up to 16 and 24 feet wide. This legislation may limit communication between the equipment dealers and ITD regarding lane restrictions, height clearances, and other safety matters.

In response to committee questions, **Mr. Frew** stated the term "overlegal" refers to the width of a vehicle, not the height or to weight.

In response to committee questions, **Mr. Frew** stated the ITD has taken steps in order to make the permitting process for equipment dealers easier. To help mitigate the hassle, there are representatives on standby with 24-hour cell phone access, and the permit supervisor's phone number is provided if no one answers the regular permitting phone line.

In response to committee questions, **Mr. Frew** stated the time to obtain a permit in an emergency varies on certain factors, such as the vehicle width, whether they are travelling at night, or travelling in a construction zone. In this case, the local traffic engineer would need to identify the restrictions on the path of travel at that time. At most, it should only take a couple of hours.

In response to committee questions, **Mr. Frew** stated even those without a permit can still go to the ITD website for travel and construction information. The ITD website has a map during construction season that assists truck owners and operators to know what the width restrictions are. This map is updated continually.

In response to committee questions, **Mr. Frew** stated the exemption for implements of husbandry equipment dealers applies during daylight hours only.

Dennis Tanikuni, Assistant Director of Government Affairs, Idaho Farm Bureau, spoke **in support** to **S 1043**, stating the legislation is important because those in agriculture cannot have any kind delay occur, especially during harvest season, where the wait could be extremely costly to the operator.

Elizabeth Criner, Far West Agribusiness Association, spoke **in support** to **S 1043**. Ms. Criner stated that many of the referenced implements of husbandry are leased, creating even shorter time frames for completing tasks, and thus no time for permitting. This legislation will benefit agribusiness retailers.

Benjamin Kelly, Food Producers of Idaho, spoke **in support** to **S 1043**, stating the legislation is extremely important and that the association is in favor.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Moyle** will sponsor the bill on the floor.

RS 25373: **Rep. Dixon** presented **RS 25373**. This is a Concurrent Resolution to reject the entire pending rule found in **Docket No. 11-1301-1603** from the Idaho State Police, Motor Carrier Rules.

MOTION: **Rep. Harris** made a motion to introduce **RS 25373** and recommend it be sent to the Second Reading Calendar. **Rep. Wintrow** requested to be recorded as voting **NAY**. **Rep Dixon** will sponsor the bill on the floor.

MOTION: **Rep. Syme** made a motion to approve the minutes of the February 16 and 20, 2017 meetings. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:27 P.M.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
Upon Adjournment
Room EW40
Friday, March 10, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 251	Relating to Highways; to revise the definition of "maintenance."	Rep. Loertscher

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

Jasmine Platt
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Phone: 332-1146
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Friday, March 10, 2017

TIME: Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Lori Burelle; Helen Brookman; Russell Westekoy; Teresa Baker, Idaho Association of Cities; Roger Seiber, Ada County Highway District; Cynthia Gibson, Idaho Walk Bike Alliance

Chairman Palmer called the meeting to order at 11:36 A.M.

Chairman Palmer announced a change in presenter for **H 251** from **Rep. Loertscher** to **Jonathan Parker**, Idaho Association of Highway Districts

H 251: **Jonathan Parker**, Idaho Association of Highway Districts, presented **H 251**. This legislation amends Section 40-114 (3), Idaho Code, to amend the definition of the term "Maintenance" to the previous 2013 statutory definition. During the 2013 Legislature, **H 321** amended the definition of "Maintenance" to include only examples of maintenance work that would be considered in establishing a highway district's prescriptive easements. The current definition of the term "Maintenance" is ambiguous as it has been interpreted in creating affirmative obligation of highway districts to do "snow removal, sweeping, litter control, weed abatement and placement or repair of public safety signs." This was not the Legislature's intent in the 2013 amendment.

Mr. Parker stated **H 251** should be sent to the Amending Order for the purpose of adding two amendments. Mr. Parker requested the Committee Page distribute the document containing the proposed amendments. (Attachment 1) The two amendments include: 1. Keeping the phrase "public right of way" rather than striking it out, and adding the phrase "which may include" prior to the description of duties. 2. A new section relating to Section 40-1406 Idaho Code, starting on line 21 of the legislation, adding the city "shall retain its authority and responsibility over sidewalks under Idaho Code 50-317."

Mr. Parker stated **H 251** returns the status of this law to 2013 and aims simply to change the current language to address public concerns and reconcile jurisdiction conflicts.

In response to committee questions, **Mr. Parker** stated Memorandums of Understanding exist between the cities and the highway districts regarding snow and litter removal, and called on **Roger Seiber**, Ada County Highway District, to yield to the question.

