

House Transportation & Defense Committee

Minutes
2006



MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 16, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representative Moyle, Bedke, and Smith (24)

GUESTS: See attached sign in sheet

Chairman Wood called the meeting to order at 1:31 p.m. She introduced our page, Johanna Roberts.

Since Representative Smith was not in attendance, RS15435 will be heard at a later date.

Chairman Wood gave the names of the Rules Subcommittee: Vice Chairman Roberts will chair the sub committee with members Representatives Hart, Nonini, and Shepherd.

Chairman Wood told the committee about the tour at Gowen Field and an upcoming tour of Mountain Home Air Base.

ADJOURN: There being no other business to come before the committee, the meeting was adjourned at 1:36 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE RULES SUBCOMMITTEE

DATE: January 18, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Roberts, Representatives Hart, Nonini, Shepherd (2)

GUESTS: See attached sign is sheet

Chairman Roberts called the meeting to order at 1:34 p.m. He stated that other Transportation and Defense committee members may come in and out of the meeting and that they would be allowed to ask questions as well as the sub committee members.

Docket #
35-0105-0501

Randy Nilson, Tax Policy Specialist from the Idaho State Tax Commission, presented the Tax Commission Pending Rules.

Rule 010: Because of a State Supreme Court ruling the definition for this rule had to be redefined. It is being amended to add a definition for an Indian-owned retail outlet. This allows Idaho licensed fuel distributors to identify which retailers qualify as Indian-owned retail outlets in order to make nontaxable fuel sales to them. It also helps consumers identify which retailers do not charge the Idaho motor fuels tax because they are Indian-owned retail outlets.

Rule 130: Amended to add "delivered to an Indian-owned retail outlet tax not collected" to the list of disbursements in Paragraph 130.01.c., and inform Idaho licensed fuel distributors that the deduction in Paragraph 130.01.j., is "limited to 10% of the total volume."

Chairman Roberts asked if the reason this is limited to 10% is because car dealers only allow so much mix in the fuel and more than 10% would limit the warrantee.

Mr. Ted Spangler, Idaho State Tax Commission, said that 10% has always been in the Statute and started with ethanol. He said that with the recent growth of bio-diesels, which exceed 10%, the statute still has 10% limitations.

Rule 140: Amended to clarify that only taxable and nontaxable fuel sales can be included in the calculation of fuels tax bad debt when applying partial payments on a first-in/first-out or prorated basis. This will inform Idaho-licensed fuel distributors of the statute of limitations for fuels tax bad debt claims.

Rule 150: Amended to require licensed fuel distributors who use credit card receipts as their sales invoices to comply with the invoice documentation requirements in this rule.

Rule 170: Amended by removing "federal government" because they cannot use dyed low-sulfur diesel in their motor vehicles on a highway and update who can use low-sulfur dyed diesel fuel in their motor vehicles.

Rule 180: Amended to remove the requirement for a statement in Subsection 180.02 that is not required for a licensed fuel distributor to receive a refund.

Rule 270: Amended to add a new paragraph that states no Idaho motor fuels tax is paid when fuel is purchased from an Indian-owned retail outlet. It updates terminology.

Chairman Roberts asked Mr. Spangler if there was anything in the rule that deals with non Indian buying on the reservation. Mr. Spangler said that citizens were not refunded taxes when you didn't pay taxes in the first place.

Rule 292: Amended to add language that states no Idaho motor fuels tax is paid when fuel is purchased from an Indian-owned retail outlet and to add language for a standard power take-off (PTO) or auxiliary engine allowance for concrete pumping trucks.

Rule 400: Amended to correct a reference to an Idaho Code section that was renumbered in a previous year.

Rule 510: Amended to replace the word "biodiesel" with the phrase "biodiesel blended fuels."

MOTION: **Representative Nonini** made a motion to recommend to the full committee that the Idaho State Tax Commission Rules, Docket Number 35-0105-0501, be adopted. Motion passed.

DOCKET #
11-1301-0601 **Captain Lamont Johnston**, Idaho State Police, presented the Idaho State Police Temporary Rule. The Federal Carrier Motor Carrier Safety agency issued a final rule August, 25, 2005, revising CFR 395 "Hours of Service for Drivers." The Idaho State Police receive federal grant MCSAP funds that require it to enforce this rule. The rule deals with sleeper births and long hauls. The sleeper birth requires 10 hours off, 8 consecutive hours and 2 hours either in the sleeping birth or off duty.

A question was asked whether the 8 hours was at the end of the day, and in a 24 hour period how much time off. Captain Johnston said this depends on how many days they have been driving. After much discussion, the committee felt they needed more information. Captain Johnston said that he would get more information to the committee.

MOTION: **Representative Hart** made a motion that the committee hold Docket Number 11-1301-0601 until further information is provided. Motion approved.

DOCKET #
39-0241-0401 **Mr. Hal Putnam**, Idaho Transportation Department, DMV, presented Docket Number 39-0241-0401. This Rule allowed bulk sale of driver record database. Concerns related to privacy and re-dissemination of personal information made continuation of bulk sale of driver records questionable. The rule change removes the provision for bulk sale of driver records. Individual record access to driver information would continue to be available to authorized requestors as provided in Section 49-203, Idaho Code.

Replying to a question about how this came about, Mr. Putnam said that there was not a specific complaint, but there is an ongoing concern

regarding stolen or misplaced information.

MOTION: **Representative Hart** made a motion to recommend to the full committee that Docket Number 39-0241-0401 be approved. Motion passed.

DOCKET #: **39-0311-0501** **Ms. Regina Phipps**, VS and WS for the Idaho Transportation Department, presented Docket Number 39-0311-0501. This Rule deals with overlegal permittee responsibility and travel restrictions. Ms. Phipps said that there were several rules before the committee last year as temporary and all changes were approved except Section 200.06 of this Rule. This section governs high commuter traffic restrictions. It was requested that the department list only the cities in which high commuter traffic restrictions would apply rather than listing that it may be applied on all state highways.

The committee voiced concerns that their angst was still the same as last year. That in northern Idaho this would hamper industries such as logging and mining. A question was asked as to whether the industry had input on this Rule. **Mr. Jerry Deckard**, a lobbyist for the Associated Logging Contractors of Idaho, stated that yes this would have an economic impact.

MOTION: **Representative Hart** made a motion to recommend to the full committee that Docket Number 39-0311-0501 be rejected. Motion passed.

DOCKET #: **39-0317-0401** **Ms. Regina Phipps**, Idaho Transportation Department, also presented Docket Number 39-0317-0401. This Rule is regarding permits for manufactured homes, modular buildings, and office trailers. This proposed change eliminates the restriction on eaves which was a maximum of 16 inches. It now allows eaves to be longer than 16 inches as long as the overall width of the house does not exceed 18 feet. This change allows industry the ability to manufacture housing that will comply with the requirement for larger eaves when needed.

MOTION: **Representative Hart** made a motion to recommend to the full committee that Docket Number 39-0317-0401 be approved. Motion passed.

DOCKET # **39-0345-0501** **Mr. Jesse Smith**, Right of Way Supervisor for Idaho Transportation Department, presented Docket Number 39-0345-0501. Previously, property valued at less than \$10,000 was offered to adjoining owners before being offered to public entities. This Rule change will require that property first be offered to public entities at the appraised value. If there is no interest from a public entity at the appraised value the property may then be offered at less than appraised value, with the understanding it shall be used for a public purpose into perpetuity. The order of priority for sale to public entities is first State agencies, then county, then city, then highway districts, then finally other tax supported entities.

Mr. Smith went on to say that properties valued above \$10,000 were offered to public agencies at full appraised value and if no interest, the property was then sold at public auction. The Rule change now allows, if there is no public interest, negotiations at less than appraised value can be made. If there is still no interest, negotiations at less than appraised value can be made. If still no interest, then the property can be offered at

public auction. If a public entity wishes to purchase at less than the appraised value then it must be used for a public purpose in perpetuity, and the purchase must be made in their jurisdiction, other than State agencies.

Chairman Roberts asked Mr. Smith if the word "Real" should be in the rule? Mr. Smith said that, yes, it probably should say real.

Representative Wood stated that she had worked with the previous director and that it was decided that the property should be offered first to the previous owner, and if they didn't want it, it would then be disposed of to a public entity.

Representative Nonini voiced his disappointment at the way a strip of property in his district was being handled.

MOTION: **Representative Nonini** made a motion to recommend to the full committee that Docket Number 39-0345-0501 be rejected. Motion passed.

DOCKET # 39-0402-0501 **Mr. Mark Lessor**, Aviation Technician-Division of Aeronautics with the Idaho Transportation Department, presented Docket Number 39-0402-0501. This Rule governs marking of hazards to air flight. Mr. Lessor stated that this rulemaking was initiated as a result of HB40 which was passed in the 2005 legislative session.

He stated that the substantive changes is subsection 100.01 increase the height at which proposed structures are considered a hazard to air navigation and require marking and or lighting from 150 feet to 200 feet. This change provides consistency with FAA regulations and compliance with HB40. Subsection 100.02 also addresses the height at which power lines, cables, wires, and communication lines, which span rivers, canyons, bodies of water, and terrain undulations are considered a hazard. This height has been increased from 150 feet to 200 feet. This subsection also reduces the size of the marker balls identifying the wires, cables, and lines from 54 inches to 36 inches.

Subsection 100.03 simply provides clarifying language regarding the marking of individual supporting piers.

MOTION: **Representative Shepherd** made a motion to recommend to the full committee that Docket Number 39-0311-0501 be approved. Motion passed.

ADJOURN: There being no other business to come before the committee, the meeting was adjourned at 3:06 p.m.

Representative Ken Roberts
Sub Committee Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 24, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representative Bedke

GUESTS: See attached sign in sheet and presenters highlighted below.

Chairman Wood called the meeting to order at 1:32 p.m.

MOTION: **Representative Shepherd** made a motion to accept the minutes of January 16, 2006, as written. **Motion approved.**

RS15435 **Representative Leon Smith** presented RS15435. This legislation changes the age, when a driver may qualify for insurance premium discounts, from 65 to 55 years. Representative Smith stated that Idaho is the only state that has the 65 years old stipulation. Connecticut's age limit is 62.

MOTION: **Representative Wills** made a motion to introduce RS15435 to print. **Motion approved.**

RS15367C1 **Reymundo Rodriguez**, Port of Entry Program Manager at Idaho Transportation Department, presented RS15367C1. This legislation amends Section 49-432, Idaho Code. These amendments are necessary to allow Idaho to conform to the provisions of the International Registration Plan Agreement. Idaho Code 49-432 should state that these permits are valid for thirty (30) days rather than for one-hundred twenty (120) hours as stated in current Idaho Code. The fee for this permit is not being changed and remains at \$30.

Responding to a question from the committee, Mr. Rodriguez stated that this law has been in effect for a while, and this bill is making corrections.

MOTION: **Representative Wills** made a motion to introduce RS15367C1 to print. **Motion approved.**

RS15389 **Reymundo Rodriguez** also presented RS15389. This legislation amends Section 40-510 (2) (c) and 40-511(1), Idaho Code, to further clarify those vehicles required to stop at ports of entry for inspection/weighing. There has been some confusion in the courts regarding when vehicles must stop at ports of entry and when port of entry personnel may stop vehicles bypassing open weigh stations. This legislation will provide further clarification that vehicles are required to

stop at ports of entry for inspection/weighing if operating, or registered at weights greater than twenty-six thousand pounds. Additionally it will clarify that the referenced sections under (2) (c) end at Section 512 and not Section 514 as currently listed.

A number of questions followed regarding trucks that are running empty and also those that have passed the weigh station a number of times still having to stop. Mr. Rodriguez stated that yes they still have to stop but if port of entry personnel recognizes that they have been through a number of times and that they are empty it is left up to their digression whether to send them through the pass lane. He also stated that those with transponders are sometimes given the green light to by-pass.

MOTION: **Representative Smith** made a motion to send RS15389 to the second reading calendar.

SUBSTITUTE MOTION: **Representative Hart** made a substitute motion to introduce RS15389 to print. **Motion approved.**

ADJOURN: There being no other business to come before the committee, the meeting was adjourned at 1:50 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE RULES SUBCOMMITTEE

DATE: January 24, 2006

TIME: upon adjournment of full committee

PLACE: Room 412

MEMBERS: Chairman Roberts, Representatives Hart, Nonini, Shepherd (2)

GUESTS: Captain Lamont Johnston and Sergeant Bill Gardiner, Idaho State Police.

Chairman Roberts called the meeting to order at 2:02 p.m.

MOTION: **Representative Nonini** made a motion to accept the subcommittee minutes of January 18, 2006, as written. **Motion approved.**

DOCKET NO. 11-1301-0601 Chairman Roberts stated that we are reconvening to deal with Docket No. 11-1301-0601, Temporary Motor Carrier Rules. **Captain Johnston**, Idaho State Police, introduced **Sergeant Bill Gardiner** who explained the hours of service within the daily log book. Sergeant Gardiner stated that as long as a driver has 10 hours rest time then they can drive 11 hours. The 10 hours can be split up as long as 8 hours are consecutive. For example, a driver may take 8 hours in the sleeper berth, then drive five hours, then take 2 hours more in the sleeper berth.

MOTION: **Representative Shepherd** made a motion to recommend to the full committee that Docket No. 11-1301-0601 be adopted.

ADJOURN: There being no other business to come before the committee, the meeting was adjourned at 2:10 p.m.

Representative Ken Roberts
Sub Committee Chairman

Shani Murray
Secretary

MINUTES

SENATE and HOUSE TRANSPORTATION COMMITTEES Joint Meeting

- DATE:** Thursday, January 26, 2006
- TIME:** 1:30 p.m.
- PLACE:** Gold Room - Statehouse 4th Floor
- MEMBERS PRESENT:** **Senate:** Chairman Brandt, Vice Chairman McGee, Senators Keough, Little, McKenzie, Jorgenson, Marley, and Langhorst
- House:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith, Bedke, Cannon, Skippen, Moyle, Hart, Nonini, Shepherd, and Ringo.
- MEMBERS ABSENT/ EXCUSED:** President Pro Tem Geddes and Representative Wills
- GUESTS:** The sign-in sheets will be retained in the Senate committee's office, Room 432, until the end of the 2006 legislative session, and then will be on file with the minutes in the Legislative Services Library. (Basement E).
- CONVENED:** **Chairman Brandt** and **Chairman Wood** convened the meeting at 1:32 p.m.
- INTRODUCTION** Idaho Transportation Board **Chairman Charles (Chuck) Winder** explained that the purpose of this meeting is to give the board's annual report regarding the Idaho Transportation Department (ITD). Also, a status update about the Grant Anticipation Revenue Vehicle (GARVEE) bonds. The seven-member Idaho Transportation Board was introduced.
- **Vice Chairman John X. Combo**, District 6, Idaho Falls
 - **John McHugh**, District 1, Post Falls
 - **Bruce Sweeney**, District 2, Lewiston
 - **Monte C. McClure**, District 3, Meridian
 - **Gary Blick**, District 4, Castleford
 - **Neil Miller**, District 5, Blackfoot
- Idaho Transportation Department **Director David Ekern** introduced the Department's executive team members.
- **Charles Rountree**, Deputy Director and Administrator of the Transportation Division of Planning and Programming
 - **Susan Simmons**, Division Administration Administrator
 - **Steven Hutchinson**, Highway Division Chief Engineer
 - **Julie Pipal**, Budget, Policy and Intergovernmental Relations Manager
 - **Larry Falkner**, Division of Public Transportation Administrator
 - **Bob Martin**, Division of Aeronautics Administrator, and

- **Pamela Lowe**, Division of Motor Vehicles Administrator

Director Ekern reported that this year is the 50th anniversary of the interstate system. It has been 50 years since this system was funded, initiated, and built in this country. The interstate system is widely recognized as having been the stimulator for a new level of roads in the country, and a connection to our international ports. It is a significant influence in the way our military has changed the way it manages the defense of our country. It gave citizens freedom that they have never experienced, and has changed the entire economic growth pattern.

