

House Transportation & Defense Committee

Minutes
2010



MINUTES

SENATE TRANSPORTATION COMMITTEE

[Joint Meeting]

DATE: January 14, 2010

TIME: 1:30 p.m.

PLACE: Room WW02

MEMBERS PRESENT: Chairman McGee, Vice Chairman Hammond, Senators Keough, Corder, Heinrich, Broadsword, Winder, Werk and Bilyeu

MEMBERS ABSENT/ EXCUSED: None

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.

MINUTES: The regular meeting of the Senate Transportation Committee met jointly with the House Transportation and Defense Committee to hear the Idaho Department of Transportation (ITD) present the status and updates of ITD. **Chairman McGee** called the meeting to order at 1:30pm. He asked the secretary to take a silent roll and all members of both Committees were present. He introduced **Darrel Manning**, Chairman of the ITD Board to begin the presentation.

Mr. Manning thanked the Legislature for their time devoted to ITD. He asked for input in consolidating reports for the Legislature so that reports include only information helpful to the Legislature in their assistance to ITD. **Mr. Manning** introduced **Brian Ness**, the new Director to ITD, stating that **Director Ness** comes to Idaho with experience in Rural Iowa, as well as experience in the Michigan Department of Transportation for 30 years. **Chairman McGee** thanked **Mr. Manning** for his comments and introduced **Director Ness**.

Director Ness thanked the Committees for their time and stated that he looks forward to representing ITD and getting to know the individual members of the members of the Legislative Transportation Committees. He stated that he is prepared to take on the role as Director with much experience including the areas of highway, aeronautics and transit working in both Michigan's Transportation Headquarters and District Offices during his 30 years with Michigan's Transportation Department. Although his is from Michigan, his is no stranger to the Western United States and has family in the area. He also stated that he researched Idaho's Department of Transportation in preparation for his interview with the Board of Directors and found ITD to have dedicated employees and be a great place to work. He emphasized that the Legislature plays an important role in effective communication which assists ITD in making

sound and appropriate decisions. **Director Ness's** vision is for ITD to be the best Department of Transportation in the country and he will continually strive to achieve that. As Director, Ness will review every program and expense to ensure that taxpayer money is being spent wisely. **Director Ness** expects that he and ITD will be judged by accomplishments and results. **Director Ness** then gave a brief introduction of **Scott Stokes**, the Deputy Director of ITD. **Chairman McGee** introduced **Mr. Stokes** to The Committees.

Mr. Stokes began by thanking Governor Otter and Legislative leadership for the opportunity, through the Office of Performance Evaluations (OPE) audit, to enhance the Department in several aspects. He specifically discussed the OPE audit in regard to performance goals and accountability. ITD is embracing the recommendations of the OPE audit and is ahead of schedule in some cases of implementation of the recommendations of the OPE audit. **Mr. Stokes** stated he will also cover the status of the current system as an update for the Committees. The accountability aspect of the presentation will include management of stimulus funds, GARVEE, and the budget.

The four performance goals of ITD are to ensure the transportation system is safe, the roads and bridges are smooth and unrestricted, services are provided timely and cost effectively and the users are satisfied with DMV services. ITD has developed draft performance measure for each of these goals in order to realize the goals. These performance measures are drafted to help confirm system accountability and credibility. ITD is on track and ahead of schedule with the Executive Order benchmarks for performance measures.

Last Year, the Legislature provided direction funds for ITD to purchase Management Systems Technology. ITD has studied the systems of surrounding states and met with systems experts in Utah and soon Wyoming in order to understand the best practices in the country and create the best performance management. Combining best aspects of all systems allows ITD to capture best materials and will reward ITD for hard work. The new system will combine maintenance and pavement management into one integrated system. Users will be able to capture material, equipment, and labor costs as well as future forecasting and resourcing. Goals and performance measures will be linked with planning and work activities. A contract has been worked with a vendor to install the systems and work began to install the new system on Jan 4. The system will be fully utilized in January 2012. There will be training for ITD employees regarding the new system in the interim. By all accounts, ITD is ahead of schedule in relation to implementing management systems.

One of the recommendations made by the OPE audit was a system plan to tie strategic goals together. This will allow ITD to prioritize for performance based project selection and will improve state selection of new projects and transparency projects built. Prioritization will improve STIP and corridor plans. Executive Order provided January first as a deadline to being the prioritization plan, however, ITD began working on the prioritization plan in June 2009, demonstrating that ITD is ahead of

schedule for the statewide transportation plan. There are reports available at www.ITD.idaho.gov, if anyone wishes to see the prioritization of projects illustrated. Annual Accountability Reports will be available early next week (1/18/2010).