In response to committee questions, **Roger Seiber**, Ada County Highway District, stated the Ada County Highway District has always been responsible for snow removal in the Boise Bench area, and will continue to do so. Title 50, Section 317, which deals with municipal corporations, states that all sidewalks are the responsibility of the city to be clear from snow, ice, and rubbish.

In response to committee questions, **Mr. Seiber** stated the City of Boise and Ada County Highway District meet very regularly with each other and with the public to delegate tasks and projects. The responsibilities of the two groups have not changed. **H 251** was created to assist with defining the "right of way," the width of roads, and how to proceed with an abandoned road, which were questions in 2013 legislation that prompted a revisit of the term "maintenance." ACHD is still responsible for snow removal, and any interpretation that they were not or currently are not is incorrect.

In response to committee questions, **Mr. Seiber** stated the word "may" in the legislation seeks to define what is flexibly qualified or quantified under "maintenance," rather than the interpretation that "may" allows the authorities to opt out of doing their duties (i.e. "may or may not" remove snow).

In response to committee questions, **Mr. Seiber** stated the phrase "public right of way" was in the legislation to begin with because of the 2013 legislation seeking to define an abandoned road and its provisions, which could be misconstrued as "maintenance." The prior legislation hoped to define what an abandoned road was, not what local transportation governance and jurisdictions may or may not do.

In response to committee questions, **Mr. Seiber** stated the six cities in Ada County (Boise, Meridian, Eagle, Garden City, Kuna, and Star) and their elected officials are going to see this legislation differently. The views of the Idaho Association of Cities and the Idaho Association of Counties are the reason that the phrase "public right of way" is back in **H 251**. A public right of way is just one place to put the snow when plows come through, because the only alternative in many cases to having snow/debris on the sidewalk is to leave it in and on the road itself. ACHD exceeded their snow removal budget by \$6,000,000 this year.

In response to committee questions, **Mr. Seiber** stated ACHD plows all arterial roads, side roads, and alleys in a defined hierarchy. Due to the exceptional snow, some levels of that hierarchy were not reached. There were discussions about the conditions every morning. The responsibilities of a highway district are all-inclusive, and it is the responsibility of the commissioners to oversee the duties of the highway districts to ensure that the roads are kept safe.

In response to committee questions, **Mr. Seiber** stated the change from "including" to "may include" in the legislation would best be answered by a legal expert, and called on **Steve Price**, General Counsel to Ada County Highway District, to yield to the question.

Chairman Palmer stated the purpose of the hearing is to discuss the legislation and not to air grievances.

In response to committee questions, **Mr. Price** stated the definition of "maintenance" has always had that wording, and includes an affirmative obligation on all highway districts to remove snow from all highways and public rights of way. Looking closer, "maintenance" is further defined as an act to "preserve from failure or decline, repair, refurbish, repaint, or otherwise keep an existing highway or public right of way in a suitable state for use." It is the responsibility of ACHD and all other highway districts to keep roadways, regardless of snow amount, suitable for public use. That affirmative obligation does not go away.

Mr. Price stated the qualifier is to preserve examples of what that entails, or what it means to keep that road in suitable conditions. The legislation in 2013 provided examples of maintenance with prescriptive rights of way. Legislators worried that it would be too easy for highway districts to claim that certain roads were prescriptive, so they wanted specific examples of maintenance to be listed, as they are in **H 251**. The Attorney General believed the former legislation created mandatory obligations that would not be appropriate for smaller highway districts that cannot afford maintenance-related vehicles such as street sweepers. By adding this language in **H 251**, the prescriptive examples remain, but they may be practiced flexibly. The highway districts are still obligated to maintain suitable roadways, contrary to popular interpretations of the bill.

In response to committee questions, **Mr. Price** stated under Chapter 13, 40-1310 Subsection 8, Idaho Code, highway districts have the authority to control road use during seasonal and inclement weather. This legislation is not concerned with the authority to open or close roads.

Mr. Price stated a prescriptive right of way exists if a governmental entity uses a road and the public maintains it for 5 years, then the public owns that road. If a public entity provides the maintenance for 5 years, the definition of maintenance becomes more critical. The examples of maintenance in this legislation help establish what types of maintenance activities can be exemplified in that 5 year period to establish prescriptive rights of way. The 2013 amendment made it much harder for highway districts to establish rights of way.

In response to committee questions, **Mr. Parker** stated the unusually harsh winter brought many issues to the forefront that weren't given as much attention in 2013. The snow removal maintenance of the last winter occurred under the current legislation which uses the language "shall," rather than "may."