He stated that Boise is the seventh fastest growing metropolitan area in the U.S., and that Idaho's population is predicted to grow 56 percent (56%) within the next 30 years. ITD believes the population is growing at a faster rate.

Traffic volumes have increased by about 104 percent (104%) in travel, and vehicle registrations continue to increase.

He also reported that this year, Congress enacted a 900-page transportation bill. In that bill, Congress focused on a new program direction. They instituted procedures and policies for states' to achieve environmental streamlining. They put into place a program, previously an experimental program under the Transportation Equity Act for the 21st Century (T-21), which allows states to find ways to expedite projects and move projects more quickly through the system.

Congress also established two new commissions to deal with what direction the country should take in dealing with the surface transportation system, beyond the interstate system. As we grow in the international market, the surface transportation system needs to be modernized.

He also explained that reauthorization has increased public transportation funding to Idaho by about 122 to 124 percent (122% to 124%). Safety rules also give Idaho greater flexibility in opening multi-use or to use flexible funding between highway and public transportation funding.

Director Ekern reviewed and explained numerous charts and graphs relating to the Department's activities and FY07 budget.

He reported the Forum on Transportation Investment (FTI) was initiated in September 2004 by the Idaho Transportation Board. The Forum was made up of 57 individuals representing public agencies, transportation service providers, public transportation providers, stakeholders, elected officials, and citizens with a keen interest in transportation. The Forum was chaired by former state **Representative Jim Kempton** and Vice Chair **Mayor Tom Dale** from Nampa.

He also explained that the Grant Anticipation Revenue Vehicle (GARVEE) bonding program allows critical projects to be constructed sooner, by borrowing against future anticipated federal revenue. Reviewed charts included the vision for GARVEE, the 2,076 mile network of multi-lane, high performance roadways, and also the FY06-FY07 GARVEE bonding proposal and project schedule.

Several charts regarding the "Connecting Idaho - Year One" were reviewed. The GARVEE program will connect the major corridors serving all 44 counties in Idaho. The report addresses safety for Idaho motorists and expands the opportunities for commerce nationally and internationally.

ADJOURNED: **Chairman Brandt** and **Chairman Wood** thanked the Idaho Transportation Board and others for the report presented today. There being no further business, the meeting adjourned at 3:09 p.m.

Representative JoAn Wood
Chairman

Betty Osborn
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** January 30, 2006
- TIME:** 1:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** Representative Bedke
- GUESTS:** See attached sign-in sheet and presenters highlighted below.
- Chairman Wood** called the meeting to order at 2:04 p.m.
- MOTION:** **Representative Shepherd** made a motion to accept the minutes of January 24, 2006, as written. Motion approved.
- Chairman Wood** read a letter from the Rules Subcommittee stating that the recommendation from the Subcommittee is to accept Idaho State Tax Commission Pending Rules, **Docket Number 35-0105-0501**; the Idaho State Police Temporary Rules, **Docket Number 11-1301-0601**; and Idaho Transportation Department Pending Rules, **Docket Numbers 39-0241-0401, 39-0317-0401, and 39-0402-0501**.
- MOTION:** **Representative Skippen** made a motion to accept the Subcommittee's recommendation and adopt **Docket Numbers 35-0105-0501, 11-1301-0601, 39-0241-0401, 39-0317,0401, and 39-0402-0501**. Motion approved.
- Chairman Wood** stated that the Rules Subcommittee also recommended that Idaho Transportation Department Pending Rules **Docket Numbers 39-0311-0501 and 39-0345-0501** be rejected.
- Ms. Julie Pipal**, Idaho Transportation Department, stated that the rule pertaining to disposal of surplus property was correct in code and the rule changed the priority of disposing of the property. On the overlegal permits they are going back to the drawing board after getting input from the different industries affected.
- MOTION** **Representative Wills** made a motion to accept the Subcommittee's recommendation to reject **Docket Numbers 39-0311-0501 and 39-0345-0501**. Motion approved.
- RS15479** **Representative Nonini** presented RS15479. He stated that there is currently no officially defined harvest season for agricultural commodities in Idaho. This legislation would define harvest season for the purpose of vehicles transporting agricultural products including fresh fruits and

vegetables, livestock, livestock feed, products of the forest or manure, and it will be year-round. This will also clear up any inconsistencies and be more in tune with surrounding states.

MOTION: **Representative Cannon** made a motion to send RS15479 to print.
Motion approved.

H462 **Representative Smith** presented H462. This legislation changes the age from 65 to 55 when a driver may qualify for insurance premium discounts. Representative Smith said the discount received is discretionary with the insurance company.

Mr. Charles Siegel, Assistant State Coordinator, AARP Safety Program, spoke in favor of the bill.

Mr. Joe Gallegos, Associate State Director for AARP Idaho, spoke in favor of the bill.

Ms. Betty Chatburn, volunteer for the AARP Driver Safety Program, spoke in favor of the bill.

Mr. Bob Wells, representing AAA Idaho, spoke in favor of the bill.

A few committee members wondered why this program wasn't offered to all drivers not just those 55 and over. Mr. Wells said that this group is the fastest growing segment of the population and this is one tool to help them tune up.

Representative Smith said that Senator Cameron's name is on the SOP and he has been unable to contact the Senator so would like to remove his name from the SOP.

MOTION: **Vice Chairman Roberts** made a motion to send H462, with corrected SOP, to the floor with a do pass recommendation.

Representative Cannon said he thought this was a wonderful idea; however, he felt that this was ignoring an issue. He said you have to have this training every three years, but in Idaho you can get your driver's license by mail; which means that you don't have to have an eye test, etc., for a period of eight years. **Representative Smith** stated that this is an incentive for older drivers not a mandate.

A vote was taken on the Motion to send H462, with corrected SOP, to the floor with a do pass recommendation. **Motion approved.**
Representative Cannon voted nay.

H463 **Mr. Reymundo Rodriguez**, Port of Entry Program Manager for the Idaho Transportation Department, presented H463. The proposed amendments to Section 49-432, Idaho Code, are necessary to allow Idaho to conform to the provisions of the International Registration Plan agreement. Idaho Code 49-432 should state that these permits are valid for thirty (30) days rather than for one-hundred twenty (120) hours as stated in current Idaho Code. The fee is not being changed and remains at \$30.

Mr. Rodriguez asked that the bill and the statement of purpose be amended to replace the current terminology "Pending Lease Permit" to the proper name as listed in the International Registration Plan agreement as "Unladen Weight Permit". The Unladen Weight Permit allows an owner operator who is moving between lessee fleets to operate their vehicle combination at the unladen (empty) weight for a period of 30 days or until the owner-operator leases to another carrier or registers the vehicles in his/her name.

MOTION: **Vice Chairman Roberts** made a motion to send H473 to the floor with amendment attached, changing "Unladen Weight Permit" on the SOP and in the legislation . Seconded by Representative Skippen. **Motion approved.** Representative Skippen will present the amendments on the floor; Vice Chairman Roberts will present H473 on the floor.

H464 **Mr. Reymundo Rodriguez** also presented H464. This legislation amends Section 40-510 (2) (c) and 40-511(1), Idaho Code, to further clarify those vehicles required to stop at ports of entry for inspection/weighing. There has been some confusion in the courts regarding when vehicles must stop at ports of entry and when port of entry personnel may stop vehicles bypassing open weigh stations. This legislation will provide further clarification that vehicles are required to stop at ports of entry for inspection/weighing if operating or registered at weights greater than twenty-six thousand pounds. Additionally it will clarify that the referenced sections under (2) (c) end at Section 512 and not Section 514 as currently listed.

MOTION: **Representative Ringo** made a motion to send H464 to the floor with a do pass recommendation. **Motion approved.** Vice Chairman Roberts will carry the bill on the floor.

ADJOURN: There being no other business to come before the committee, the meeting was adjourned at 2:55 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** February 6, 2006
- TIME:** 1:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** Representative Moyle
- GUESTS:** See attached sign-in sheet and presenters highlighted below.
- Chairman Wood called the meeting to order at 1:35 p.m.
- MOTION:** **Representative Shepherd** made a motion to accept the minutes of January 30, 2006, as written. **Motion approved.**
- RS15490** **Representative Wills** presented RS15490. This legislation applies when drivers are approaching an emergency vehicle which is stopped with lights flashing. The approaching vehicles will reduce their speed for safety purposes, and if on a highway with two or more lanes going the same direction, they will move into another lane of traffic. Moving into another lane of traffic is necessary only if it is safe to do so. This law will make it safer for emergency vehicles.
- MOTION:** **Representative Cannon** made a motion to send RS15490 to print. **Motion approved.**
- RS15863** **Mr. Skip Smyser**, representing the Idaho Trucking Association, presented RS15863. This legislation will amend section 49-1002, Idaho Code, to specify that the legal load per inch/width of tire is limited to 600 pounds for tires fifteen inches wide and more; 500 pounds for tires less than fifteen inches; and eliminates the provision allowing 800 pounds for older vehicles. These changes are intended to support the use of true "super single" tires and discourage the practice of simply "singling out" dual tire installations which have been shown to damage pavement.
- In answer to a question, **Mr. Alan Frew**, Idaho Transportation Department, said that this bill addresses tandem and single axle tires. He said there are some exceptions such as cement trucks.
- MOTION:** **Representative Wills** made a motion to send RS15863 to print. **Motion approved.**
- RS15896** **Representative Loertscher**, presented RS15896. This legislation clarifies when dealer plates may be used. They may be used on a laden

vehicle or trailer in connection with a manufacturer's or dealer's business to move vehicles or trailers from a manufacturer to a dealer from dealership to dealership or from a dealership to an off-site location in promotion of the dealer's business.

MOTION: **Representative Nonini** made a motion to send RS15896 to print.

A question was asked if this applied to hauling commodities. Representative Loertscher said this applied only when the dealer is moving his plates from one trailer to another to move cars from dealer to dealer or to an off-site location.

A vote was taken on the Motion to send RS15896 to print. **Motion approved.**

H517 **Representative Nonini** presented H517. He stated that harvest season is not clearly defined in Idaho and this legislation would define Idaho's harvest season for agricultural commodities. This legislation would clearly define the time allowed to transport agriculture commodities interstate and would clear up inconsistencies and be more in tune with surrounding states. Harvest season for the purpose of vehicles transporting agricultural products including fresh fruits and vegetables, livestock, livestock feed, products of the forest or manure, would be year-round.

MOTION: **Vice Chairman Roberts** made a motion to send H517 to the floor with a do pass recommendation.

There was concern that this legislation would allow disks, plows, and other large farm equipment to be on the road year-round.

Mr. Jerry Deckard, representing Associated Logging Contractors of Idaho and Potato Growers of Idaho, stated that this applies to commodities not equipment. Also responding to a question about hauling milk and hauling steel, Mr. Deckard said that milk is perishable and steel is not. He did say that the product that makes the steel, oar, would be exempt.

It was also noted that to make a season for all the different products for the different times when they are harvested would make pages and pages of harvest season commodities.

Another concern was the drivers of this equipment not being required to keep a time of service and log book which brings into question accountability.

Mr. Alan Frew, ITD, said log books are required on all vehicles carrying agricultural commodities.

Mr. Dennis Taniuni, representing the Idaho Farm Bureau, spoke in favor of the legislation saying this would allow uniformity.

A vote was taken on the motion to send H517 to the floor with a do pass recommendation. **Motion approved.** Representatives Cannon and Smith voted Nay.

Representative Nonini will carry the bill on the floor.

Chairman Wood said that H486 was on the original agenda, but Representative Sali asked that we hold H486 as he could not attend today's meeting. She also said the sponsor of H543 asked that we hold this bill as they felt it needed more work.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:10 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 8, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Moyle and Mitchell

GUESTS: See attached sign-in sheet and presenters highlighted below.

Vice Chairman Roberts called the meeting to order at 1:35 p.m.

MOTION: **Representative Shepherd** made a motion to accept the minutes of February 6, 2006, as written. **Motion approved.**

RS15785C1 **Senator Skip Brandt** presented RS15785C1. Senator Brandt said this legislation will allow another special license plate but with a difference. It will establish a National Rifle Association special plate which will be of a color and design in accordance with the provisions of Section 49-402C, Idaho Code. The difference with this plate is that in addition to the regular registration fee required in Chapter 4, Title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars (\$35) for the initial issuance, and twenty-five dollars (\$25) upon each succeeding annual registration. Ten dollars (\$10) of the initial fee and ten dollars (\$10) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special plate program. Twenty-five dollars (\$25) of each initial fee and fifteen dollars (\$15) of each renewal fee shall be transferred by the state treasurer for deposit to the Highway Distribution account established in Section 40-701, Idaho Code.

MOTION: **Representative Cannon** made a motion to send RS15785C1 to print. **Motion approved.**

RS15990 In Chairman Wood's absence **Senator Brandt** presented RS15990. He stated that this legislation is a compromise in establishing new special license plates and will take place after this year. This legislation would not restrict new license plate designs, but it would cover cost for set up and graphics. Funds derived from new plates would accrue to the Idaho Transportation Department's highway fund. A non-refundable fee of six thousand dollars (\$6,000) will be collected from the sponsoring entity of any special license plate program approved after January 1, 2007.

MOTION: **Representative Hart** made a motion to send RS15990 to print. **Motion approved.**

RS15391C2 **Ms. Amy Smith**, Vehicle Services Manager for Idaho Transportation

Department, presented RS15391C2. This Veteran's license plate was originally to be available for purchase on January 1, 2005, but due to lack of reaching agreement on the plate design it is necessary to amend this code in order to produce the veteran's motorcycle license plate. This legislation will allow a retroactive effective date of January 1, 2006.

Representative Cannon wanted to be noted on record that he isn't opposed to this license plate and he isn't opposed to veterans, but he will vote no on this bill because it is only for veterans and therefore would exclude sons, daughters, and spouses of veterans from buying the plate if they wanted one.

MOTION: **Representative Wills** made a motion to send RS15391C2 to the second reading calendar. **Motion approved.** Representative Cannon voted Nay. Representative Hart will carry the bill on the floor.

RS15905 **Representative Wills** presented RS15905. This legislation will establish PROJECT CHOICE (Creating Hope, Opportunities, Incentive for Career Employment) a career ladder for the Idaho State Police. The fund will be established by assessing an additional three dollars (\$3) annual fee from each vehicle registration to include trucks, cars, and motorcycles. The fund will address the critical need of recruiting, training, and retaining qualified Idaho State Troopers for the public safety of Idaho citizens. The Idaho State Police are rapidly losing trained and qualified personnel to cities, counties, and private business for better pay and benefits. Project Choice is an enhancement that will begin to level the playing field. Representative Wills stated that in 1972 there were 168 troopers on the road with 540,000 vehicles; in 2005 there are 128 troopers on the road with 1.42 million vehicles. He said that right now there are 14 positions open.