Mr. Stokes then discussed the general funding issues, stating that since 1997, the last first full year of the last fuel tax increase, the general fund, has increased 77%, even with the decrease from 2008 to 2009. ITD does not receive any general fund revenues. ITD's state funding has grown 16% since 1997. Therefore, ITD is currently operating on state revenues similar to 2001 revenues, even without discounting for inflation. ITD has managed the flat revenue trend by protecting and preserving essential services and prioritizing the activities key to preserving the system and current investments.

In responding to questions as to how revenue challenges have affected the STIP, the Board has focused on operating, preserving and restoring the system as the highest priority. The Board has made necessary decisions including eliminating preliminary development, reducing the rest area program, reduced system planning programs including CMAQ, and stopping new expansion projects, with the exception of those already under contract or ready for contract.

In order to preserve the condition of roads, ITD has cut programs and adjusted funding priorities to maintain the current system and preserve the existing highways and bridges which Idaho has invested billions of dollars to build. ITD will Prioritize in order of operations and preservation, restoration and lastly new construction or expansion. In order to prevent system deterioration, in 2009, ITD was able to pave 964 lane miles, up from the 600 lane miles which must be paved per year in order to maintain roads to be in the same condition they are in today. This brought 82% of ITD pavements to fair or good condition, compared to 80% last year. This was a one-time infusion and by the year 2013, ITD will be able to pave only 293 lane miles. Without increased funding, the condition of Idaho's roads will rapidly decrease.

The stimulus program allowed ITD to replace the 60-year-old Dover Bridge and rehabilitate and replace the decks of 16 bridges. However, replacing and preserving bridges is still a huge challenge. Idaho's bridges are rapidly aging. For example, 540 bridges are currently older than 50 years. In 6 years, over 50% of Idaho's bridges will be 50 years old or older. This will create a balloon payment in bridge replacement, but also magnifies bridge maintenance and repair demands. At the current rate ITD is replacing bridges, each bridge will have to survive nearly 120 years.

Next, **Mr. Stokes** discussed highway safety, stating that 223 people lost their lives on Idaho highways in 2009. There has been a continual reduction in lives lost from year to year. There was a 4% decline from 2008 to 2009. ITD believes that one death is too many and is magnifying efforts to find innovative way to push the trend further downward. ITD makes data driven decisions to improve the safety of Idaho's roads. The

three primary contributors to traffic deaths are aggressive driving (speed), impaired driving, and failure to buckle up. Safety is ITD's highest priority. ITD works to promote safe roads and to encourage Idahoans to take personal responsibility when they get behind the wheel. In wrapping up his presentation, **Mr. Stokes** stated that the Idaho Transportation Board and ITD are making necessary choices in which programs to cut and which to preserve in order to maintain roads and bridges; however, without adequate funding in the future, the condition of Idaho's roads and bridges will decrease rapidly at great cost to Idaho's citizens.

He ended by stating that ITD embraces the guidance and recommendations of OPE audit and the Executive Order. ITD is pursuing these improvements with full energy. He thanked the Governor and the Committees for the opportunity to transform ITD into an industry leader. He gave an introduction of **Chief Engineer, Tom Cole**.

Chairman McGee introduced **Mr. Cole**. He stated that the 2009 year was unique in that the national stimulus passed by Congress brought an additional \$182 million for Idaho transportation. **Mr. Cole** discussed criteria used to consider projects to use the \$182 million. ITD considered projects that meet the federal stimulus criteria and also met some additional criteria which included long lasting impact of the project, and projects that involved the most jobs and variety of trades. The Bill required a certain percentage of the funds to be distributed to the Transportation Management Area which amounted to approximately \$11 million dollars. The board also made the decision that they would distribute funds to locally sponsored projects in the amount of approximately \$17 million dollars. The remaining \$154 million dollars were to be used on the state highway system. Eight major projects were selected from all around the state with an estimated value of \$154 million dollars. Once the original eight projects were bid, ITD realized a savings of approximately \$50 million dollars. Therefore, the districts prepared an additional eleven projects for bidding which are soon to be under contract. Some of the projects in Eastern Idaho, Rigby High School turn lanes and Henry's Lake passing lanes, have actually been completed. Once all of these projects have been awarded, it will represent approximately 2100 jobs created or retained by the industry. Currently Idaho has obligated 98% of the original 182 million dollars, which places Idaho in the top ten nationally. The Idaho Transportation Board was able to fund projects in many different categories. The board also funded some projects in the enhancement category and the enhancement category was the only one required by the Bill to have a certain percentage of the funds set aside for projects. The Board had the latitude outside that category to fund types of projects that met the funding criteria.