In response to committee questions, **Mr. Parker** stated the cities had not come together, only the counties, and called on **Mr. Price** to yield to the question.

Mr. Price stated the ACHD has reached out to the cities and the ACHD Commission has met and is in full support, as well as the Idaho Association of Highway Districts.

Rep. Gannon cited a picture provided by a constituent to the committee, stating ACHD snow debris on sidewalks and personal properties are creating an issue. The homeowner has been bearing the brunt of this issue, when there needs to be consensus for the responsibility of sidewalk cleaning between ACHD and the City of Boise. (See Attachment 1)

Mr. Price stated the picture is not pretty, but the crews at ACHD were working 24 hours a day, 7 days a week, with unsophisticated technology. The City of Boise, in this case, was the agent responsible for clearing the sidewalk for public use. ACHD is always going to be responsible for total infrastructure, and would be ineffective for the purpose of clearing the 4,400 miles of sidewalks in Ada County. The proposed amendment keeps the same delegation of authorities between the cities and the highway districts on sidewalks.

In response to committee questions, **Mr. Seiber** stated ACHD is still looking for public feedback so that they may improve their methods to avoid situations like this. ACHD was overwhelmed by the amount of money and resources needed for this winter. The amount of money required to fight this kind of storm on an annual basis would be astronomical.

Lori Burelle, self, spoke in opposition to **H 251**. Ms. Burelle cited personal experience with snow removal and the experiences of several family members working in snow removal and transportation. To the general public, this legislation's use of "may" sounds hesitant to plow snow or pick up litter. After the very harsh storm season, this bill comes at a very bad time and has the public nervous about the road conditions of winters to come.

Helen Brookman, self, spoke in opposition to **H 251**. Ms. Brookman discussed the picture she brought to committee (Attachment 1), stating citizens were forced to walk in the roadways of busy streets when sidewalks are covered in debris.

Rep. Gestrin spoke in support of **H 251**, stating the snow that winds up on personal property as the result of clearing the public right of way is a natural consequence that all homeowners face, especially in areas that frequently get a lot of snow. Rural areas especially need the flexibility in maintenance as proposed in this bill.

MOTION: **Rep. Gestrin** made a motion to send **H 251** to the General Orders.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion to **HOLD H 251** in Committee.

Rep. Gannon spoke to the substitute motion, explaining that the State needs defined rules, and that these changes do not resolve the fundamental issue.

Rep. Packer spoke to the original motion, stating this is not just an Ada County issue, but one that deeply affects all 44 counties in the State. Some jurisdictions simply cannot afford not to have the flexibility allowed by the legislation. The phrase "right of ways" in addition to the extended definition causes problems.

Rep. Harris spoke to the substitute motion, stating the bill is incomplete and should do more to address citizen concerns.

Rep. McDonald spoke to the substitute motion, questioning what the highway districts would do if the next winter is just as harsh, or the winter after that. The cities and counties must all come together before a bill like this can be passed.

Mr. Parker stated **H 251** should go to the amending order, where additional changes can be made. The debate brought up several strong points, including the issue of smaller district resources. However, the flexibility of the language in the legislation is beneficial to local jurisdictions because it does not require maintenance beyond that which they can afford.

VOTE ON SUBSTITUTE MOTION: **Rep. Packer** requested a roll call vote. **The substitute motion failed by a vote of 5 AYE, 12 NAY. Voting in favor of the motion: Reps. McDonald, Harris, King, Wintrow, and Gannon. Voting in opposition to the motion: Chairman Palmer, Rep. Gestrin, Hixon, Dixon, Holtzclaw, Monks, DeMordaunt, Kauffman, Shepherd, Packer, Youngblood, and Syme.**

VOTE ON ORIGINAL MOTION: **Motion carried by voice vote. Reps. King, Gannon, and Wintrow** requested to be recorded as voting **NAY**. **Rep. Loertscher** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 12:51 P.M.