Vice Chairman Roberts stated that he was on the interim CEC committee dealing with state employee issues, and that \$5 million was targeted to agencies that are behind. He asked how this will effect those other agencies. **Representative Wills** said even with that the ISP is still behind the other agencies and this legislation would help them catch up.

MOTION: **Representative Skippen** made a motion to send RS15905 to print. **Motion approved.**

RS15947 **Representative Eskridge** presented RS15947. Idaho Code currently defines all-terrain vehicles (ATV's). Recreational vehicle manufactures have started providing larger versions of ATV's, called utility type vehicles (UTV's), and they cannot be registered as an off-highway vehicle (OHV) in Idaho. Idaho Transportation Department will not license them for use on public roadways as they don't meet all legal requirements for highway operation. This has created an untenable situation for an ever-increasing number of users, vendors, and dealers. By creating a new class of OHV, IDPR can provide a registration process and a legal recreation opportunity on certain unpaved roads on state and federal roads for this type of vehicle.

In answer to a question, Representative Eskridge said that this bill is different from one that was brought last year as it increases the maximum

width to less than seventy-four inches (74") where last year's was sixty inches (60").

MOTION: **Representative Bedke** made a motion to send RS15947 to print. **Motion approved.**

RS15564 **Representative Bedke** presented RS15564. This legislation is to amend Title 49, Chapter 10, Idaho Code, to include and designate that segment of State Highway 38 between the intersections of Bannock Street and Depot Road in Malad, Idaho, Oneida County, as a pilot project route for the 129,000 pound trucks. Representative Bedke stated that the aggregate mine is a major employer in Oneida County and this would save 4,123 trips to the quarry which is a 25 mile trip.

MOTION: **Representative Skippen** made a motion to send RS15564 to print. **Motion approved.**

RS15735C1 **Representative Martinez** presented RS15735C1. Representative Martinez stated that this legislation is a repeat from last year. This legislation would assure that when revenues appropriated from the Highway Distribution account, which goes to cities, meets or exceeds the previous fiscal year's revenue, that base amount will be preserved and the excess will be distributed through the normal formula. He said that this will slow down the bleeding in some of the slower growing cities in our state.

In answer to a question on how the full amount would be made up, Representative Martinez said that the burden would be shared by all cities that are growing fast.

MOTION: **Representative Ringo** made a motion to send RS15735C1 to print. **Motion approved.**

RS15401 **Mr. Steve Guerber**, Executive Director for Idaho State Historical Society, presented RS15401. This proposed legislation recognizes the state's continuing obligation to protect and preserve its heritage and cultural resources by establishing a dedicated fund for use in the statewide preservation of cultural resources, historic buildings, structures, artifacts, and records, enhancement of statewide cultural and historic education opportunities, and historical research purposes, and by amending the existing special motor vehicle license plate program to include the Idaho State Historic Preservation license plate.

MOTION: **Representative Nonini** made a motion to send RS15401 to print. **Motion approved.** Chairman Wood voted Nay.

RS15769 **Representative Bilbao** presented RS15769. This legislation amends Section 49-418A, Idaho Code, to expand the special motor vehicle license plate program to include the Idaho Elks Rehabilitation Hospital license plate. **Mr. Joe Caroselli**, Administrator of the Idaho Elks Rehabilitation Hospital, told of the operations of the hospital, and the benefits this license plate would have.

MOTION: **Representative Ringo** made a motion to send RS15760 to print. **Motion**

approved. Chairman Wood and Representative Smith voted Nay.

RS15813

Representative Skippen presented RS15813. This legislation will establish a Breast Cancer Education and Screening special license plate. Funds raised from the sale of this plate will be used for breast cancer education and screening of women who lack insurance coverage or funds to pay for services related to breast cancer education and screening.

Representative Nonini said that Tracy Brown, Miss Idaho, who is very involved in breast cancer education and awareness, will attend the hearing if this RS comes back to the committee as a bill.

MOTION:

Representative Bedke made a motion to send RS15813 to print. **Motion approved.** Chairman Wood and Representative Smith voted Nay.

Chairman Wood stated that we still have five more RS's to hear before the deadline on Friday. The committee will meet at 9 a.m. Friday, February 10, 2006.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:45 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 10, 2006

TIME: 9:00 a.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Skippen, Bedke, and Ringo

GUESTS: See attached sign-in sheet and presenters highlighted below.

Chairman Wood called the meeting to order at 9:06 a.m. She asked that the three members absent be excused as they are in JFAC.

MOTION: **Representative Wills** made a motion to accept the minutes of February 8, 2006, as written. **Motion approved.**

RS16000 **Representative Mathews** presented RS16000. This Concurrent Resolution commends medical providers of the Idaho Medical Association for their commitment and support of military personnel and their families by accepting military health insurance.

MOTION: **Representative Mitchell** made a motion to send RS16000 to print. **Motion approved.**

RS15953 **Representative Nonini** presented RS16953. This legislation closes an existing loophole in the law and requires that an owner of real property shall not permit the use of such real property as a place for offering vehicles for sale at such location unless the vehicle is titled in the name of the real property owner or in the name of the person offering the vehicle for sale, or unless the person offering the vehicle for sale is a licensed Idaho dealer that has obtained a temporary supplemental lot license from the Department authorizing the dealer to conduct business at such location. If a vehicle is being displayed or offered for sale in violation of the current law, the legislation adds an additional enforcement tool and permits the seizure of the vehicle and, in the event of a conviction, authorizes the vehicle to be forfeited to the state, city, or county government responsible for the enforcement action.

Representative Nonini, in answer to a question about why there is a need for this bill, said that people are parking a series of cars on corners and roadsides and they do not have the title to the cars or have permission from the owners of the property to park them there. There was a question about what remedies are there for owners of property where these cars are being parked and sold. **Mr. Bill Roden**, representing the Idaho State Independent Automobile Dealers, said that

they could bring about an action for trespassing.

MOTION: **Representative Smith** made a motion to return RS15953 to the sponsor.

SUBSTITUTE MOTION: **Vice Chairman Roberts** made a substitute motion to send RS15953 to print.

VOTE ON MOTIONS: A voice vote was taken on the substitute motion to send RS15954 to print. **Motion failed.**

A voice vote was taken on the motion to return RS15953 to the sponsor. **Motion approved.** Vice Chairman Roberts and Representative Cannon voted Nay.

RS15954 **Representative Nonini** presented RS15954. The purpose of this legislation is to clarify that a vehicle manufacturer's license shall not issue to an applicant that does not have an "established place of business within Idaho" and to require the licensee to notify the Department of Transportation of any change in address or location of the licensee's place of business during the license period. Upon such notification, a new license will be issued to the licensee for the new location for the balance of the license term.

There was a question whether this bill would preclude putting an automobile for sale on any piece of property unless you are a licensed dealer. **Representative Nonini** said that this legislation does not preclude individuals; this is for licensed business. He also stressed that this legislation deals with manufacturers not dealers. When asked what the need is, **Mr. Bill Roden**, Idaho State Independent Automobile Dealers, said it is a technical issue as there is nothing in law that requires a change of address. Mr. Roden said this does not affect companies like Ford, GM, etc. **Representative Nonini** said this will target small operations that would take pickups, for example, and change them from the original body style.

MOTION: **Representative Smith** made a motion to send RS15954 to print. **Motion approved.**

RS15955 **Representative Nonini** presented RS15955. The purpose of this legislation is to provide vehicle purchasers with necessary and important information relating to significant damage history of a vehicle. This legislation treats all salvage vehicles alike, regardless of age or value. However, as to vehicles older than five years or with a value of less than \$6,000, that have been repaired under the personal supervision of the owner, the Department of Transportation may, upon the affidavit of the owner as to facts relating to the repair of the vehicle, issue a title showing a "reconstructed vehicle" brand without inspecting the vehicle. However, the purchaser of such vehicle will have necessary information to make an informed decision as to the purchase.

Ms. Amy Smith, Vehicle Services Manager for Idaho Transportation Department, clarified that vehicles coming into Idaho with a "branded" title will have the other state's brand carried forward to the Idaho title. In Idaho, if the vehicle is deemed a total loss, and it is declared a salvage

vehicle, and said vehicle is less than 5 years old, or has a pre-crash value of more than \$6000, then Idaho will brand the title. Vehicles outside of this range are not branded and would receive a clear Idaho title.

MOTION: **Representative Wills** made a motion to send RS15955 to print. **Motion approved.**

RS15982 **Representative Nonini** presented RS15982. He stated that currently there is no state law that prohibits someone from refusing to produce identification or producing false identification to gain access or attempt to gain access into airport property, and in particular, secure areas of airport property. Federal law exists, but local law enforcement officers are not empowered to enforce federal law.

There was a question about who would enforce this law. **Representative Nonini** said that it would be local authorities. There was much confusion over who would be able to stop people and what authority they would have.

MOTION: **Representative Hart** made a motion to return RS15982 to the sponsor.

SUBSTITUTE MOTION: **Representative Wills** made a substitute motion to send RS15982 to print with the following changes; eliminate "or" at the end of line 13, and the first "airport" on line 14.

VOTE ON MOTIONS: A vote was taken on the substitute motion to send RS15982 to print with the changes. A roll call vote was called for:

Those voting **AYE:** Representatives Wills, Cannon, Nonini, and Shepherd.

Those voting **NAY:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith, and Hart. **The substitute motion was defeated by a vote of 5 to 4.**

A voice vote was taken on the original motion to return RS15982 to the sponsor. **Motion approved.**

RS16003 **Representative Cannon** presented RS16003. This legislation relates to taxation of motor fuels. It amends Section 63-2402, Idaho Code, to provide that the tax liability for motor fuels is the responsibility of the receiving distributor and to authorize distributors to include an amount equal to the tax as part of the selling price and to provide the processes for remittance of fuel tax when the distributor, retailer, or consumer is exempt from the tax liability. Amends Section 63-2407, Idaho Code, to revise the process for claiming a deduction based on the number of gallons received by the distributor during a reporting period and to delete distributor deduction provisions relating to taxes previously paid on worthless accounts. Amends Section 63-2427A, Idaho Code, to provide

a condition for issuance of a distributor's license, and to repeal Section 63-2435, Idaho Code, providing that motor fuel taxes are state money.

MOTION:

Vice Chairman Roberts made a motion to send RS16003 to print. **Motion approved.** Representatives Shepherd and Nonini voted Nay.

Mr. Dave Ekern, Director for the Idaho Transportation Department, gave a brief overview of the GARVEE bonding process and mentioned the 11 corridors for the projects. Director Ekern stated that the Idaho Transportation Board has proposed a schedule of specific project bonding to be implemented in FY06 and FY07. The total GARVEE investment for FY06 and FY07, including \$10 million for project management, is estimated to be \$218 million. The total development, program management, and construction cost for all GARVEE projects scheduled after FY07 is estimated to be \$982 million. He said that taken in context as a process the STIP is a vehicle and process that ITD uses to identify the projects they plan to make for the next 5 years.

Chairman Wood said she thought it was clear that the legislators would be getting two or three projects at a time not eleven; she said this was established when the committee amended S1183 last year. Director Ekern said that it takes 5 to 8 years to develop a project and this is subject to annual appropriations. He also said that the bonding they are proposing here is for construction and right-of-ways to future funding, if they are funded at all.

Representative Hart said that his understanding of S1183 as amended was that each project would be handled separately and then see if they were merited. He also said that he thought that the Idaho Transportation Board was going to evaluate each project, and that a project not be GARVEE funded if that project could not meet the normal scrutiny of the Board's project selection process. **Representative Hart** also pointed out that this amendment explained the legislative intent of the committee that a project not be GARVEE funded if that project could not meet the normal scrutiny of the Board's project selection process. **Representative Hart** asked the committee members if they had a different understanding of the purpose of the amendment the committee made.

Representative Cannon said he thought it would be kept under 30% cap on the amount of GARVEE expenditures relative to the total annual federal funding, and that the department would be making annual GARVEE reports to the committee for approval.

Representative McKague said that the amendments were set so GARVEE would have sideboards.

No other committee member offered an alternative explanation as to the purpose of the committee's amendment to S1183.

Director Ekern responded that Representative Hart's explanation of the amendments was close to his recollection. He said that the Department would run each GARVEE project through the STIP and NEPA review

process as they are required to do for any federally funded highway project, and only after the project has been through this review would it be considered by the Board.

Vice Chairman Roberts asked how many staff and funds have been redirected to prepare for GARVEE. **Director Ekern** stated that there has been no staff added to the Department as a result of the work the Department has done on the GARVEE program. He did say that Mr. Nestor Fernandez has been named the GARVEE Program Administrator. Mr. Fernandez was a current employee he was not a new hire. He said that any preparatory work comes from the general appropriations not GARVEE bonding. **Vice Chairman Roberts** asked if the Department knew of the \$5 million a year for project management cost why didn't they relay this to the legislature. **Director Ekern** said that, as they proposed, they would bring a specific proposal to the legislature every year.

Representative Hart asked the director for an updated present value analysis of each of the projects selected for GARVEE funding. **Director Ekern** said that construction costs have increased 10 to 14 percent over the last year. He also said that cost per acre increased 38%. Using GARVEE can forestall that increase.

Representative Smith referring to the chart mentioned by the Director stated that the chart only shows the debt service until 2011. He said that the legislature is worried about the debt service and asked if the Department would provide the committee with a chart that extended the debt service funds through the life of the bond so that they can see what the debt service will be beyond 2011. **Director Ekern** said they are preparing one and will provide it to the committee and to JFAC.

Speaking on the FY07 budget request, **Director Ekern** said the total budget request is \$501.4 million. This does not include GARVEE project costs or debt service. He said that this will include modernization of the DMV system; facilities modernization; equipment budget, and salaries. He said they would be able to address a portion of the salary deficit. The Department is \$15 million behind competitive salaries. JFAC directed the Department to redirect salary savings to level the inequities in salaries.

Representative Mitchell, commenting on system preservation, had a concern of what happens to the road system if it is only barely maintained. The **Director** said that maintenance on existing roads will not be affected.

Vice Chairman Roberts talked about the CEC and the 3% state employee raises ongoing into next year's budget. **Vice Chairman Roberts** said his concern is dedicated funds are limited and the 5.7% increase in wages over the 3% came out of highway projects somewhere. **Director Ekern** said they would provide the committee with a detailed spread sheet on this.