Chairman Wood asked if bridges qualify under enhancement projects. **Mr. Cole** replied that they do not. He further explained that the projects that were selected were located throughout the state. If anyone is interested in more in-depth information on any specific project, information can be found at the ITD website under the accountability tab and a list of projects with detailed information is available, including the cost of the job and whether individual jobs were created or retained because of that job.

Congress is again working on a stimulus bill. The version that has passed the House of Representatives would provide a similar amount of funding as the 2009 stimulus bill. The additional funding will allow for another much needed shot in the arm for Idaho's highways. The bad news is that the strings or restrictions in the second stimulus are much more limiting than those in the previous stimulus. The 2009 stimulus bill required that 50% of the funds be obligated within 120 days. The term obligation means that the projects were ready to bid. The second stimulus as it currently stands, would require 50% of the funds to be under contract within 90 days. "Under contract" means that ITD would have gone through the bidding process and have an executed contract and the contractor could start work on the 91st day. This requirement is extremely restrictive for Idaho. Historically, the average bidding and awarding process has taken an average of 92 days. ITD has a great attitude regarding tackling challenges such as this one. For this reason the challenges which ITD faces may not seem as daunting from the outside looking in as from the inside looking out. All funding would potentially give ID more money, but requirements are far more limiting. In 09 obligation had to be fulfilled in 21 days. Under current bill, req 50% of work to be under contract in 90 days. Historically in Idaho, it takes 92 days to award a contract. ITD is doing everything possible to position the Department to adapt to these changes and position itself to be ready to meet the obligations needed to qualify for these funds should they become available under the potential second federal February 4, 2010 stimulus package.

Chairman Wood asked whether the environmental impacts departments will be able to help speed up the bidding process or whether the time required for environmental impact statements may interfere with meeting the obligations for the requirements under the current federal legislation.

Mr. Cole replied Projects that are currently identified are not ones that have environmental issues. The process takes time because of things identified by code

Mr. Cole stated that he would like to publicly acknowledge ITD for their efforts during the last year to put Idaho in it's current status of delivery of projects. He stated that he is proud to represent ITD and thanked them as an ITD employee and also as an Idaho taxpayer. **Mr. Cole** gave a brief introduction of Jason Brinkman, the ITD GARVEE manager.

Chairman McGee Introduced **Jason Brinkman**, GARVEE manager at ITD. **Mr. Brinkman** stated that it has been a good year with GARVEE. He stated that his presentation will include an update on bonding, information on bid savings, reapplication of those savings, and a summary of this year's GARVEE funding request.

Mr. Brinkman began his presentation by stating that the Legislature has authorized bonding for the GARVEE program each of the last four years, in a total amount of \$681 million dollars. Of that amount, ITD has bonded \$657 million dollars. As of today, ITD has \$560 million dollars of contracts underway or already completed. Eleven contracts, some \$200 million

dollars worth, were let in 2009 alone. ITD expenditures against contracts now exceed \$400 million dollars, with work underway on the remaining amount. Two additional contracts for Interstate 84 work in Nampa, along with right-of-way purchases on SH-16 and US-95, will commit the rest of the bonded funds before the end of the year. ITD estimates that with the contracts in place today, that GARVEE has already created or sustained 10,000 jobs. ITD is also pleased to announce that the total program is currently 10 percent under budget. Approval of this year's funding request would allow ITD to continue with the momentum.

Mr. Brinkman described the specific accomplishments of ITD stating that on US-95, from Worley to Setters to the south of Coeur d'Alene, all GARVEE work is completed with the wider, straighter, safer finished product open to the public. On US-30, southeast Idaho, all remaining GARVEE work is underway to widen and straighten the highway between McCammon and Lava Hot Springs. Moving to Interstate 84, from Orchard to Isaacs Canyon in Boise, all remaining GARVEE work is underway with three highly visible contracts in progress to add lanes and upgrade interchanges. Also, on I-84, on the vital western corridor through Nampa and Meridian, the two remaining construction contracts will be underway by this spring.

The first four corridors are now fully funded for completion of the planned scope fo GARVEE. The other two corridors will need future funding. Mr. Brinkman continued by explaining projects which are currently underway including another construction project on US-95 and on I-16.