Representative Palmer
Chair

Jasmine Platt
Secretary

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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session – 2017

IN THE _____
BILL NO . _____
BY _____

AN ACT
RELATING TO HIGHWAYS: PROVIDING LEGISLATIVE INTENT; AMENDING
SECTION 40-114, IDAHO CODE; TO REVISE THE DEFINITION OF
MAINTENANCE; AMENDING SECTION 40-1406, IDAHO CODE, TO REVISE THE
POWERS AND DUTIES OF HIGHWAY DISTRICT COMMISSIONERS –
HIGHWAY POWERS OF CITIES IN COUNTY ABOLISHED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to address the Attorney General’s Opinion, January 23, 2017, whereby the Attorney General interpreted the current definition of Maintenance in Idaho Code 40-114(3) to create an mandatory obligation to conduct “snow removal, sweeping, litter control, weed abatement and placement or repair of public safety signs” without regard to the limits of a highway district’s available funds and resources. During the 2013 Legislature, House Bill 321 amended the definition of “Maintenance” to include only examples of maintenance work that would be considered in establishing a highway district’s prescriptive easements. By amending the definition of “Maintenance,” the Legislature did not intend to create an affirmative obligation of highway districts to do snow removal of sidewalks. Cities and Counties shall continue to regulate snow removal on sidewalks. It is the intent of the Legislature that the definition of Maintenance shall only obligate a highway district to keep existing highways in a suitable condition for public use within the district’s resources and funding.

SECTION 2. 40-114. That Section 40-114, Idaho Code, be, and the same is hereby amended to read as follows:

40-114. DEFINITIONS — M. (1) "Main traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(2) "Maintain" or "place" means to allow to exist, subject to the provisions of chapter 19, title 40, Idaho Code.

(3) "Maintenance" means to preserve from failure or decline, or repair, refurbish, repaint or otherwise keep an existing highway or public right-of-way in a suitable state for use, ~~including, which may include,~~ without limitation, without limitation, snow removal, sweeping, litter control, weed abatement and placement or repair of public safety signage.

1 (4) "Mortgage" means a class of liens, including deeds of trust, as are commonly given
2 to secure advances on, or the unpaid purchase price of, real property under the laws of the state
3 of Idaho, together with the credit instruments, if any, secured by it.

4 SECTION 2. 40-1406. That Section 40-1406, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 40-1406. POWERS AND DUTIES OF HIGHWAY COMMISSIONERS – ONE
7 HIGHWAY DISTRICT IN COUNTY – HIGHWAY POWERS OF CITIES IN COUNTY
8 ABOLISHED – LAWS IN CONFLICT SUPERCEDED. The highway commissioners of a
9 county-wide highway district shall exercise all of the powers and duties provided in chapter 13
10 of this title, and are empowered to make highway ad valorem tax levies as provided by chapter 8,
11 of this title. Only one (1) county-wide highway district shall be operative within a county where
12 the electorate has voted affirmatively for the formation of a county-wide highway district. The
13 district shall specifically be responsible for all county secondary and city highways and is hereby
14 recognized as a body politic of this state. No city included within a county-wide highway district
15 shall maintain or supervise any city highways, or levy any ad valorem taxes for the construction,
16 repair or maintenance of city highways. No highway district included within a county-wide
17 highway district, shall maintain any secondary highways or levy any ad valorem taxes for the
18 construction, repair or maintenance of highways. Wherever any provisions of the existing laws
19 of the state of Idaho are in conflict with the provisions of this chapter, the provisions of this
20 chapter shall control and supersede all such laws. However, within the limits of any city, the city
21 shall retain its authority and responsibility over sidewalks under Idaho Code 50-317, and may
22 expend city funds for the placement, care and removal of trees, shrubs, grass, and other plants,
23 which are located within the rights-of-way of any highway of the county-wide highway district.

24 The commissioners of a county-wide highway district may pass ordinances, rules, and
25 make all regulations, not repugnant to law, as necessary, for carrying into effect or discharging
26 all powers and duties conferred to a county-wide highway district pursuant to this chapter and
27 chapter 13 of this title. All ordinances created or passed by the commissioners of a county-wide
28 highway district shall require the affirmative vote of two-thirds (2/3) of the members of the full
29 county-wide highway district commission. The style of all ordinances shall be: "BE IT
30 ORDAINED by the board of highway district commissioners of (.....) County, Idaho." All
31 ordinances passed shall, before they take effect and within one (1) month after they are passed,
32 be published in at least one (1) issue of a newspaper published in the county or, if no paper be
33 published in the county, then in some paper having general circulation therein. After such
34 publication and before its effective date, such proposed ordinance shall not thereafter be
35 amended in any particular wherein the amendment shall impose terms, conditions or privileges
36 less favorable to the county-wide highway district than the proposed ordinance as published; but
37 amendment favorable to the county-wide highway district may be made at any time and after
38 publication. All ordinances passed pursuant to this section by the board of county-wide highway
39 district commissioners may be proved by a certificate of the secretary of the county-wide
40 highway district under the seal of the board of the county-wide highway district commissioners
41 and shall be read and received in evidence in all courts and administrative proceedings without
42 further proof. If ordinances duly passed are printed or published in book or pamphlet form by
43 authority of the county-wide highway district commissioners, the printed or published book or
44 pamphlet shall also be read and received in evidence in all courts and administrative proceedings