Mr. Eric Milstead, Legislative Services Budget Policy Analyst, said ITD had not utilized their full personnel budget. The 3% CEC uses full personnel appropriation.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 11:25 a.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** February 14, 2006
- TIME:** 1:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** None
- GUESTS:** See attached sign-in sheet and presenters highlighted below.
- Chairman Wood** called the meeting to order at 1:32 p.m.
- MOTION:** **Vice Chairman Roberts** made a motion to accept the minutes of February 10, 2006, as written. **Motion approved.**
- HCR39** **Representative Mathews** presented HCR39. He stated that this Concurrent Resolution is to commend the Idaho Medical Association for their support of our military personnel and their families by accepting military health insurance.
- MOTION:** **Representative Nonini** made a motion to send HCR39 to the floor with a do pass recommendation. **Motion approved. Representatives Mathews and Wood** will carry the bill on the floor.
- H561** **Mr. Skip Smyser**, representing the Idaho Trucking Association, presented H561. This legislation will amend section 49-1002, Idaho Code, to specify that the legal load per inch/width of tire is limited to 600 pounds for tires fifteen inches wide and more; 500 pounds for tires less than fifteen inches; and eliminates the provision allowing 800 pounds for older vehicles. These changes are intended to support the use of true "super single" tires and discourage the practice of simply "singling out" dual tire installations which have been shown to damage pavement.
- Mr. Paul Sudmeier**, President and CEO of Idaho Trucking Association, spoke in favor of the legislation saying that the new super single wide tires will benefit the trucking industry. They will conserve fossil fuels which means cleaner air. He also noted that they will be safer than having the dual tires as rocks will not be able to wedge between the tires and then be thrown from them causing accidents, and they will also be cleaner as not as much mud and debris will be brought onto the highways. He said this legislation is supported by the Transportation Board. He did say that the problem with the super single is that if it goes down you're stopped.
- MOTION:** **Representative Moyle** made a motion to send H561 to the floor with a do

pass recommendation. **Motion approved.** **Vice Chairman Roberts** will carry the bill on the floor.

H604 **Representative Bedke** presented H604. The purpose of this legislation is to amend Title 49, Chapter 10 to include and designate that segment of State Highway 38 between the intersections of Bannock Street and Depot Road in Malad, Idaho, Oneida County, as a pilot project route for 129,000 pound trucks. This is approximately a distance of six-tenths of one mile. Representative Bedke said this would benefit the Hess pumice mine which is a major employer in Malad. It will save 4,123 trips to the quarry which is a 25 mile trip.

MOTION: **Representative Wills** made a motion to send H604 to the floor with a do pass recommendation. **Motion approved.** **Representative Bedke** will carry the bill on the floor.

H562 **Representative Loertscher** presented H562. This legislation is to clarify the conditions under which a dealer plate may be used. A dealer plate may be used on a laden vehicle or trailer in connection with a manufacturer's or dealer's business to move vehicles or trailers from a manufacturer to a dealer, from dealership to dealership or from a dealership to off-site locations in promotion of the dealer's business. Representative Loertscher passed a picture to the committee showing a vehicle towing a flat trailer which was hauling another trailer. In answer to a question, he said that both trailers are for sale and have dealer plates and they are both part of the dealer's inventory. He also clarified that if a dealer uses this trailer for personal use then he can't use the dealer plates.

MOTION: **Representative Bedke** made a motion to send H562 to the floor with a do pass recommendation.

Mr. Alan Frew, Commercial Vehicle Manager for Idaho Transportation Department, said that the Department does have some concerns with this legislation. He said that the Dealer Advisory Board, which bring issues to the Department, had not seen this legislation as it didn't go through the normal process. He said with this legislation the Department would be losing \$30,000 to \$100,000 with reduced issuance and trip permits and vehicle registrations. He said that they would be more than happy to work with the sponsor.

Mr. Frew replying to a question regarding the vehicle pulling the trailers said, if the power unit is licensed then this takes care of all the concerns.

SUBSTITUTE MOTION: **Representative Smith** made a substitute motion to hold H562 in time certain until Monday, February 20, 2006. He said this would give the Sponsor of the bill time to talk with Idaho Transportation Department.

A voice vote was taken on the substitute motion to hold H562 in time certain until Monday, February 20, 2006. **Motion approved.**

603 **Representative Eskridge** presented H603. Idaho Code currently defines all-terrain vehicles (ATV's). Recreational vehicle manufacturers have started providing larger versions of ATV's called utility type vehicles (UTV's) and they cannot be registered as an off-highway vehicle (OHV) in Idaho. The Idaho Transportation Department will not license them for use on public roadways as they don't meet all legal requirements for highway operation. This has created an untenable situation for an ever-increasing number of users, vendors, and dealers. **Representative Eskridge** said that this legislation would correct a deficiency in the law. In answer to a question whether this bill would include a vehicle with 6 wheels **Representative Eskridge** said yes.

MOTION: **Vice Chairman Roberts** made a motion to send H603 to the floor with a do pass recommendation. **Motion approved.** **Representative Eskridge** will carry the bill on the floor.

H560 **Representative Wills** presented H560. This legislation would apply when drivers are approaching a stationary police vehicle or an authorized emergency vehicle displaying flashing lights. The drivers are to reduce their speed and if on a highway with two or more lanes going the same direction, they will move into another lane of traffic.

Answering a question regarding why fire trucks and ambulances were not specifically mentioned, **Representative Wills** said that the word emergency vehicle would include these as well as snow plows or wrecker drivers as well.

There was some concern that the SOP and the legislation were in conflict. **Representative Wills** said that the law officer on the scene would be in charge and this is why others weren't included on the SOP. He also stated, in answer to a question about speeding, that this bill does nothing about speeding because that is already in Code, but this bill is not talking about just speed, it has to do with an emergency vehicle stopped.

MOTION: **Representative Cannon** made a motion to send H560 to the floor with a do pass recommendation.

SUBSTITUTE MOTION: **Vice Chairman Roberts** made a substitute motion to hold H560 in committee.

A vote was taken on the motion to hold H560 in committee. **Motion failed.**

A voice vote was taken on the motion to send H560 to the floor with a do pass recommendation. **Motion approved.** Those voting NAY were: Vice Chairman Roberts, Representatives McKague, Smith, Nonini, and Jacobson. **Representative Wills** will carry the bill on the floor.

Representative Cannon wanted to let the committee know of a meeting with the Indian tribes regarding the fuel issue which will be held tomorrow, Wednesday, February 15, 2006, in Room 408 at 3 p.m.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:40 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 16, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Smith and Moyle

GUESTS: See attached sign-in sheet and presenters highlighted below.

Chairman Wood called the meeting to order at 1:35 p.m.

MOTION: **Representative Cannon** made a motion to accept the minutes of February 14, 2006, with one addition. **Minutes approved.**

S1264 **Mr. Reymundo Rodriguez**, Port of Entry Program Manager for Idaho Transportation Department, presented S1264. This legislation amends Section 49-2202, Idaho Code. These amendments are necessary to reflect the current fee amount being compensated to vendors for issuing Hazardous Waste Permits. These amendments will not change the current fees being compensated but rather bring those fees into harmony with the fees listed in 49-432, Idaho Code, as compensation to vendors for the issuance of Department permits. Currently 49-2202, Idaho Code, erroneously lists that the vendor shall be compensated at the rate of \$2.00 instead of the current compensation rate of \$3.00, as detailed by 49-432, Idaho Code. This legislation also makes minor technical corrections to 49-2202, Idaho Code, which details the identification form number for the hazardous waste manifest form and clarifies the dollar fee for a hazardous waste single trip permit. In answer to a question, **Mr. Rodriguez** said this does not increase the money coming into the department that it is just to correct code.

MOTION: **Representative Wills** made a motion to send S1264 to the floor with a do pass recommendation. **Motion approved.** Chairman Wood will carry the bill on the floor.

H606 **Representative Bilbao** presented H606. This is a specialty license plate for the Idaho Elks Rehabilitation Hospital. **Representative Bilbao** told of a number of services available at the Hospital. He said they provide rehabilitative services to nearly 16,000 patients each year from throughout Idaho and surrounding states.

In answer to a question, **Representative Bilbao** said that there was not a picture of an Elk on the plate. He said it has to have Elks USA as the logo, and Idaho Elks along the bottom of the plate.

MOTION: **Representative Ringo** made a motion to send H606 to the floor with a do pass recommendation. **Motion approved.** **Chairman Wood** and **Vice Chairman Roberts** voted NAY. **Representative Bilbao** will carry the bill on the floor.

H659 **Representative Nonini** presented H659. He said that this legislation deals with vehicle manufacture's licenses. The purpose of this legislation is to clarify that a vehicle manufacturer's license shall not be issue to an applicant that does not have an "established place of business within Idaho" and to require the licensee to notify the Department of Transportation of any change in address or location of the licensee's place of business during the license period.

Mr. Bobby Peterson, Idaho State Independent Automobile Dealers Association, stated it is the manufacturers responsibility to have their address at the Department of Transportation, and if they move, they have to notify the Department. He said that there may not be a lot of automobile manufacturers in Idaho; however, there are manufacturers of campers, trailers, RV's and motorcycles. In answer to a question, **Mr. Peterson** said the manufacturer needs to notify the Department of their move within a day of moving not one week later.

Ms. Julie Pipal, Idaho Transportation Department, said that the Department has no problem with this bill, and there is no fiscal impact to the Department.

MOTION: **Representative Bedke** made a motion to send H659 to the floor with a do pass recommendation. **Motion approved.** Representative Nonini will carry the bill on the floor.

H660 **Representative Nonini** stated that H660 was sent to print and since then they have found a mistake in the RS and this caused an opposite meaning of what was meant in this bill. He asked that the committee hold H660 and a new bill would be brought.

MOTION: **Representative Bedke** made a motion to hold H660 in committee. **Motion approved.**

Representative Cannon reported to the committee his discussion with the Indian tribes regarding the fuel tax issue.

Representative Nonini told the committee that Miss Idaho would be in our committee on Monday.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:00 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 20, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: See attached sign-in sheet and presenters highlighted below.

MOTION: **Representative Smith** made a motion to accept the minutes of February 16, 2006, as written. **Motion approved.**

H562 **Representative Loertscher** presented H562. This legislation is to clarify how dealer plates may be used. He said that after talking with the Department they have come up with language that is acceptable to all, so he asked that H562 be sent to General Orders.

Chairman Wood stated that Julie Pipal and Alan Frew from Idaho Transportation Department had talked with her about the amendment and felt the amendment answered the questions the Department was having.

MOTION: **Representative Smith** made a motion to send H562 to General Orders with committee amendments attached. **Motion approved.** **Representative Loertscher** will carry the amendment and the bill on the floor.

H605 **Mr. Steve Guerber**, Executive Director of the Idaho State Historical Society, presented H605. He stated that H605 authorizes the creation of a Historic Preservation license plate as one way to respond to the high degree of interest that exists for protecting the heritage of our state. He said there are three reasons the Board of Trustees of the Historical Society decided to seek this license plate: 1) there is a backlog of historic preservation projects throughout Idaho and additional financial resources are needed to deal with them; 2) The centennial of the creation of the Idaho State Historical Society as a state agency in 1907 takes place next year; and 3) purchase of the two existing specialty plates relating to the state's heritage, Lewis and Clark Bicentennial and the Statehouse Restoration plate, are expected to decrease in the next few years. Responding to a question about the design of the plate, Mr. Guerber said they were looking at three different logos; a log cabin, a wagon wheel, and a stage coach. The log cabin was chosen as more indicative to all of Idaho.

- MOTION:** **Representative Ringo** made a motion to send H605 to the floor with a do pass recommendation.
- Vice Chairman Roberts** wanted the sponsor to know that he has a track record for voting against license plate bills.
- A vote was taken on the motion. **Motion approved.** Representatives Bedke, Moyle, Smith, Vice Chairman Roberts, and Chairman Wood voted NAY. **Representative Mitchell** will carry the bill on the floor.
- H607** **Representative Skippen** introduced **Miss Idaho Tracy Brown**. Miss Brown stated she is here to promote the breast cancer awareness license plate. Her interest in breast cancer awareness began five years ago when her mother was diagnosed with breast cancer. She reported that Idaho comes in last for women who have not had a mammogram in the last two years. She hopes that women will see this license plate and it will spark awareness and remind them of their need to be screened.
- Mr. Bill Foxcroft**, Executive Director for Idaho Primary Care Association, stated that Idaho Primary Care Association's mission is to provide high quality, comprehensive primary health care that is affordable and accessible to all Idaho families. Idaho Primary Care Association will distribute the funds from the license plate sales to low income women and the under-insured to make sure that all women have the opportunity to be screened for breast cancer.
- Ms. Susan Alt**, Clinic Services Director for Idaho Primary Care Association, spoke in favor of the legislation.
- Representative Nonini** reiterated the need for breast cancer screening because Idaho comes in last behind Washington D.C. and Mississippi in screening for breast cancer.
- MOTION:** **Representative Shepherd** made a motion to send H607 to the floor with a do pass recommendation. **Motion approved.** Chairman Wood, Vice Chairman Roberts, Representatives Moyle, Bedke, and Smith voted NAY. **Representatives Skippen and Nonini** will carry the bill on the floor.
- H608** **Senator Skip Brandt** presented H608. Senator Brandt stated those in support of the Second Amendment will have an opportunity to show their patriotic spirit and their support for the NRA while voluntarily funding the Highway Distribution Account which, in turn, supports highways, local government, and law enforcement programs. He said that the monetary funds do not go to a special organization, but they go directly into the highway fund.
- MOTION:** **Representative Hart** made a motion to send H608 to the floor with a do pass recommendation. **Motion approved.** Chairman Wood, Vice Chairman Roberts, Representatives Smith and Bedke voted NAY. Representative Moyle will carry the bill on the floor.
- H609** **Senator Brandt and Chairman Wood** presented H609. Senator Brandt stated that this legislation came about to deal with the onslaught of

license plate bills. This bill would not restrict new license plate designs, it would however cover costs for set up and graphics. A nonrefundable fee of six thousand dollars (\$6,000) will be collected from the sponsoring entity of any special license plate program approved after January 1, 2007. All revenue from the new plates will go into the state highway account.

In answer to a question, **Chairman Wood** said that in talking with the Department, they indicated costs are not being covered right now and it would take between \$6,000 to \$7,000 to cover the cost of start-up license plates. She also said that all the money from new license plates after January 1, 2007, would go to the Department of Transportation.

MOTION: **Representative Smith** made a motion to send H609 to the floor with a do pass recommendation.

Representative Skippen said that she will be voting no on this bill. She said that it effectively kills license plate bills. **Representative Ringo** echoed Representative Skippen's sentiments. She said people like them and like to have them.

A roll call vote was called for. Voting **AYE**: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith, Bedke, Wills, Moyle, Hart, Mitchell, and Shepherd. Voting **NAY**: Representatives Cannon, Skippen, Nonini, and Ringo. **Motion approved 10 to 4.**

PRESENTATION Mr. Steve McQueen, Government Accounts Manager for 3M Corporation, said that 3M appreciates working with Idaho Transportation Department and the Department of Corrections. They are presently in negotiations with these Departments to implement the digital license plate. 3M offers a variety of services including production and distribution of license plates and renewal stickers, electronic vehicle registration and motor vehicle database management. Mr. McQueen said that today there are 26 jurisdictions that have some type of digital license plate. Mr. McQueen showed examples of the digital license plate. In answer to a question, he said that there are security measures in the plate so that they cannot be counterfeited. He said that the plates have a swirly thread running through them as well as two circles which serve as security marks.

Mr. McQueen said digital license plates can be made on demand where as today they have to pay for a whole batch of license plates. With the digital technology a license plate design can be made right before your eyes. Chairman Wood thanked Mr. McQueen for his presentation to the committee.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:47 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 22, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** None

GUESTS: See attached sign-in sheet and presenters highlighted below.

Chairman Wood called the meeting to order at 2:15 p.m.