Moving on to discuss bonding, **Mr. Brinkman** stated that the bonding authority which the legislature gives to ITD makes the accomplishments of ITD possible. ITD is in the process of wrapping up the fourth successful bonding sale which was accomplished in a single day. A combination of market conditions and the use of limited-time federal interest rate rebate known as Build America resulted in the lowest effective interest rate to date, of just 4.08%. That brings the aggregate interest rate, for all previous bonding to 4.54%. The recent sale brings the total amount bonded to \$657 million dollars, meaning that ITD has bonded for all except \$24 million dollars authorized. The remaining \$24 million dollars are reserved for a right-of-way and construction project on US-95. ITD intends to bond the \$24 million for that right-of-way project, along with the \$26 million additional dollars which ITD is requesting for a future bond sale of \$50 million dollars later this year.

Lastly, **Mr. Brinkman** discussed Bid Savings. He stated that on the 11 construction contracts awarded in 2009, ITD realized \$55.5 million dollars in bid savings.. The Board has fully reallocated these savings to advance phases of 4 existing GARVEE projects in accordance with the guidance the Legislature provided in the 2009 GARVEE appropriation bill. **Mr. Brinkman** emphasized the savings again by explaining that the \$55.5 million dollars in advances would have been requested in this year's funding request if ITD had not realized the bid savings. This would have resulted in a request which would have easily been in excess of \$80 million dollars this year. **Mr. Brinkman** stated that this concludes his

discussion and stated that **Mr. Stokes** would continue the presentation with miscellaneous items. After a short discussion, **Chairman McGee, Chairman Wood** and **Mr. Stokes** decided that, due to time constraints, the remainder of the current meeting would be used for a question and answer session and the miscellaneous items will be addressed in the next Senate and House Transportation Meetings separately.

ITD instituted an \$8.6 million internal holdback or 3.7% of state appropriation based on the revised August Forecast. This holdback is not part of the process the Department uses in consultation with the Board to ensure that expenditures do not exceed revenue. Since that time, revenue has come down an additional 1.6% or \$1.6 Million. Should this trend continue, revenue will decrease a total of between \$3 million to \$4 million for this fiscal year. Revenue for the Aeronautics program is also weaker than appropriated and we have implemented, with the agreement of the Aeronautics Advisory Board, a \$348,000 internal holdback. ITD has also implemented the 3% reduction in personal funding as appropriated. Each division administrator is managing their budget according to the appropriation by eliminating paid overtime, reducing the use of temporary employees, not filling temporary positions and delaying filling some permanent positions. These actions are in addition to the 10% reduction in administrative costs including the transfer of 18 positions to "front-line" positions completed in December 2008.

Last Legislative session, a number of legislative bills passed to provide ITD with additional revenue. The appropriation for these bills amounted to \$26.7 million. The revised August forecast for these bills are \$21.3 million or \$6.4 million less than appropriated and is the majority of the \$8.6 million mentioned previously. The new revenue was appropriated to two areas, DMV system modernization and state funded construction projects.

The DMV system modernization was funded at \$5.6 million. With this funding, the business analysis of both the functional and technical requirements for the system are being completed. Also the development of an RFP for the system replacement is being completed. The total cost for this effort in this fiscal year is \$1.6 million. The release of the RFP will be accomplished by summer of this year. ITD recognizes the magnitude of replacing the DMV system. In order to mitigate the risk of this project, ITD has chosen a solution provider for the full system. This means that the balance of the appropriation of \$4 million will still be needed in a future year, but will not be used in this fiscal year. This does not delay the implementation of the DMV system replacements which is currently scheduled for 2014.

The next area of funding for the new revenue provided by last year's legislative session is to focus on infrastructure preservation projects. There are 9 projects identified in the bridge program and 6 projects in the

pavement program for a total of \$15.6 million.

The ITD Fiscal Year 2011 budget is based on the Governor's recommendation. The funds total \$579.5 million and 1,826.5 FTP's. This is a reduction of 7 FTP's from last year. The funds are made up of \$302 million Federal dollars; \$244 Million State dollars; \$26 million in Bond Proceeds, and \$7 million in other funds. These funds will go to contract construction, bond proceeds, debt service, and the Division of Highways making up 87% of total funds.

The recommendation for the FY2011 budget is to reduce ITD's full time positions by 7 and make additional identified program adjustments of \$25 million for a program maintenance budget of \$494 Million and 1,826.5 FTP's.

There are eight line item budget requests.