1 without further proof. The commissioners of the county-wide highway district may enforce such
2 | ordinances by all appropriate administrative or judicial proceedings.
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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session – 2017

IN THE _____
BILL NO . _____
BY _____

AN ACT
RELATING TO HIGHWAYS: PROVIDING LEGISLATIVE INTENT; AMENDING
SECTION 40-114, IDAHO CODE; TO REVISE THE DEFINITION OF
MAINTENANCE; AMENDING SECTION 40-1406, IDAHO CODE, TO REVISE THE
POWERS AND DUTIES OF HIGHWAY DISTRICT COMMISSIONERS –
HIGHWAY POWERS OF CITIES IN COUNTY ABOLISHED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to address the Attorney General’s Opinion, January 23, 2017, whereby the Attorney General interpreted the current definition of Maintenance in Idaho Code 40-114(3) to create an mandatory obligation to conduct “snow removal, sweeping, litter control, weed abatement and placement or repair of public safety signs” without regard to the limits of a highway district’s available funds and resources. During the 2013 Legislature, House Bill 321 amended the definition of “Maintenance” to include only examples of maintenance work that would be considered in establishing a highway district’s prescriptive easements. By amending the definition of “Maintenance,” the Legislature did not intend to create an affirmative obligation of highway districts to do snow removal of sidewalks. Cities and Counties shall continue to regulate snow removal on sidewalks. It is the intent of the Legislature that the definition of Maintenance shall only obligate a highway district to keep existing highways in a suitable condition for public use within the district’s resources and funding.

SECTION 2. 40-114. That Section 40-114, Idaho Code, be, and the same is hereby amended to read as follows:

40-114. DEFINITIONS — M. (1) "Main traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(2) "Maintain" or "place" means to allow to exist, subject to the provisions of chapter 19, title 40, Idaho Code.

(3) "Maintenance" means to preserve from failure or decline, or repair, refurbish, repaint or otherwise keep an existing highway or public right-of-way in a suitable state for use, ~~including, which may include,~~ without limitation, without limitation, snow removal, sweeping, litter control, weed abatement and placement or repair of public safety signage.

1 (4) "Mortgage" means a class of liens, including deeds of trust, as are commonly given
2 to secure advances on, or the unpaid purchase price of, real property under the laws of the state
3 of Idaho, together with the credit instruments, if any, secured by it.

4 SECTION 2. 40-1406. That Section 40-1406, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 40-1406. POWERS AND DUTIES OF HIGHWAY COMMISSIONERS – ONE
7 HIGHWAY DISTRICT IN COUNTY – HIGHWAY POWERS OF CITIES IN COUNTY
8 ABOLISHED – LAWS IN CONFLICT SUPERCEDED. The highway commissioners of a
9 county-wide highway district shall exercise all of the powers and duties provided in chapter 13
10 of this title, and are empowered to make highway ad valorem tax levies as provided by chapter 8,
11 of this title. Only one (1) county-wide highway district shall be operative within a county where
12 the electorate has voted affirmatively for the formation of a county-wide highway district. The
13 district shall specifically be responsible for all county secondary and city highways and is hereby
14 recognized as a body politic of this state. No city included within a county-wide highway district
15 shall maintain or supervise any city highways, or levy any ad valorem taxes for the construction,
16 repair or maintenance of city highways. No highway district included within a county-wide
17 highway district, shall maintain any secondary highways or levy any ad valorem taxes for the
18 construction, repair or maintenance of highways. Wherever any provisions of the existing laws
19 of the state of Idaho are in conflict with the provisions of this chapter, the provisions of this
20 chapter shall control and supersede all such laws. However, within the limits of any city, the city
21 shall retain its authority and responsibility over sidewalks under Idaho Code 50-317, and may
22 expend city funds for the placement, care and removal of trees, shrubs, grass, and other plants,
23 which are located within the rights-of-way of any highway of the county-wide highway district.