MOTION: **Representative Shepherd** made a motion to accept the minutes of February 20, 2006, as written. **Motion approved.**

H602 **Representative Wills** said he is declaring Rule 38 as he has sons that work in law enforcement. He then presented H602. This legislation will establish "Project Choice" (Creating Hope, Opportunities, Incentive for Career Employment). **Representative Wills** stated this is unique and has not been done in the State before. It establishes a career ladder for the Idaho State Police. **Representative Wills** said that in 1972 there were 168 troopers on the road with 540,000 vehicles; in 2005 there are 128 troopers on the road with 1.42 million vehicles. He said there are 12 to 14 positions open for troopers at this time. Right now ISP is a training ground for other agencies, and they lose not only quantity but also quality.

Representative Wills introduced **Representative Debbie Field** who is a co-sponsor of the bill. **Representative Field** said that she was here to listen to the testimony and would be happy to answer any questions if needed.

Representative Wills then introduced **Colonel Dan Charboneau**, Director of the Idaho State Police. **Colonel Charboneau** stated that this is a critical issue for the Idaho State Police. He said they have been working for over three years to put together a career plan and over the summer a group was assembled to put together a pay plan. He said they felt if there was secure funding for five years it would help ISP retain and recruit. **Colonel Charboneau** stated that troopers are leaving ISP for other agencies and the minute they step into those other agencies they are trained. They hope to have "Project Choice" in effect by January 2007.

In answer to a question regarding how this would effect PERSI, **Colonel Charboneau** said their main focus was to develop a career plan. This

builds on experience certification so that one day they could get a increase in salary. If they go out and get the training they can move through the career plan.

Mr. Ron Shepherd, STAR Director, said that he has worked with ISP training their motorcycle troopers. He appreciated their professionalism and hopes that this legislation will pass.

Mr. Steve Raschke, Training Manager for the Idaho State Police, stated Director Charboneau appointed 12 individuals to serve as members of Project CHOICE. The group was comprised of ISP employees, employees of the Idaho Division of Human Resources, the Legislative Services Offices, and Division of Financial Management, and they were charged with developing a long-term plan and career ladders for ISP employees. There are three performance-based pay plans: commissioned officer, law enforcement operations, and professional/support. He said that the CHOICE plan will benefit countless recruitments and gives employees a clear salary plan. Mr. Raschke said this is the first time a state agency has put together such a comprehensive plan.

Mr. Fred Rice, Idaho State Police Association Chairman, said that he is a 28-year veteran with the Idaho State Police. He said he trains officers to handle very difficult situations, and he asked for support of H602 for the employees of the ISP.

Chairman Wood asked Mr. Raschke if he would go through their book page by page and explain its contents. He gave a brief overview of each page.

Representative Wills mentioned a letter from the Idaho Chiefs of Police Association who are in support of H602. He said that ISP has lost 25 positions to other agencies, and everyone in this room and around the state should have a vested interest in this legislation. He stated that there is not another state agency that puts as much money into the training of their people.

MOTION:

Representative Smith made a motion to send H602 to the floor with a do pass recommendation.

Representative Roberts who served on the interim CEC committee, said that the CEC Committee is already addressing this problem. In answer, **Colonel Charboneau** said that Project Choice is a career ladder and the CEC is based upon availability of funds.

Representative Hart asked if all law enforcement groups would be paid out of this account. Colonel Charboneau answered the account is already in code and that ISP is the only account. **Representative Hart** also asked if historically ISP was funded by user fees. **Colonel Charboneau** said it was many years ago when he first started out with ISP.

Representative Wills said there are other areas that use user fees, but not exactly like this.

**VOTE ON
MOTION:**

Representative McKague asked if other departments do this or is this setting a precedence. **Chairman Wood** stated that this is the only agency that has a career ladder.

A roll call vote was called for on the motion to send H602 to the floor with a do pass recommendation.

Voting **AYE**: Chairman Wood, Representatives Smith, Wills, Cannon, Skippen, Nonini, Ringo, Mitchell, and Shepherd.

Voting **NAY**: Vice Chairman Roberts, Representatives McKague, Moyle, and Hart. **Motion approved 9 to 4.** Representative Bedke was absent. Representative Wills will carry the bill on the floor.

H610

Representative Martinez presented H610. He said this legislation deals with the gas tax distribution account. This legislation would assure that when revenues appropriated from the Highway Distribution Account, which goes to cities, meets or exceeds the previous fiscal year's revenue that base amount will be preserved and the excess will be distributed through the normal formula. **Representative Martinez** stated that his district said they were losing funding over the last five years and asked that he look into this. He found that 70% of cities in the state were losing funding. He also stated that out of 199 incorporated cities 134 have lost funding. He said this legislation is just a band-aid to stop the bleeding for cities as they try to maintain their roads and bridges with less money from the highway distribution account.

MOTION:

Representative Ringo made a motion to send H610 to the floor with a do pass recommendation.

Representative Skippen said that she is going to vote against this motion, but she does commend Representative Martinez because the issue is a valid one. It is not a compensation for smaller areas to hear that other areas are growing.

**SUBSTITUTE
MOTION:**

Representative Mitchell made a substitute motion to send H610 to the floor without recommendation.

A roll call vote was called for on the substitute motion.

Voting **AYE**: Chairman Wood, Representatives Skippen, Ringo, Mitchell and Shepherd.

Voting **NAY**: Vice Chairman Roberts, Representatives McKague, Nonini, Hart. **Motion approved 5 to 4.** Representatives Smith, Bedke, Wills, Moyle, and Cannon were absent. Representative Martinez will carry the bill on the floor.

Chairman Wood turned the gavel to Vice Chairman Roberts.

H692

Mr. Russ Hendricks, Legislative advisor for Idaho Farm Bureau, presented H692. Mr. Hendricks said that about 20 years ago the legislature believed it important to encourage the use of cleaner burning, renewable fuels and provided a 21/2 cent per gallon deduction in state

fuel tax, and that deduction is still available today. He said that the state is currently foregoing \$750,000 in state fuel tax revenues for ethanol blended fuel. If a renewable fuel standard is implemented, as at least 12 other states are considering, and as proposed in S1364, all gasoline would be ethanol blended, so under the current fuel tax deduction, the state fuel tax revenues would be reduced by \$15.25 million. This bill removes that deduction once a renewable fuel standard is implemented and the state would then gain \$750,000 it is currently foregoing. This bill also updates the definition of petroleum products to include ethanol and ethanol blends so that the underground storage tank fund is not inadvertently under-funded. Mr. Hendricks received a letter from Mr. Charley Jones, President of Stinker Stations, and who retails the vast majority of the ethanol blended gasoline in Idaho. Mr. Hendricks said Mr. Jones supports H692.

MOTION: **Chairman Wood** made a motion to send H692 to the floor with a do pass recommendation. **Motion approved.** Chairman Wood will carry the bill on the floor.

RS16095C1 **Chairman Wood** received a letter from Speaker Bruce Newcomb allowing the Committee to be a privileged committee for the purpose of introducing RS16095C1.

Representative Nonini presented RS16095C1. Representative Nonini said he was sorry about the confusion in the first bill he brought dealing with salvaged vehicles, that bill said exactly the opposite of what it should have said. Representative Nonini said the changes made were on Page 3, Line 25 of the bill. "The provisions of this subsection (2) shall not apply to a vehicle which is more than five (5) years old and which has a known market value of six thousand dollars (\$6,000) or less which has been determined to be a salvage vehicle". He said they just want to make sure people are aware of the vehicle they are buying.

MOTION: **Representative Skippen** made motion to send RS16095C1 for introduction. **Motion approved.**

Vice Chairman Roberts let the committee know that Mr. Brent Reinke asked to cancel the presentation we were to have from the Department of Juvenile Corrections.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:10 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 24, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Bedke, Wills, Moyle, Skippen, Hart

GUESTS: See attached sign-in sheet and presenters highlighted below.

Chairman Wood called the meeting to order at 12:10 p.m.

There were no minutes to approve.

H727 **Representative Nonini** presented H727. Under current law, a vehicle that has been declared "salvage" in another jurisdiction, or which vehicle has been damaged to such an extent that the cost of repair minus the salvage value makes it uneconomical to repair or rebuild, must be issued a title in Idaho which is branded to show that it is a repaired or rebuilt vehicle. However, if the salvage vehicle is more than five years old or has a market value of less than \$6,000, Idaho law permits a new title to be issued and the salvage brand to be removed from the title. This legislation treats all salvage vehicles alike, regardless of age or value. However, as to vehicles older than five years or with a value of less than \$6,000, that have been repaired under the personal supervision of the owner, the Department of Transportation may, upon the affidavit of the owner as to facts relating to the repair of the vehicle, issue a title showing a reconstructed vehicle brand without inspecting the vehicle.

Mr. Kyle Durham, Idaho State Independent Automobile Dealers Association, stated that this legislation covers a loophole that currently exists. He said this has become a large problem after Katrina especially in Idaho which is one of the states where this loophole still exists.

MOTION: **Representative Smith** made a motion to send H727 to the floor with a do pass recommendation.

Chairman Wood asked the others signed up to testify on this bill if they would like to testify with a motion on the table. All said no.

A vote was taken on the motion. **Motion approved.** Representative Nonini will carry the bill on the floor.

Chairman Wood welcomed to the committee Mr. John Combo who is a

member on the Idaho Transportation Board. Mr. Combo represents District 6.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 12:19 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** February 28, 2006
- TIME:** 1:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** Representative Wills
- GUESTS:** See attached sign-in sheet and presenters highlighted below.
- Chairman Wood called the meeting to order at 1:35 p.m.
- MOTION:** **Representative Ringo** made a motion to accept the minutes of February 22, 2006, with one correction. **Motion approved.**
- Representative Ringo** made a motion to accept the minutes of February 24, 2006, as written. **Motion approved.**
- RS16147** Chairman Wood received a letter from Speaker Newcomb allowing the committee to be a privileged committee in order to hear RS16147.
- Representative Roberts** presented RS16147. This is a concurrent resolution stating that the House and Senate Transportation committees concur in rejecting pending rules of the Idaho Transportation Department governing overlegal permittee responsibility and governing sale of no longer useful or usable real property.
- MOTION:** **Representative Skippen** made a motion to send RS16147 for introduction and send it to the Second Reading calendar. **Motion approved.** Representative Roberts will carry the HCR on the floor.
- S1348** **Senator Corder** presented S1348. The purpose of this legislation is to clarify certain provisions of law regarding Highway District Commissioners; specifically the qualifications for holding and maintaining the office and the process for declaring a vacancy in the event of disqualification. **Senator Corder** said that this has happened recently in both the Atlanta and Mountain Home Highway Districts. The language in the bill clarifies where to look in Code to declare a vacancy, and the qualifications for candidates.
- In answer to a question, **Senator Corder** said that if there are only two highway commissioners, a county commissioner can make the deciding decision. Section 40-1305C is the qualifications of a candidate for a highway district commissioner. The committee felt that the wording on Page 1, Lines 23 - 26, was confusing. **Senator Corder** stated Code section 59-901 spells out the general requirements of holding an office

that everyone must meet. The second page in the new legislation would mirror those in Section 59-901.

Mr. Stuart Davis, Executive Director of Idaho Association of Highway Districts, said that they support this bill. He said that in 1990 or 1991 they put all elections in Code in Title 40. This legislation is just clarifying.

MOTION: **Representative Skippen** made a motion to send S1348 to the floor with a do pass recommendation. **Motion approved.** Representative Nielsen will carry the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:53 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** March 2, 2006
- TIME:** 1:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** None
- GUESTS:** See attached sign-in sheet and presenters highlighted below.
- Vice Chairman Roberts** called the meeting to order at 1:35 p.m. He stated he will be Chairing the committee while Chairman Wood presents H661.
- MOTION:** **Representative Shepherd** made a motion to accept the minutes of February 28, 2006, as written.
- Vice Chairman Roberts** set the ground rules for testifying to H661. He stated that everyone has seen the agenda that sets a three minute time limit for testimony. He noted that there would be three presenters on the bill and at the end of that time questions will be allowed of the presenters.
- Representative Cannon** asked that everyone turn to a handout in their packets of the minutes from the Idaho Council on Indian Affairs. **Vice Chairman Roberts** asked him if these were minutes from our committee and **Representative Cannon** said no. **Vice Chairman Roberts** told **Representative Cannon** that we would come back to them after the presenters.
- H661** **Chairman Wood** presented H661. **Chairman Wood** stated this bill deals with policy and law in Idaho to reconstruct and maintain our highway infrastructure from those who pay state and federal gas tax, registration, and other fees. It is our responsibility as a state body and transportation committee to serve our citizens of the State by keeping their trust to carry out the responsibility they have given us to maintain and preserve the investment we have made. This is a fairness issue. These issues have been addressed by the committee for a number of years and have been played out in the courts. The courts determined that the liability for the tax should be with the distributors. The distributors are here today to support this tax. H661 addresses the so called flaws raised by Idaho Courts and the 9th District Courts and have been fixed in this legislation. H661 aligns Idaho law with language that was upheld by the United States Supreme Court in December 2005. The State is losing more than 13 million gallons to the reservation fuel sales tax. Which equates

to 3.275 million dollars annually in lost fuel sales tax to the State. This is the floor. This is compounded by the IFTA (International Fuel Tax Agreement) refunds and lost revenues in matching federal funds. The fuel tax revenue loss is \$1.8 million to ITD; \$1.235 million to local governments; \$158,875 to state police; and \$97,500 to Parks and Recreation. Everyone uses Idaho roads and bridges. Federal funding will not be sufficient in the future. Don't look at this like a taking of any money from the tribes, all fuel taxes legally belong to the State.

Mr. Ted Spangler, Idaho State Tax Commission, reiterated the Kansas U.S. Supreme Court decision saying, "The U.S. Supreme Court held that a Kansas tax on motor fuel received by fuel distributors is valid even as applied to fuel that the distributors subsequently deliver to a gas station owned by, and located on the reservation of an Indian Tribe." He said H661 was modified to be like the Kansas Statute. The difference between the 9th District Court decision and the Kansas decision is the matter of legal incidence (legal taxpayer). It "expressly places the legal incidence of the tax on the fuel distributors and makes the substantive changes necessary to implement that intent by addressing each of the provisions the 9th Circuit Court cited to conclude the tax is on the retailer." Going through portions of this legislation, **Mr. Spangler** stated, Section 63-2402(3) in this legislation eliminates the appearance that Idaho's statute requires a mandatory pass-through of tax. This provision conforms to the Kansas law the Court expressly noted saying that a distributor is not required to pass-on the tax, but may do so. He said we need this in the Statute because the U.S. Supreme Court in the Kansas case pointed to precisely this language, that the tax fall from the distributor and not from further down the chain. Section 63-2407(4) removes the allowance for administrative costs and the pass through of one-half the allowance to the retailer and this conforms it to the pattern approved in Kansas. The total allowance allowed (2%) is unchanged. Section 63-2402(6) provides a moving taxable incidence when the distributor is a tribal enterprise. In such a case, the legal incidence will be on the next party in the distribution chain, retailer or consumer, who is not the tribe or a tribal member. Section 63-2407(6) Eliminates the Bad Debt deduction. Section 63-2435 merely repeals out-dated language even under current law. **Mr. Spangler** said there is one other set of provisions in this legislation that is a little confusing but designed to fit a potential circumstance should it arise. What if a tribe applies to the State Tax Commission and obtains a license as a motor fuels distributor, then the fuel they purchase becomes tax exempt if they purchase outside of Idaho, and then distributing it to someone coming into their station this poses a collection due on an Indian Tribe when the legal incidence of the tax does not fall on Indians. Eventually that fuel, except for that little bit that gets sold to tribal members, still retains its status of taxable fuel. Collection responsibility is very hard to enforce especially when the party required to collect the tax is in itself a sovereign tribal entity and that entity enjoys sovereign status from being sued in state and federal court. To get around that you have Section 63-2427A(4). This is a new section which requires the distributor to consent to suit in a state district court in Idaho as a condition to obtaining a license. A Tribe's sovereign immunity is waived for the limited purpose of enforcing the provisions of the fuels tax law.