The additional GARVEE funding request is \$26 million and a debt service of approximately \$49 million. This is a total budget funding of \$579 million and 1,826 full time positions.

From 2010 – 2011 there is a shift in funding for ITD from a majority of funding coming from the state, to the federal funds making up 55% of the total budget request. Please note that this does not include the federal Stimulus funds.

Mr. Tolman refers to slide 33 of attachment 1 to explain the sources of revenue.

Mr. Tolman finished his discussions by stating that ITD has submitted a balanced budget. He gave an overview of his speech by emphasizing the major points including that ITD manages the budget for resources and makes the necessary adjustments so that expenditures do not exceed revenue. ITD has monthly Budget Council meetings in which the entire budget including revenue trends are discussed and adjustments are made if necessary. Staff briefs the Board monthly so that they can meet their fiduciary responsibility. The entire budget management is accomplished by highly trained and dedicated staff not only at headquarters, but also at the district and program management levels. This team effort is dedicated to giving taxpayers the best value for the funds they provide.

Chairman McGee thanked the presenters for their presentation and asked the Senators and Representatives if they have any questions for the presenters.

Representative Matthews asked **Mr. Cole** if, with the second federal stimulus package, there are concerns for obligations to meet the

requirement to have projects contracted in 90 days. **Mr. Cole** replied that there are concerns and that ITD is doing their best to make the 92 day process meet the 90 day requirement should the Second Stimulus Package become available.

Representative Matthews followed up his first question stating, "In that case, we hope for best, but plan for worst." He asked what the ramifications would be for ITD if there was a snag in the budget process and balanced budget requirements. **Mr. Cole** replied that, first, the money left from 90% of the money which had not been awarded, would be lost. Second, if the requirement was not met, as a state, Idaho would not be eligible to participate in the redistribution to get what another state has lost because that state did not meet their 90 day deadline.

Chairman McGee followed Representative Matthew's question asking whether there are enough "shovel-ready" projects so that ITD will be prepared in case the Second Stimulus does become available. **Mr. Cole** stated that the District is working on projects currently sitting in HQ waiting to start bidding projects. If they bid \$90 million and one is low, they lose it. They typically will have around 20 projects in one bid opening and normally 4 or 5 are awarded. Trying to have projects in the range of \$115 to \$100 million range prepared. **Mr. Stokes** followed up by answering that the ITD team will develop 3 or 4 options and critical timeline to provide to Governor's Office and committees for appropriation and that the Governor must provide certification.

Representative Ringo expressed that she is impressed with what has been completed under GARVEE and employment provided but voiced concern about the debt service. **Mr. Stokes** replied that the department debt service is well under that allowed by the legislature.

Chairman McGee confirmed **Mr. Stokes** intent to infer that the debt service is within the limits set by the legislature.

Representative Hagadorn wondered if local highway districts that receive the \$122 billion are held to the same standards and reporting requirements as ITD. **Mr. Manning** responded that the local departments are held to the same goals and standards. He also stated that ITD has been monitoring the local projects and that they have been doing a good job. **Representative Hagadorn** questioned whether the reports and charts will be similar from the local entities as has been seen from the state and **Mr. Manning** replied that ITD does not have the jurisdiction to control the reporting of over 200 local jurisdictions but most report in compliance with federal standards.

Representative Hart expressed that in years past the industry was moving at a fast pace with the economy slowing now and projects getting a better value for the money. He wondered if money could be set aside during good years to capture the value possible during slower years. **Mr. Stokes** indicated that the past year was at an all time high in construction work and payout, but that the bidding environment was very competitive. ITD watches the construction producer price index and plan accordingly.

Senator Winder asked if the delay in readying projects was due to state or federal codes and requirements. **Mr. Stokes** replied that it is largely state requirements that have to be met i.e. putting projects out to bid, allow bid review time, accepting the bid, having contractors obtain required bonding and insurance and securing sub-contractors

Chairman McGee indicated that if there was anything the legislature could do or agree upon to shorten the preparation time and help meet federal requirements to advise the Chairman and the Committee will be ready to assist.

Senator Winder recalled previous discussion about saving time if there could be an agreement with the contracting community and suggested that ITD please work with contractors to help with time constraints. **Mr. Stokes** agreed that was a good suggestion but expressed concern. He stated that ITD is working on two or three strategies on how the process might be expedited. **Senator Winder** commented on a former program that was moving toward zero deaths (nationwide program). Statewide transportation officials took part in this. Is there any effort to do this as we continue to look at different ways to reduce fatalities on our highways. **Mr. Stokes** replied that statewide safety is currently under that theme and will continue to use data and in March would have an updated strategic highway plan that will be smarter than before.