24 The commissioners of a county-wide highway district may pass ordinances, rules, and
25 make all regulations, not repugnant to law, as necessary, for carrying into effect or discharging
26 all powers and duties conferred to a county-wide highway district pursuant to this chapter and
27 chapter 13 of this title. All ordinances created or passed by the commissioners of a county-wide
28 highway district shall require the affirmative vote of two-thirds (2/3) of the members of the full
29 county-wide highway district commission. The style of all ordinances shall be: "BE IT
30 ORDAINED by the board of highway district commissioners of (.....) County, Idaho." All
31 ordinances passed shall, before they take effect and within one (1) month after they are passed,
32 be published in at least one (1) issue of a newspaper published in the county or, if no paper be
33 published in the county, then in some paper having general circulation therein. After such
34 publication and before its effective date, such proposed ordinance shall not thereafter be
35 amended in any particular wherein the amendment shall impose terms, conditions or privileges
36 less favorable to the county-wide highway district than the proposed ordinance as published; but
37 amendment favorable to the county-wide highway district may be made at any time and after
38 publication. All ordinances passed pursuant to this section by the board of county-wide highway
39 district commissioners may be proved by a certificate of the secretary of the county-wide
40 highway district under the seal of the board of the county-wide highway district commissioners
41 and shall be read and received in evidence in all courts and administrative proceedings without
42 further proof. If ordinances duly passed are printed or published in book or pamphlet form by
43 authority of the county-wide highway district commissioners, the printed or published book or
44 pamphlet shall also be read and received in evidence in all courts and administrative proceedings

1 without further proof. The commissioners of the county-wide highway district may enforce such
2 | ordinances by all appropriate administrative or judicial proceedings.
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AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
Upon Adjournment
Room EW40
Tuesday, March 14, 2017

SUBJECT	DESCRIPTION	PRESENTER
S 1069	REAL ID, driver's license/ID card	Senator Steve Vick
SCR 116	Transport/study committee/annual registration fee	Chairman Bert Brackett

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer Rep Youngblood
Vice Chairman Shepherd Rep McDonald
Rep Gestrin Rep Dixon
Rep Hixon Rep Harris
Rep Kauffman Rep Holtzclaw
Rep Packer Rep Monks

Rep DeMordaunt
Rep Syme
Rep King
Rep Wintrow
Rep Gannon

COMMITTEE SECRETARY

Jasmine Platt
Room: EW60
Phone: 332-1146
email: htran@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, March 14, 2017

TIME: Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Vice Chairman Shepherd

GUESTS: Ramon Hobdey-Sanchez, Government Affairs Program Specialist, Brian Goecke, Motor Vehicle Program Supervisor, Motor Vehicle Program Manager, Idaho Transportation Department; Kathy Griesmeyer, American Civil Liberties Union

Chairman Palmer called the meeting to order at 2:45 P.M.

S 1069: **Senator Vick** presented **S 1069**. The purpose of this legislation is to assure the citizens of Idaho that they will be offered the option of a REAL ID compliant or noncompliant drivers license or identification card, be informed of the different purposes of a compliant and noncompliant license, and be notified of what documents will be retained by the department. The implementation of the Federal REAL ID Act in Idaho was approved in 2016 after 8 years of noncompliance.

Senator Vick stated the Idaho Transportation Department is planning on making two different types of driver's licenses, one compliant and one noncompliant. If the ITD decides to rescind their decision to make both compliant and noncompliant licenses, the Legislature should be involved. Constituents and the general public may be unwilling or unable to purchase a REAL ID compliant license for various reasons, including an inability to provide a certified birth certificate or a passport. A noncompliant driver's license will be permissible for the purposes of driving, identification, voting, police proceedings, health services, and receiving federal benefits, but only a REAL ID compliant driver's license will gain access to federal facilities, nuclear power plants, and for boarding commercial flights. REAL ID compliant licenses will be differentiated from their noncompliant counterparts with writing and symbols on the licenses themselves. Travelling via commercial flights with a noncompliant license is still possible with one of the following documents: a passport, a passport card, a military identification card, a permanent resident card, or tribal identification. Giving the public these options allows them to make the best decision for themselves.

In response to committee questions, **Senator Vick** deferred to **Mollie McCarty**, Government Affairs Program Manger, Idaho Transportation Department before deferring to **Alan Frew**, Division of Motor Vehicles Administrator, Idaho Transportation Department.

In response to committee questions, **Senator Vick** stated the issuance of Real ID licenses does not change the established process of obtaining a noncompliant driver's license. It is not easier to obtain a noncompliant driver's license, though it may be slightly more inconvenient to obtain a compliant Real ID license because of the enhanced requirements to get one.

In response to committee questions, **Alan Frew** stated Idaho Code 49-306 sets the parameters for what information the Idaho Transportation Department may keep on file. Every application must state the true and full name of the applicant, sex, date of birth, clarification of Idaho residency, address, mailing address, height, weight, hair color, eye color, the applicant's Social Security number as verified by the Social Security Administration, and a copy of the applicant's birth certificate. ITD has elaborate and highly vested security measures to protect the retained Social Security information, and has never been breached.