Ms. Julie Pipal, Legislative Liaison, Idaho Transportation Department. Ms. Pipal said that she is before the committee to testify if favor of H661

on behalf of the Idaho Transportation Board. After their meeting last week, the Board voted unanimously to support this bill. There are several reasons why the Board supports H661 which they believe returns authority to the State to collect and distribute all state fuel taxes. This bill would allow taxes currently not collected on reservations to be restored to the Highway Distribution Account and in small part offset Idaho's flat revenue stream. Collection of IFTA tax deals with truckers who purchase fuel on the reservation and travel out of Idaho then apply for a refund for fuel not used on Idaho roads under the IFTA agreement. This causes a 50 cent per gallon hit to the Highway Distribution Account when the fuel is purchased on the reservation. This bill would eliminate the problem of uncollected taxes and refunds to the trucking industry.

Ms. Pipal passed around maps that showed in detail the jurisdictions on reservation roads that are claimed and maintained by Bannock, Bingham, Power, Idaho, Owyhee, Lewis, Nez Perce, Kootenai and Benewah counties as well as smaller highway districts within the counties. In 2006 through 2010 the Idaho Transportation Department and local highway districts have more than \$50 million programmed for reservations.

Vice Chairman Roberts said at this time if the committee had questions from the three presenters they could ask them.

Vice Chairman Roberts asked Mr. Spangler what would be the overall cost of credits being refunded to IFTA. **Mr. Spangler** said they don't know the portion of tribal business on the reservation that sells to interstate truckers. They have no mechanism to estimate that.

Representative Cannon asked if the tribe agreed to sell the fuel in parity with the off reservation outlets, would the amount of fuel sold on the reservation go down? **Ms. Pipal** said in speaking with staff, and as they look at revenues, the price of the fuel is not an issue it is the uncollected taxes and the impact to the Highway Distribution Account.

Representative Mitchell asked if ITD is aware of any other state that has been able to work out other approaches. **Ms. Pipal** said she was not aware of any.

Representative Nonini asked how long the revenue stream has been flat. **Ms. Pipal** answered since 2002.

Representative Bedke said that out of the Highway Distribution Account, funds that have flown to roads, is this a straight formula distribution or has there been any offset because of these taxes not collected. **Ms. Pipal** said no, these are just straight projections.

Representative Hart asked how many gallons of fuel ITD collects in taxes each year. **Ms. Pipal** answered about 630 million gallons annually.

Representative Nonini asked what the fiscal impact to the state currently is with regards to the situation the way it is now. **Mr. Spangler** stated that the amount of gallons that have been sold by Idaho licensed distributors to tribal retailers in calendar 2005 total 13.5 million gallons. That does not count for the IFTA issue. **Representative Nonini** asked if they have

records from 2002, 2003, 2004. **Mr. Spangler** stated that they do have those records, but he did not have them with him.

Representative Skippen felt that there is conflicting information. The Tribes are spending money on these roads, and the counties are getting money to fix the roads. Are the counties receiving money from the Highway Distribution Account to fix these roads. **Ms. Pipal** yes they are. **Representative Skippen** said that when quoting the large numbers in dollars are those the dollars being put on those roads or are these the dollars that the local government is collecting. **Ms. Pipal** said these are the statewide highway improvement and are actually allocated to projects there.

In answer to a question regarding IFTA, **Mr. Spangler** stated they are required by federal law to impose tax on motor fuel used by interstate truckers and impose that tax within the IFTA guidelines. You and I pay fuel tax at the pump, he said, truckers pay tax where they consume the fuel regardless of where they buy it. We zero out the tax at the pump and then they report how many miles they drove in the state of Idaho which is reported to their home state. Through a calculation, it is determined how many gallons of fuel were consumed in Idaho and multiply it by the Idaho tax rate and that is how much they owe the state of Idaho. If they buy the fuel in Idaho then that fuel has already been taxed. Twenty-five cents a gallon has already been paid so sometimes it results in a refund. When they buy it from a tribal outlet they are taking a credit for a tax that was never collected in the first place. This is why the State is losing fifty cents a gallon in fuel taxes to interstate trucking companies.

Answering the question of when the trucking company finally figures out how many miles they drove and figures out where they purchased their fuel, do they refund money to the trucker or to the state, **Mr. Spangler** said the trucker deals only with his base state.

In answer to a question regarding auditing truckers to help find this unpaid fuel tax, **Mr. Spangler** said the impact would be small as fewer than 3 per cent of truckers get audited and this would not be a sufficient answer as it is not Idaho auditors.

Vice Chairman Roberts turned the chair back to Chairman Wood.

Chairman Wood said that we have quite a number signed up to speak and reiterated the time limit of three minutes.

Ms. Rebecca Miles, Chairman of the Nez Perce Tribal Executive Committee, speaking on behalf of the Nez Perce Tribe. **Ms. Miles** stated, if passed, H661 would threaten a vital source of revenue for the Nez Perce Tribe. If the state of Idaho is allowed to pass on its fuel tax for fuel that is sold by tribal retailers, the Nez Perce Tribe would be foreclosed from levying the same tax for fear of driving the retailer out of business. H661 is an action that seems both premature and unnecessary. **Ms. Miles** also stated that the Nez Perce Tribe currently does levy a 25 cent

per gallon motor fuel tax. The Tribes also agreed to work with the State Tax Commission over the next year on how revenues derived from the

Tribe's motor fuel taxes are allocated. A third component of the agreement that more directly affects another Tribe allows for work by that Tribe with the State Tax Commission to settle issues related to the International Fuel Tax Agreement. This only affects one Tribe.

Chairman Wood stated that we will hold questions until everyone has given testimony. She also asked the testifiers to talk to the bill.

Ms. Yvonne Oberly, Executive Officer for the Nez Perce Tribal Enterprises, spoke in opposition to the bill. **Ms. Oberly** gave background on the Nez Perce Express which has been in existence since 1989. She stated that the Nez Perce Express does charge a 25 cent per gallon fuel tax on all fuel sold at the pumps in accordance with Chapter 6-6 of the Nez Perce Law & Order Code. She stated as a tribal member and tribal manager, she certainly wants to see her Tribe be successful. With additional revenue provided by the Enterprises, the Nez Perce Tribe is able to provide employment, essential services, and economic development possibilities to ensure the economic viability for future generations.

Chairman Wood asked Ms. Oberly if the 25 cent a gallon charged at the pump was remitted to the Idaho State Tax Commission. Ms. Oberly said no, it was remitted to the Tribe.

Mr. Karl Ward, President of Ward Oil Company and representing the Idaho Petroleum Marketers, spoke in favor of the bill. He said all citizens living in Idaho need to help pay their share of the infrastructure.

Mr. Paul Sudmire, President and CEO of Idaho Trucking Association, spoke in favor of the bill. He stated as an industry who pays their fair share and more, he urges the committee to apply the same to all highway users. If someone is relieved from putting money into the Highway Distribution Account then someone else is going to put in more.

Mr. Delbert Farmer, Shoshone-Bannock Tribe Revenue Director, spoke against H661. In the 1980's, the Tribe considered taxation as a revenue source for supporting the governmental services of over 450,000 acres of the Fort Hall Reservation; today the tribal government infrastructure has about 1000 employees that run the day to day services. After the year 2000, a tobacco and fuels tax was initiated. Looking at gasoline and diesel taxation in neighboring states, there seems to be no issue of level playing field. Our resources are important to support the health and safety of our residents.

Mr. Wesley Edmo, Shoshone-Bannock Business Council Treasurer, referred to "A Report on Reservation Roads Maintenance Deficiencies." (see attachment #2). He noted that there are 50,000 miles of roads on the reservations and four percent are on the Shoshone-Bannock reservation. He said in the last 36 years Indian reservation roads have been underfunded, and every year they receive about \$35,000 for direct service on their roads. **Mr. Edmo** stated there was a discussion between the chairman of the tribe and Mr. Cannon a few weeks ago and the Tribe is open and supports Representative Cannon's proposal. **Chairman Wood** asked Mr. Edmo if he was aware that Representative Cannon was

speaking for himself and not the Committee or the State, so there really wasn't any agreement. **Mr. Edmo** said he was aware of this.

Mr. Philip Hernandez, General Manager of Shoshone-Bannock Enterprises, stated there have been comments made about the price parity. He said that a trucking customer of his had received a letter from the Tax Commission and brought it in to show Mr. Hernandez, this customer then said that they would no longer patronize the business because of IFTA. **Mr. Hernandez** said they saw revenues decline after that. He asked that the bill be held in committee.

Mr. Bill Bacon, attorney for the Shoshone-Bannock Tribes, stated that the maps being shown are only state and county roads and does not show the roads that the Tribe must maintain. **Chairman Wood** said that it was never intimated that this was all the roads just the roads in the Highway Distribution Account given to the counties. He said that the Tribe would like assistance to be a part of IFTA. He said the Shoshone-Bannock Tribes will also pursue other avenues to prevent state taxation of their motor fuel sales. **Mr. Bacon** said that he has asked the Attorney General to sit down and discuss these issues with the Tribe, and not once has he heard back saying that they would sit down and discuss this issue.

Chairman Wood said that there was a meeting in January of the tribal committee and this issue was brought up, and, she stated, that there is nowhere in the minutes that said the Tribe agreed to sit down and negotiate.

Mr. Russ Westerberg, attorney for Kootenai Tribes, stated he was there to voice the Kootenai Tribes support for the position of the Nez Perce, Shoshone-Bannock, and Coeur d' Alene Tribes.

Mr. Charlie Jones, President of the Stinker Stations, spoke in favor of the bill. He said that Stinker Stations and its related companies employ nearly 450 people in Idaho. They operate 43 convenience stores. In 2005 they collected and paid over 6 million dollars in fuel excise taxes to the state of Idaho. He stated he is in support of this bill because Idaho needs every excise tax dollar available to improve and maintain its roads and bridges. He would like a level playing field with his competitors. Without action the excise tax will need to be raised.

Mr. Chuck Wells, speaking for recreationists and Parks and Recreation, spoke in favor of the bill, and stated that the fuel tax does help the recreation programs, boating programs, and other programs which are within the recreation programs of the State Parks and Recreation.

Chief Allan, Chairman of the Coeur d' Alene Tribe, spoke against H661. He stated that \$500,000 in fuel taxes collected by the Coeur d' Alene Tribe are put back into the community in the way of free bus service; state police; and state parks.

Mr. Bill Roden, attorney for the Coeur d' Alene Tribe, spoke against the bill. He stated that this bill attempts to make it clear that only the distributor is paying the tax. Only those that are paying the tax can claim refunds. The tax may be passed through to the consumer. Talking about

IFTA they are to show where they purchased the gasoline and if they are not doing it they are doing something wrong. On the website of the Idaho Tax Commission it states that if the fuel is purchased on an Indian reservation, then they may not receive a refund. He said this sounds like a tax collecting problem not an Indian nation problem. On behalf of the Coeur d' Alene Tribe he said they are willing to sit down and negotiate as other states have done.

Mr. Francis Sijohn, Vice Chairman of the Coeur d' Alene Tribe spoke against the bill. He said that historically the Coeur d' Alene Tribe has been underfunded. He said that they have helped the state of Idaho with a number of different services.

Senator Jorgenson, Senator from District 3, spoke against H661. Senator Jorgenson said that he serves on the Idaho Committee on Indian Affairs. This is a committee commissioned to maintain a dialog between the State and the Tribes. The committee is made up of two house members, two senate members, and one member of the governor's staff plus 5 tribal leaders from 5 different tribes. The committee has been working very hard to set aside whatever differences there might be. He said that the State really detests litigation so why would they want to enter into litigation when negotiation is available. He stated that the real cost of this legislation will not be in the millions of dollars; it will be in the loss of our merged cultures – our merged economies.

Ms. Kelci Carl, Idaho Association of Counties, spoke in favor of H661.

Mr. Ken Harwood, Association of Idaho Cities, spoke in support of H661.

Mr. Michael Gifford, Idaho Association of General Contractors, spoke in support of H661.

Ms Suzanne Budge-Schaefer, Executive Director for Idaho Petroleum Marketers and Convenience Store Association, spoke in favor of the bill. Ms. Schaefer said that H661 restates long standing tax policy in Idaho. She stated that Idaho has a lot in common with the Kansas decision. **Ms. Schaefer** said Idaho has had a legal discussion along the way, but now we have a decision from the United States Supreme Court which lets us set aside the other decisions, relying on the liability of the tax to be put on the distributors.

Chairman Wood asked Representative Denny to wait for his closing comments so that the committee could ask questions of the people who have testified.

Chairman Wood said she had received the information she had been waiting for which is the Indian Reservation Roads Transportation Improvement Program; this is the money that comes directly into transportation for the Tribes. A final figure would be close to 2 million dollars for the Shoshone-Bannock Tribes. **Chairman Wood** asked Mr.

Edmo if he could explain these federal dollars and how they come to the

Tribe. **Mr. Edmo** said that there are different thoughts within this appropriation. The information he has is Reservation Road Maintenance deficiencies on Shoshone-Bannock roadways. He said he couldn't speak specifically for the other Tribes. He said they know that from national studies that the Indian maintenance roads are under funded at \$20 billion currently. In Fort Hall, he said they only receive, for direct service, about \$35,000. The Indian Reservation Road Maintenance is actually funded through the Bureau of Indian Affairs. **Chairman Wood** asked how they apply for this money from the federal government. **Mr. Edmo** said they contract through the Bureau of Indian Affairs. **Chairman Wood** asked if anyone from the Nez Perce Tribe could say if they participate in this program. **Ms. Rebecca Miles** said yes they do participate. **Chairman Wood** said she just wanted to make sure this wasn't a state program; that it was strictly a federal program. **Mr. Sijohn** said the Coeur d' Alene Tribe has historically been funded \$4000 to \$5000 and received \$45,000 for road maintenance from the Bureau of Indian Affairs. He stated that the Tribes are funded about \$500 per mile where the state is funded about \$2000 per mile and they feel this is an inequity.

Representative Bedke asked for clarification of the figures they have received which shows a doubling of the volume of the gallons of fuel sold by the nine tribe outlets. He asked where this increment is coming from. **Mr. Sijohn** said they had not opened up any new outlets, but highway 95 traffic has been increased because of construction. The same question was asked of **Mr. Hernandez** who said the Shoshone-Bannock Tribe does not have any new outlets, but they have had some remodels and upgrades. When asked how much of the 6 million gallon increment does the Shoshone-Bannock Tribe account for, **Mr. Hernandez** said he couldn't say. **Representative Bedke** said that they should put themselves in the committees place that the committee needs to know from where this doubling in growth is coming. **Mr. Hernandez** said estimated growth at the Shoshone-Bannock outlets would be about 20%; he said they did have a decline in 2004. **Mr. Edmo** said that they put in a couple of marketing strategies. **Mr. Bedke** said that there was no offense intended it's about volume not profit.

