

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 10, 2022

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chair Den Hartog, Senators Winder, Lodge, Rice, Vick, Crabtree, Nelson, and Wintrow

ABSENT/ EXCUSED: Vice Chairman Woodward

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chair Den Hartog** called the meeting of the Senate Transportation Committee (Committee) to order at 1:39 P.M. She announced the agenda would be reordered to place H 527 at the end.

H 571 **SCHOOL BUSES – Amends existing law to allow school buses to travel up to 70 miles per hour on the interstate.** **Senator Zito**, District 3, read the new amendment pertaining to Idaho Code § 33-1508. New copy included legal reference to § 49-654.

MOTION: **Senator Rice** moved to send **H 571** to the 14th Order of Business for possible amendment. **Senator Winder** seconded the motion. The motion carried by **voice vote**. **Senator Nelson** requested he be recorded as voting nay.

H 640 **IDAHO BROADBAND DIG ONCE AND RIGHT-OF-WAY ACT – Adds to existing law to enact the Idaho Broadband Dig Once and Right-of-Way Act.** **Senator Crabtree**, summarized and defined a Dig Once policy. He explained it would allow more conduit to be laid than immediate need demanded. The policy would create efficiency while reducing costs and traffic congestion. **Senator Crabtree** stated an amendment had been agreed upon.

Jeremy Chou, Attorney, Givens Pursley LLP, reported the amendment allowed broadband providers the option to take part in the Dig Once policy. He also noted the amendment allowed for rulemaking to restrict speculative practices.

Senator Wintrow inquired how the conduit would be split in the event of multiple vendors. **Mr. Chou** responded that the amendment allowed the rulemaking to address those issues.

Senator Nelson questioned how 'speculative practices' was defined since it was not listed in **H 640**. **Mr. Chou** said the intent was to block entities from monetizing on conduit laid in advance that could congest Idaho Transportation Department's (ITD) right-of-way.

Chair Den Hartog asked how cities and other public entities that sought to provide new conduit for enticing providers were addressed. **Mr. Chou** replied that the amendment addressed the concern of cities wanting to lay down infrastructure but not provide services.

Senator Nelson pointed out that more descriptive language concerning right-of-way was placed later in the bill rather than at the initial mention. **Mr. Chou** concurred and affirmed the intent was the same and that the latter instance was better drafted. **Chair Den Hartog** commented on the opportunity to address the issue if sent to the 14th order. **Senator Nelson** requested clarification on why **H 640** used the term license agreement rather than a contract or another legal instrument. **Mr. Chou** replied that a license agreement would create property interest consistent with the already established practice.

TESTIMONY: **Benn Brocksome**, Port of Lewiston, testified in opposition to the bill as it stood. He requested the bill be sent to the 14th Order for possible amendment.

Jonathan Wheatley, Broadband Cable Association, stated agreement with the request that **H 640** be sent to the 14th Order for possible amendment.

Senator Wintrow asked about ITD's stance on any questions or concerns they had with the bill. **Senator Crabtree** explained that ITD had been involved with the drafting process and were not able to take a formal stance during bill hearing.

MOTION: **Senator Winder** moved to send **H 640** to the 14th Order of Business for possible amendment. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

H 527 **TRANSPORTATION – Amends existing law to provide for the addition of a "USA" citizenship designation on driver's licenses and identification cards.** **Chair Den Hartog** called out a letter from the Attorney General's (AG) Office in the Committee folders (Attachment 1).

MOTION: **Senator Vick** moved to send **H 527** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

DISCUSSION: **Senator Wintrow** voiced concern over the number of available license types, the potential for confusion in the public, and any unintended harmful consequences. **Senator Winder** read from the AG's statement confirming that **H 527** did not add new restrictions for an eligible person attempting to obtain a driver's license or identification card. The proposed modifications were to ensure consistency with Idaho Code §§ 49-301, 49-302, 49-303, and 49-2443.

VOICE VOTE: The motion to send **H 527** to the floor with a **do pass** recommendation carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chair Den Hartog** adjourned the meeting at 2:04 P.M.

Senator Den Hartog
Chair

Cara Beyenka
Secretary