In response to committee questions, **Alan Frew** stated the price of a noncompliant license will be the same as that of a Real ID compliant license.

Kathy Griesmeyer, Policy Director, American Civil Liberties Union, spoke in support of **S 1069**. The ACLU has been adamantly opposed to the implementation of the Real ID Act since it was passed in 2008 due to privacy concerns associated with the collection and storage of individual's personal identifying documents in a sharable database. Given that the ITD has been collecting information since before 2008 and the state of Idaho is participating in a pilot database project under the Real ID Act, the measures of **S 1069** are a good start to providing options for Idaho citizens to decide with their own privacy in mind. Citizens will be able to either opt-in or opt-out, and can still find other means for accessing federal buildings and airplanes. The ACLU would like to see additional amendments made to the bill regarding privacy, specifically document retention time periods, and additional protections for applications, social security numbers, and birth certificates. This is an ongoing conversation, but the ACLU accepts **S 1069** in its current form.

MOTION: **Rep. Dixon** made a motion to send **S 1069** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dixon** will sponsor the bill on the floor.

SCR 116: **Senator Brackett** presented **SCR 116**. This Concurrent Resolution authorizes the Legislative Council to appoint an interim-committee to undertake and complete that study. In 2015, the Idaho Legislature passed **H 312** with the intent to study the legislature imposing all commercial vehicles and farm equipment exceeding 60,000 pounds with an annual registration fee; in addition, imposing a quarterly operating fee based on weight class for all miles driven on Idaho roadways.

MOTION: **Rep. King** made a motion to send **SCR 116** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. King** will sponsor the bill on the floor.

MOTION: **Rep. Wintrow** made a motion to approve the minutes of the February 28, 2017 meeting. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:03 P.M.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 PM or Upon Adjournment
Room EW40
Thursday, March 16, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1086</u>	Highway district commission/replacement commissioner vacancy	Representative Clark Kauffman
<u>S 1107</u>	Commercial Driver's License testing organization fees	Chairman Joe Palmer

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer Rep Youngblood
Vice Chairman Shepherd Rep McDonald
Rep Gestrin Rep Dixon
Rep Hixon Rep Harris
Rep Kauffman Rep Holtzclaw
Rep Packer Rep Monks

Rep DeMordaunt
Rep Syme
Rep King
Rep Wintrow
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, March 16, 2017

TIME: 1:30 PM or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representative(s) Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** Representative(s) Gestrin, Dixon, DeMordaunt

GUESTS: Alan Frew, Division of Motor Vehicles Administrator, Idaho Transportation Department; Jonathan Parker, Idaho Association of Highway Districts

Chairman Palmer called the meeting to order at 1:30 P.M.

S 1086: **Rep. Kauffman** presented **S 1086**. The purpose of the change to IC40-1304 is to allow adequate time to fill a vacancy to highway district commissioner positions in the event a vacancy occurs. Rather than being open for 10 days, the vacancy to the highway district commissioner position would now be open for 30 days.

MOTION: **Rep. Youngblood** made a motion to send **S 1086** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

S 1107: **Chairman Palmer** presented **S 1107**. The purpose of this legislation is to allow the free market to determine prices for the Commercial Driver's License skills testing organization with a cap at \$190. The Idaho Transportation Department will continue to receive \$10 for administrative purposes. So, the total maximum fee that can be charged will be \$200.

In response to committee questions, **Chairman Palmer** stated the bill is a way of addressing the needs of isolated testers. In the event that there is only one skills tester in an area, as there is/was in Twin Falls, that individual could charge the maximum amount if there was no competition.

In response to committee questions, **Alan Frew**, Motor Vehicle Administrator, Idaho Transportation Department, stated there are a total of 57 third-party testers throughout the state, a decline from 64 testers in the previous year due to the inability to charge enough to cover basic costs. If one third-party tester in an area is charging too much, an individual can find another somewhere else.

In response to committee questions, **Mr. Frew** stated there is a set fee, and the Idaho Transportation Department will always retain \$10. Where it before said \$60 and now says \$190, it is because the maximum amount that can be collected is \$200, with \$10 going to ITD. The difference is between \$60 and \$70, and \$190 and \$200. It is the \$190 that changes the language to say "not more than."

MOTION: **Rep. Kauffman** made a motion to send **S 1107** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Palmer** will sponsor the bill on the floor.

Rep. Harris spoke in support of the motion, citing the free market.