Chairman Wood said that if the committee didn't have any more questions she would like to ask **Mr. Spangler** to make one more clarification before Representative Denny closed. She then asked **Mr. Spangler** to talk about the difficulty with the Tribes joining IFTA. **Mr. Spangler** said that IFTA is made up of all the States, Canadian Providences, and soon Mexico. To become a member of IFTA you must be a U.S. State, a Canadian Providence, or the Mexican Government. For an Indian Tribe to become a member, IFTA would require that the IFTA Agreement, the Constitutional Compact, would have to be amended by a three-quarter of all members to allow anyone other than the three already belong to become a member. **Representative Hart** said he thought he heard one of the other speakers say that other state's Tribes are paying IFTA tax. **Mr. Spangler** said there is not a separate tax called the IFTA tax; there is just the motor fuels tax.

Representative Denny in closing said that none of us mind paying our fair share of taxes; however, we expect everyone else to pay their fair

share as well. We have a system here that lets a growing number avoid paying any fuel tax at all. This legislation puts the fuel tax at the distributor level and everyone will pay their share for our roads and bridges. The more you drive the more you pay. This will impact the Tribes as we are currently not collecting the tax from the them. The question is, what is fair. The State is losing 3.5 million dollars annually. This Kansas case has given us a blue print to close a loophole. He urged the committee to send H661 to the floor with a do pass recommendation.

Representative Skippen asked Representative Denny what he thinks will happen if this bill passes and the case goes to court; what will that cost be. **Representative Denny** went through the history of the case starting with the Goodman Case in 2001 which interpreted that the tax was at the retail level and we couldn't charge that to the Tribes. In 2002, they tried putting it at the wholesale level; in 2004 the 9th Circuit court said that changes we made were only cosmetic; in 2005 we have this U.S. Supreme Court decision and this legislation is patterned after that Kansas case. Who knows what the litigation might be.

MOTION: **Representative Smith** made a motion to send H661 to the floor with a do pass recommendation.

Discussion on the motion:

Representative Cannon said he will be voting against the motion. He said a week ago he stood at the podium and said he wanted a parity on price and a resolution on IFTA. He said he is not against the tribes paying the taxes, what he feels the issue is about is how do we best use this tool, the Kansas case, that has been given us. He said it needs to be used as a negotiation tool rather than a litigation tool. **Chairman Wood** said this is not a issue of parity. This legislation speaks to the obligation to pay the tax that the state policy says we need to pay to maintain our roads in the state of Idaho. H661 speaks to the proper collection of fuel tax to the state of Idaho.

SUBSTITUTE MOTION: **Representative Mitchell** made a substitute motion to hold H661 in committee.

Discussion on the motion:

Representative Nonini spoke in favor of the substitute motion.
Representative Skippen spoke in favor of the substitute motion.
Representative Hart spoke in favor of the substitute motion.
Representative Ringo spoke in favor of the substitute motion.
Representative Shepherd spoke in favor of the substitute motion.
Representative McKague spoke in favor of the original motion.

A roll call vote was called for:

VOTE ON THE MOTION:

Vote on the motion to hold H661 in committee:

Voting **Aye**: Representatives Cannon, Skippen, Nonini, Hart, Ringo, Mitchell, and Shepherd.

Voting **Nay**: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith, Bedke, Wills, and Moyle

Vote 7 - 7. Motion failed.

A roll call vote was taken on the motion to send H661 to the floor with a do pass recommendation:

Voting **Aye**: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith, Bedke, Wills, and Moyle

Voting **Nay**: Representatives Cannon, Skippen, Nonini, Hart, Ringo, Mitchell, and Shepherd.

Vote 7 - 7. Motion failed. H661 will be held in committee.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 4:38 p.m.

Representative Ken Roberts
Vice Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 6, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Wills and Moyle

GUESTS: See attached sign-in sheet and presenters highlighted below.

Chairman Wood called the meeting to order at 2:09 p.m.

There were no minutes to approve.

S1362 **Representative Skippen** presented S1362. This legislation is to cover a loophole in Idaho Code which leaves the dependents of Idaho National Guard members, who are also state employees, without their health care coverage for 30 days during a time of deployment. When an Idaho National Guard member is called to active duty the military automatically covers the guard member's health care insurance under Tri-Care. This benefit is not offered to the dependents of guard members until thirty days after deployment. When the call of duty does not align with the state's health insurance premium payments, the guard member and family members currently covered by state insurance loses health care coverage with the state. A guard member can lengthen employment time and keep existing benefits with the state if they use vacation leave to help cover the gap of time until the family is picked up by the military coverage. In some case guard members do not have the vacation time accrued and they are left without any options. This bill would spare guard member's well-earned vacation time and would continue health care coverage for Idaho Guard families until they are otherwise covered.

Mr. Chris Brearley, State of Idaho employee and Idaho National Guard Member, spoke in favor of S1362. Mr. Brearley said he has been with the National Guard since 1999, and he is employed by the State as a firefighter. He had this laps in insurance coverage happen to his family.

MOTION: **Representative Cannon** made a motion to send S1362 to the floor with a do pass recommendation. **Motion approved.** Representative Skippen will carry the bill on the floor.

S1375 **Representative Skippen** presented S1375. The intent of this legislation is to change language in Idaho Code which currently permits Idaho National Guard Members to take two weeks of paid leave for "field training." However, in the case of deployment, as many recently faced with Iraq, Afghanistan, and Hurricane Katrina, guard members were not

permitted to take this leave because such absence was not considered "field training." Since guard members will not require "field training" during times of active deployment, this bill changes the language in Idaho Code to permit "active deployment" and "field training" to be referred to as "military duty." This will guarantee guard members their two weeks paid leave regardless of the situation that requires them to leave their regular duties.

MOTION: **Representative Mitchell** made a motion to send S1375 to the floor with a do pass recommendation. **Motion approved.** Representative Skippen will carry the bill on the floor.

S1347 **Mr. Edward Pemble**, Driver Service Manager for Idaho Transportation Department, presented S1347. This legislation addresses recent audit findings and will bring Idaho into closer compliance with federal Commercial Driver's License (CDL) standards. In answer to a question, Mr. Pemble said that a portion of this bill is a carry over from last year and because of the audit this bill is attempting to clean up and be in compliance to get federal dollars. He said this bill 1) Defines hazardous materials in compliance with U.S. Code and the Code of Federal Regulations (CFR). 2) Defines "serious traffic violations" to include driving a commercial motor vehicle. 3) Provides citation code for the newly defined elements of "serious traffic violations." 4) Authorizes the department to file records received from other jurisdictions, and forward records of convictions, suspensions, or disqualifications to other jurisdictions. 5) Establishes civil penalties for drivers and employers convicted of violating an out-of-service order. 6) Directs courts not to mask convictions of CDL drivers. Mr. Pemble said that if this legislation is not approved and Idaho's laws are found to be in substantial non-compliance with Federal Motor Carrier Safety Administration regulations: all future increases in FMCSA grant funding to the Motor Carrier Safety Assistance Program will be eliminated; There will be a permanent 5% reduction of the department's federal aid highway funding the first year (approximately \$6.6 million) and 10% in subsequent years (approximately \$13.2 million annually). The reduction would affect the following categories: Interstate maintenance, National Highway System, and Surface Transportation Program. He said the worst case is the CDL program could be shutdown. Mr. Pemble stated that the trucking industry understands that there are federal standards so this is no surprise to the industry. He said this legislation will resolve those Federal Motor Carrier Safety Administration regulations which are easiest to correct, this bill is not totally in compliance but will help keep their federal funding.

Chairman Wood wondered why the bill says "any motor vehicle," she felt this could be something like a snowmobile or 4-wheeler. **Mr. Pemble** said there is a change in philosophy and the reasoning is if you are an unsafe driver you are a risk in any vehicle. She also asked why the jump in fines. Mr. Pemble said that there is a range of fines and they are in federal regulations. The lowest fine would be for something like out-of-service violation and the highest would be for some egregious violation.

Lieutenant Bill Reese, Idaho State Police, said that the law only refers to those with CDL driver's licenses and only larger vehicles. In answer to a

question, he said yes the employer could be cited.

Chairman Wood said she is drafting a letter to our legislative contingent in Washington and the Federal Highway Administration requesting relief from these mandates. **Mr. Pemble** said this bill will show we are making progress, but he doesn't know how we can reconfigure the Statute with which some of these regulations are in conflict.

MOTION: **Vice Chairman Roberts** made a motion to send S1347 to the floor with a do pass recommendation.

Discussion on the motion followed:

Representative Hart asked **Mr. Pemble**, regarding Lines 3-6 on Page 3 where it states "any subsequent amendments", if this would be the normal way for the feds to change our state law. **Mr. Pemble** said he had worked with Legislative Services to make 49-CFR flow with the federal regulations.

In answer to a question regarding types of violations given, **Mr. Tyler Zundel**, License Suspension Supervisor for Idaho Transportation Department, said not every violation is going to count. For instance, a speeding ticket would be an infraction, reckless driving would constitute a citation.

VOTE ON MOTION: A roll call vote was called for on the motion to send S1347 to the floor with a do pass recommendation.

Voting **Aye**: Vice Chairman Roberts, Representatives Smith, Bedke, Cannon, Mitchell, and Shepherd.

Voting **Nay**: Chairman Wood, Representatives McKague, Nonini, and Hart.

Motion Approved 6 - 4. Vice Chairman Roberts will carry the bill on the floor.

PRESENTATION **Mr. Joe Haynes**, Administrator for Local Highway Technical Assistance Council (LHTAC) presented their annual report. The Local Highway Technical Assistance Council was established under Chapter 24, Title 40, Idaho Code and has now been in existence for more than eleven years. LHTAC provides necessary linkage between Local Highway Jurisdictions and Idaho Transportation Department in the utilization of federal-aid highway funds available to the Local Highway Jurisdictions in Idaho. LHTAC makes an annual recommendation of highway and planning projects for federal-aid funding to the Idaho Transportation Board. In 2003, LHTAC added bridge projects which has increased the ongoing development of plans, specifications and estimates for projects throughout the state. In 2005 it is estimated at more than \$174 million dollars. The Mission Statement of LHTAC is to assist the 288 Local Highway Jurisdictions with utilizing the available resources for maintenance and construction of Idaho's Local Highway System in the most efficient and effective manner possible. LHTAC has ten areas of authority, and Mr. Haynes gave a brief outline of each of the areas. In summary, Mr. Haynes said they continue to see significant improvements in the reporting of the Annual Road and Street Financial Reports from the Local Highway Jurisdictions, as well as, the Annual Local Road Mileage

Reports. The number of newly elected local officials continues to provide the challenge of education to those elected officials. LHTAC is committed to training through their staff, as well as, that of the T2 Center to educate those elected officials in a most efficient and productive manner of managing the local highway system throughout the state. LHTAC now manages the Local Bridge Program in addition to the STP-Urban and Rural Programs through a Stewardship Agreement with Idaho Transportation Department. The funding of large bridges continues to be a hurdle for which they see no immediate resolve.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:23 p.m.

Representative Ken Roberts
Vice Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 8, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Chairman Wood, Representatives Wills and Shepherd.

GUESTS: See attached sign-in sheet and presenters highlighted below.

Vice Chairman Roberts called the meeting to order at 2:43 p.m.

MOTION: **Representative McKague** made a motion to accept the minutes of March 2, 2006, as written. **Motion approved.**

MOTION: **Representative Ringo** made a motion to accept the minutes of March 6, 2006, as written. **Motion approved.**

H760 **Representative Kemp** presented H760. **Representative Kemp** stated because of the changing technology, legislation was needed to update Idaho's definition of Moped. Vehicle and transportation technology has changed since the code was originally written. This bill allows for the new technology that meets road safety standards abling it to be licensed. She also stated that the amendments attached are a clarification of the definition of Moped which came after input from Idaho Transportation Department and the Idaho State Police.

MOTION: **Representative Moyle** made a motion to send H760 to General Orders with committee amendments attached.

Mr. Brent Mathie spoke in favor of the legislation saying he owns a Moped and it is better than a bicycle because of the safety features.

Motion approved. Representative Kemp will carry the amendments on the floor. Representative Kemp will carry the bill on the floor.

ADJOURN: Vice Chairman Roberts said he was due in a senate committee to present bills so he would adjourn the committee and then there would be a presentation from COMPASS.

Meeting adjourned formally at 2:56 p.m.

PRESENTATION **Mr. Matt Stoll**, Executive Director of COMPASS (Community Planning Association of Southwestern Idaho), explained why Metropolitan Planning

Organizations exist. They exist by a mandate from the Federal Government to develop transportation plans and programs for urbanized areas of the state. They oversee the distribution of U.S. Department of Transportation funds to ensure coordinated transportation systems, improve the local economy, and maintain or improve air quality. An MPO is required when an urbanized area reaches 50,000 people. COMPASS has served as the MPO for Ada County since 1977 and for the Nampa Urbanized area since early 2003. The Boise Urbanized Area is now a Transportation Management Area since the population is over 200,000. Specific areas of their responsibility are; long-range transportation plan, transportation improvement programs that are federally-funded projects and regionally significant projects, unified planning work program and budget, congestion management processes in transportation management areas, and planning process certification.

Representative Moyle asked Mr. Stoll to get information to him about the Emmet, Star, Eagle, and Meridian area having their own MPO.

Mr. Stoll said that from the 1990 census there were only three cities: Boise, Idaho Falls, and Pocatello that had over 50,000 population; in the 2000 census there were six: Boise, Coeur d' Alene, Idaho Falls, Nampa, Pocatello, and Lewiston (because they combine with two Washington State cities). The population in the valley is up 44% since the 1990 and by 2030 the population is expected to grow another 60%. The committee thanked Mr. Stoll for his presentation.

Representative Ken Roberts
Vice Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** March 14, 2006
- TIME:** 1:30 p.m.
- PLACE:** Room 412
- MEMBERS:** Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo
- ABSENT/
EXCUSED:** None
- GUESTS:** **Mr. David Hensley**, Council to the Governor; **Mr. Russ Hendricks**, Idaho Farm Bureau; **Mr. Bob Martin**, Aeronautics Administrator for Idaho Transportation Department.
- Chairman Wood** called the meeting to order at 1:31 p.m.
- MOTION:** **Representative Cannon** made a motion to accept the minutes of March 8, 2006, as written. **Motion approved.**
- S1266a** **Mr. Bob Martin**, Aeronautics Administrator for Idaho Transportation Department, presented S1266a. This legislation amends Idaho Fish and Game statute, Section 36-1604, Limitation of Liability of Landowners by adding airstrips and the flying of aircraft to the existing language. The purposes is to encourage owners of land to make said land available to the public without charge for recreational purposes by limiting landowner liability. Ground and road access to the Idaho backcountry is very limited and the backcountry airstrip system provides remote access for not only tourism and recreation, but also mail and supply delivery, fire suppression, law enforcement, military training, search and rescue, medical evacuation, disaster response, and in-flight emergencies. The Idaho backcountry airstrip system is unique and is an important asset to the economy of Idaho because it draws tourism and recreation visitors from all fifty states and numerous foreign countries. **Mr. Martin** stated that the original bill was amended by placing additional language in the Definitions, Section (b) 1. This was negotiated with the Idaho Trial Lawyers Association which addressed their concern that the original wording was too broad in scope.
- MOTION:** **Representative Hart** made a motion to send S1266a to the floor with a do pass recommendation. **Motion approved.** Chairman Wood will carry the bill on the floor.
- S1410** **Representative Sali** presented S1410. This legislation amends Section 46-1008, Idaho Code, to remove a reference to firearms and to provide that no restrictions shall be imposed on lawful uses of firearms or ammunition during a disaster emergency. **Representative Sali** said that currently in Idaho Code the governor has the power to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms,

explosives, and combustibles. This legislation deletes firearms from this section. The new section reads, "During the continuance of any state of disaster emergency, neither the governor nor any agency of any governmental entity or political subdivision of the state shall impose restrictions on the lawful possession, transfer, sale, transport, storage, display, or use of firearms or ammunition."