MOTION: **Rep. Monks** made a motion to approve the minutes of the March 10, 2017 meeting with the exception of two changes: adding "is" on Page 2, Paragraph 1, and changing "ordinance" to "ordinances" on Page 4, Paragraph 1. The latter change was discarded and the original diction rephrased in the minutes for clarification purposes.

Rep. Packer requested an additional change to the minutes, stating that instead of saying the issue affects cities outside of Ada County, the minutes should elaborate by saying "this is not just an Ada County issue, but one that deeply affects all 44 counties in the State."

VOTE ON MOTION: **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:42 P.M.

Representative Palmer
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
Upon Recess
Room EW40
Tuesday, March 28, 2017

SUBJECT	DESCRIPTION	PRESENTER
S 1206	Relating to Transportation	Senator Winder
RS25605	Relating to Transportation	Rep. Trujillo

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Youngblood	Rep DeMordaunt
Vice Chairman Shepherd	Rep McDonald	Rep Syme
Rep Gestrin	Rep Dixon	Rep King
Rep Hixon	Rep Harris	Rep Wintrow
Rep Kauffman	Rep Holtzclaw	Rep Gannon
Rep Packer	Rep Monks	

COMMITTEE SECRETARY

Tracey McDonnell
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email: htran@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, March 28, 2017

TIME: Upon Recess

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Nick Veldhoose and Jonathan Parker, IAHD

Chairman Palmer called the meeting to order at 3:26pm.

S 1206: **Senator Winder**, District 20, stated this bill would approve bonding authority to issue highway transportation (GARVEE) bonds in the amount of \$300 million to finance highway transportation projects listed within the bill. These bonds are expected to be paid from future federal highway allocations and a small state match. He stated other components of this bill include a two-year extension of the 2015 **H 312** "surplus eliminator" which otherwise would expire this year. Currently, any unanticipated state surplus, at the end of the year, is split between the state's rainy-day fund and road work, through the Idaho Transportation Department's (ITD) strategic initiatives program. This bill would provide for a 60/40 split, with 60% for the state and 40% for local units of government. The 40% local split would be put into a newly created fund called the Local Strategic Initiatives Fund. Senator Winder stated this bill would also create the Transportation Expansion and Congestion Mitigation Fund within ITD. Money would flow into that account from the unallocated portion of the cigarette tax and 1% from the state sales tax, calculated after revenue sharing for local governments is taken out, so they remain whole. The 1% from the state sales tax would amount to approximately \$15 million in 2018. The amount available from the surplus eliminator varies from year to year, but in previous years it has ranged from \$21.9 million to \$108.3 million.

In response to a question regarding water GARVEE funding, **Senator Winder** stated by removing the sunset, funding will continue for the aquifer recharge program.

In response to a question regarding mitigation funding, **Senator Winder** explained it provides a mechanism to allow for a board to work up recommendations so that people can actually apply for their projects. Another part of the mitigation at the state level would allow, for example, expansion in communities where there is congestion. He stated this bill would free up money for new projects, which has been restricted to maintenance projects, such as expansion, widening, or capacity additions.

In a response to a question regarding taking the 1% sales tax after revenue sharing to the local governments rather than before, **Senator Winder** stated this was decided in order to not hurt the local governments by taking money before they received their distributions.

MOTION: **Rep. McDonald** made a motion to send **S 1206** to the floor with a **DO PASS** recommendation.

**ROLL CALL
VOTE:**

Chairman Palmer called for a roll call vote on the motion for **S 1206**. **Motion carried by a vote of 11 AYE and 6 NAY. Voting in favor** of the motion: **Reps. Palmer, Shepherd, Hixon, Kauffman, Packer, Youngblood, McDonald, Holtzclaw, Monks, DeMordaunt, and Syme. Voting in opposition** to the motion: **Reps. Gestrin, Dixon, Harris, King, Wintrow, and Gannon. Chairman Palmer** will sponsor the bill on the floor.

Chairman Palmer put the committee at ease at 3:47pm.

Chairman Palmer resumed the meeting at 4:12pm.

RS 25605:

Rep. Trujillo, District 33, stated this proposed legislation adds a category relating to children pedestrian safety on the state and local system regarding proposed projects funded through the Strategic Initiatives Program.

In response to questions, **Rep. Trujillo** and **Chairman Palmer** stated this language isn't being introduced at the last minute, but rather was part of many discussions leading back to **H 312** two years ago. **Chairman Palmer** stated this was the right opportunity to finally add this language into statute.

MOTION:

Rep. Holtzclaw made a motion to introduce **RS 25605** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Trujillo** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 4:25pm.

Representative Palmer
Chair

Tracey McDonnell
Secretary