Mr. David Hensley, from the governor's office, spoke against the bill. He said the governor, for public safety, may need to limit the sale and transfer of guns. When asked if he thought this legislation could impede law enforcement in any way, **Mr. Hensley** said he thought it could.

MOTION: **Representative Nonini** made a motion to send S1401 to the floor with a do pass recommendation.

Discussion followed:

Representative Mitchell asked who made the decision whether there would be a disaster emergency. **Mr. Hensley** said the current code allows the governor to make this decision.

SUBSTITUTE MOTION: **Representative Smith** made a substitute motion to send S1401 to the floor with the following changes to the bill: on Page 2, Line 52 and 53 strike the words transfer, sale, and transport.

Discussion followed:

Representative Skippen spoke in favor of the original motion.

Representative Ringo spoke in favor of the substitute motion.

There were concerns that this legislation contained two types of emergencies/disasters. **Representative Sali** said that this does nothing to supercede federal law.

Chairman Wood said she felt the word "lawful" was the key word.

Representative Hart spoke in favor of the original motion saying this is a government created by the people and that 46-1008 (5)(h) clears up inconsistencies.

Representative Mitchell spoke in favor of the substitute motion saying that one thing law enforcement worried about during Katrina was guns being brought in to the states.

A roll call vote was called for on the substitute motion to send S1401 to the floor with changes.

Voting **Aye**: Representatives Smith, Ringo, and Mitchell.

Voting **Nay**: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Bedke, Wills, Moyle, Cannon, Skippen, Nonini, Hart, and Shepherd. **Motion Failed**

A roll call vote was called for on the motion to send S1401 to the floor with

a do pass recommendation.

Voting **Aye**: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Bedke, Wills, Moyle, Cannon, Skippen, Nonini, Hart, and Shepherd.

Voting **Nay**: Representatives Smith, Ringo, and Mitchell.

Motion approved. Representative Sali will carry the bill on the floor.

PRESENTATION

Mr. Russ Hendricks, Idaho Farm Bureau, gave a presentation on renewable fuels. He said that the president in his State of the Union said that we need to wean ourselves away from our addiction to oil. Ethanol would do this. There are three reasons to support Idaho grown, renewable fuels; 1) rural economic development; **Mr. Hendricks** said that crops such as corn, wheat, barley, and milo can be used to make ethanol, as well as crop residue which is a waste product. In a feasibility study, it was shown that good jobs would be brought to rural areas with an increased local tax base. 2) improved air quality; there would be immediate emissions reductions in every vehicle; and 3) increased fuel security; he said that all Idaho's fuel is either piped or trucked into the state and this would significantly reduce dependence on imports. **Mr. Hendricks** said the common myths about ethanol are: Some engines can't use ethanol; you need a special fuel to blend with ethanol; ethanol blended fuel costs more; it takes more energy to produce ethanol than you get out of the ethanol; if ethanol is so great, the market will provide it, we don't need to do anything.

Mr. Hendricks said that the bill to put 10% ethanol in all fuel did not make it out of the Environment committee. They are forming an interim committee to come up with a statewide plan.

Chairman Wood thanked Mr. Hendricks for his presentation.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:46 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 16, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Chairman Wood, Representatives McKague, Bedke, Wills, Moyle, Nonini, and Ringo.

GUESTS: **Mr. Ken Mackie**, Volunteer for the National Guard Youth Challenge Program

Vice Chairman Roberts called the meeting to order at 2:40 p.m.

MOTION: **Representative Shepherd** made a motion to accept the minutes of March 14, 2006, as written. **Motion approved.**

PRESENTATION: **Mr. Ken Mackie**, a volunteer for the Challenge Program which is administered by the National Guard Bureau (NGB) on behalf of the Department of Defense, showed the committee a film on a Youth Challenge Group in Louisiana. The film highlighted a group of young people through the 22-week Residential Phase of the program and talked about the 12-month post residential mentioning phase. There are eight core components of Challenge: Leadership/Follower-ship; Responsible Citizenship; Service to the Community; Life Coping Skills; Physical Fitness; Health and Hygiene; Job Skills; and Academic Excellence. The Mission Statement of the National Guard Youth Challenge Program is to intervene in the life of at-risk youth and produce a program graduate with the values, skills, education, and self-discipline necessary to succeed as a positive and productive adult. A year after completing the program 89% of the cadets are doing something productive. In 2004, 56,000 had graduated from the program. Mr. Mackie said he is working with others to establish a National Guard Youth Challenge program in Idaho.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:10 p.m.

Representative Ken Roberts
Vice Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 20, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives Moyle and Skippen

GUESTS: See attached sign-in sheet and presenters highlighted below.

Chairman Wood called the meeting to order at 1:40 p.m.

MOTION: **Representative Hart** made a motion to accept the minutes of March 16, 2006, as written. **Motion approved.**

H820 **Chairman Wood** turned the gavel to **Vice Chairman Roberts** and then presented H820. **Chairman Wood** stated that for the past four years, work has been done on this legislation in an attempt to keep from losing the smaller railroads in the state. One step, Idaho Code 79-2201, has already passed the legislature and this bill is the final piece. This legislation sets up the Rural Economic Development and Integrated Freight Transportation Program. It amends Idaho Code 49-203 to authorize the Department of Commerce and Labor as administrator of the program, clarifies funding for economic development and freight shipping, and provides correct terminology. It amends Idaho Code by the addition of a new section 49-2902 to provide for duties of the interagency working group, provides a correct code reference and re-designates the section. It provides for distribution of moneys through revolving loans. It amends section 49-2904 of the Idaho Code to direct the Idaho Transportation Department to prepare and update a state rail and intermodal facility system plan and to provide certain information to the interagency working group, provides correct terminology, and re-designates the section. There is no fiscal impact unless JFAC provides an appropriation.

In answer to a question regarding Idaho Transportation Department's involvement, **Ms. Julie Pipal**, Liaison for Idaho Transportation Department, said that they currently have one senior planner assigned to railroad planning and will continue to be in support of this legislation.

Answering a question about Port Districts, **Mr. John Watts**, Watco Companies, said that Ports are included in the bill on Page 4, Line 24 and 25. **Mr. Watts** talked about the freight shipping issues and the framework that got us here today: HCR17 Rail Study; Idaho Rail Preservation Act; and Intermodal Commerce Authorities. He said that H820 establishes revolving loan funds, authorizes Idaho Department of Commerce to administer the program, creates an interagency working group, and sets

up a loan and grant program.

Mr. Watts, when asked what Union Pacific Railroad's role in this would be, said Union Pacific Railroad has endorsed this proposal, and they have an interest, but they are not offering funding.

Mr. Roy Eiguren, lobbyist for Amalgamated Sugar, said that his group supports this legislation. He stated that at one time there were 82 beet dumps which were accessed by the railroad, but today none of those are accessed and all hauling is done by beet trucks. He said in order for the company to keep competitive they need to have good transportation and Eastern Idaho Railroad is extremely important.

Mr. Roger Madsen, Director of Idaho Department of Commerce and Labor, spoke in favor of this legislation. He said they are grateful to be able to participate in this effort which is an extremely important issue for rural Idaho.

MOTION:

Representative Wills made a motion to send H820 to the floor with a do pass recommendation. **Motion approved.** Chairman Wood will carry the bill on the floor.

Chairman Wood returned to the Chair. There being no further business to come before the committee, the meeting was adjourned at 2:24 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 22, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representatives McKague, Moyle, and Shepherd

GUESTS: See attached sign-in sheet and presenters highlighted below.

Chairman Wood called the meeting to order at 2:45 p.m.

MOTION: **Representative Wills** made a motion to accept the minutes of March 20, 2006, as written. **Motion approved.**

MOTION: **Representative Cannon** made a motion to accept the Senat/House Joint minutes of January 26, 2006, as written. **Motion approved.**

S1415 **Colonel Dan Charboneau**, Director for the Idaho State Police, presented S1415. **Colonel Charboneau** stated that this Legislation is important to the Chiefs of Police Association as well as the Sheriff's Association. This bill creates, in the Idaho Bureau of Homeland Security, the Idaho Statewide Interoperability Executive Council (SIEC) under Executive order of the Governor. The purpose of this council is to provide policy level direction and promote efficient and effective use of resources for matters related to public safety wireless radio interoperability. The council will work in coordination and cooperation with the Idaho Bureau of Homeland Security and the Idaho Department of Administration to advise the Idaho Legislature, the Governor and other local, state, federal, tribal, and private sector agencies and organizations on public safety wireless radio interoperable communications issues. They will support the development and publishing of information on the condition and importance of public safety wireless radio interoperable communications for protection of the state's emergency responders, citizens, and economy; and to assist with the development and implementation of the state public safety wireless radio interoperable communications strategic plan for public safety communications technology. A federal grant currently funds the council's operating and personnel expenditures. This grant will expire at the end of calendar year 2007. Funding beyond that has not been identified. The council will continue to explore federal grant opportunities as well as other funding alternatives to offset the estimated ongoing costs of \$261, 000.

Ms. Pam Ahrens, Director of Administration, thanked the committee

for hearing S1415 at the end of the session. She said that this bill would help in upgrading the system and share in the expenses with different jurisdictions.

In answer to a question, **Colonel Charboneau** said that the National Guard holds two seats on the SIEC. When asked what the employees, who are now working for the SIEC, will do after 2007, **Colonel Charboneau** said that the employees are being paid by a federal grant and they will apply for several other grants to take them to 2012 at which time they will come to the legislature with a governance model. He said SIEC has a far reaching membership.

Answering a question about the funding stream, **Colonel Charboneau** said that the federal government has a renewed interest in public communications since 911 and Katrina and there are plenty of grants in the funding stream. The 5-year funding plan is with state, local, and federal match. He also said that the \$60 million is involving local entities. He said that Bannock County is using the system and Ada County will be by the end of the year.

When asked if Bannock County and Ada County were able to request grants, **Sheriff Lorin Nielsen**, Idaho Sheriff's Association and SIEC member, said that in Bannock County the fire department and law enforcement obtained grants and they were put into a pool for everyone. He said that the grant was about \$4 million and the match was \$700,000. They didn't use \$1 million so that was shared with Bingham County and others.

A question was asked if this new system would help with the dead areas throughout the state. **Colonel Charboneau** said that these will be identified in a needs assessment.

Chairman Wood left to attend another meeting and turned the Chair to Vice Chairman Roberts.

One concern in the committee was if a county went with the group to obtain the match would they still have control of their money. **Colonel Charboneau** said this could be used as their portion of the match. Another concern was that this would be expanding government. **Colonel Charboneau** said that when it comes to buying, every county will have to come up with money and this council will unite for bargaining power.

MOTION:

Representative Skippen made a motion to send S1415 to the floor with a do pass recommendation.

Mr. Bruce Allcott, Fire Chief from the Idaho Fire Chief's Association, said that the Idaho Fire Chiefs have been involved in this for the past two to two and a half years. He said this gives the locals hope by being involved, and it is the most effective way to get a statewide system in Idaho.

A vote was taken on the motion to send S1415 to the floor with a do

pass recommendation. **Motion approved.** Representative Wills will carry the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:56 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 24, 2006

TIME: 1:30 p.m.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representative Wills

GUESTS: Mr. Chuc Coulter, ICMS

Chairman Wood called the meeting to order at 12:19 p.m.

MOTION: **Representative Ringo** made a motion to accept the minutes of March 22, 2006, as written. **Motion approved.**

S1367 **Representative Hart** presented S1367. This legislation amends Section 49-802, Idaho Code, to provide a condition under which the driver of a motorcycle may proceed through a steady red traffic-control signal after coming to a full and complete stop at the intersection. **Representative Hart** stated that there are devices under the pavement that detect vehicles and often times these devices won't detect a motorcycle. If a motorcycle is not detected it may have to wait through a number of lights. This bill would make it legal to wait one full cycle and if no traffic, proceed through the red light.

Answering a question regarding how police will know whether the cyclist has waited through one cycle, **Representative Hart** said it would be the word of the cyclist against the officer's. He also said that Senator Jorgenson has talked with law enforcement and they all signed off on this legislation.

MOTION: **Representative Skippen** made a motion to send S1367 to the floor with a do pass recommendation. **Motion approved.** Representative Hart will carry the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 12:30 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 30, 2006

TIME: 1:30 or upon adjournment

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Vice Chairman Roberts and Representatives Moyle and Ringo.

Chairman Wood called the meeting to order at 3:14 p.m.

MOTION: Representative Smith made a motion to accept the minutes of March 24, 2006, as written. **Motion approved.**

Chairman Wood thanked the committee for all their hard work this year and she presented a thank you gift from the committee to the secretary and the page.

ADJOURN: There being no further business to come before the committee, the meeting was sine die at 3:29 p.m.

Representative JoAn Wood
Chairman

Shani Murray
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: April 11, 2006

TIME: 5:15 P.M.

PLACE: Room 412

MEMBERS: Chairman Wood, Vice Chairman Roberts, Representatives McKague, Smith(24), Bedke, Cannon, Skippen, Wills, Moyle, Hart, Nonini, Shepherd (2), Mitchell, Ringo

**ABSENT/
EXCUSED:** Representative Mitchell

GUESTS: Mr. Dick Rush, Mr. Chuck Winder, Mr. Ken Kunz, Mr. Brian Whitlock, Mr. Patrick Sullivan, Mr. Patrick Armstrong, Mr. Lance Giles, Lynn Tominaga, Andrea Mihm, and Mr. Jim Yost

Chairman Wood called the meeting to order at 5:15 P.M. with a quorum being present.

H 854 **Chairman Wood** informed the Committee that H 854 was properly before the Committee for their consideration.

MOTION: **Representative Roberts** moved to send H 854 to the floor without recommendation.

SUBSTITUTE MOTION: **Representative Skippen** moved to send H 854 to the floor with a DO PASS recommendation.

ROLL CALL VOTE: A roll call vote was requested. **The substitute motion to send H 854 to the floor with a DO PASS recommendation passed by a 7-6 vote.**
Voting **AYE:** Representatives Bedke, Wills, Cannon, Skippen, Nonini, Ringo and Shepherd (2).
Voting **NAY:** Chairman Wood, Vice Chair Roberts, Representatives McKague, Smith, Moyle and Hart. **Representative Skippen** will sponsor H 854 on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 5:23 P.M.

Representative JoAn Wood
Chairman

Karen Daniels
Secretary