Vice Chairman Hammond spoke about how the Department has changed over the years and gone to the Horizons program to be more aggressive about having projects ready to go should additional funding become available. He inquired as to how the Horizons program prepares the Department to be ready in regards to be ready to go. **Mr. Stokes** explained that there are still a couple of projects ready to go out of Horizons program. Beyond stimulus 2 there is concern about the ability to have projects ready, therefore there is a question as to whether this is leaving us in a proper readiness situation. **Vice Chairman Hammond** made a subtle suggestion about a project on I-90 near Post Falls.

Senator Broadsword asked if other states don't use money in a timely manner, would the money be available and wondered if appropriations of

a second stimulus would come through JFAC or be direct grant? **Mr. Stokes** answered that in last stimulus all states met their requirements. Idaho has always been in the top ten of projects being delivered and obligated. He also clarified that second stimulus money would be handled the same way as previous stimulus money. The state makes the initial payments and then the funds are reimbursed to Idaho. **Mr. Tolman** further clarified that appropriation process would redistribute funds. Whether the legislature is in session or not there are provisions to appropriate funds as quickly as possible.

Senator Heinrich asked if all stimulus projects that are being awarded are listed on the schedule and inquired further whether consideration is given to how long a project has been on the list. **Mr. Stokes** explained that ultimately projects are required to be on stip. To the extent that we can advance those on the stip we do. The stimulus program was heavily weighted towards readiness. We are looking for the most appropriate ready projects.

Senator Bilyeu then asked **Mr. Cole** for an update on wildlife fencing projects on I-15 near Blackfoot. **Mr. Cole** replied that if there is a second stimulus, the district engineer has proposed that specific project. The district is ready to go whether there is stimulus money or not. **Senator Bilyeu** followed up by expressing her understanding that there was not cooperation with Fish and Game to put up netting, etc, and questioned why ITD could not just finish the project. **Mr. Cole** indicated that it is not a contracted job and that several entities have to work out details and partnership to finish the project.

Senator Broadsword asked what effect the reduction in funding for rest areas from \$10 million down to \$3.2 million has had on the traveling public. **Mr. Stokes** commented that it depends on the age of the constituent. He reported that ITD has received more criticism on spending more money on rest areas than removing the rest areas.

Chairman Wood asked if ITD could continue the presentation in the next house meeting and whether ITD would need to bring staff to finish? **Mr. Stokes** replied that everyone present from ITD will not be needed for him to explain the miscellaneous items in his presentation.

Chairman Wood asked that ITD and the House Committee plan on finishing the presentation in the House Transportation Committee and **Chairman McGee** agreed that the presentation continuation needed to be presented to the Senate Transportation Committee as well.

Chairman McGee expressed thanks for the valuable and educational

presentation and asked that ITD come back with shovel ready projects.

Chairman McGee adjourned the Committee at 2:56 pm

Senator John McGee
Chairman Senate Transportation

Lizzie Kukla
Secretary

Representative Jo Ann Wood
Chairman House Transportation and Defense

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 20, 2010

TIME: 1:30 pm

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti

**ABSENT/
EXCUSED:** Representative Wills

GUESTS: Lt. Bill Reese, Idaho State Police; Lynn Rhodes, Drivers License Program Supervisor, ITD; Amy Smith, Vehicle Services Manager, ITD; David Metcalf, Commercial Vehicle Services Program Supervisor, ITD; Brent Jennings, Highway Operations and Safety Engineer, ITD; Linda Emry, Office of Governmental Affairs, ITD; Ed Pemble, Driver Services Manager, ITD; Dustin Hurst, IdahoReporter.com; Benjamin Davenport, Risch, Pisca; Ty Palme, WeThePeopleofIdaho.com

Chairman Wood called the meeting to order at 1:30 pm.

**DOCKET NO.
39-0341-0901:** **Brent Jennings**, Highway Operations and Safety Engineer, Idaho Transportation Department (ITD), presented **Docket No. 39-0341-0901**, pertaining to traffic control devices. Mr. Jennings said this rule is pending and no public comments have been received. This rule updates the Manual on Uniform Traffic Control Devices for Streets and Highways and adds conforming additions to the manual, allowing the optional use of the IdaShield object marker for additional delineation of non-signalized at-grade railroad/road crossings of public roads. There are four changes in the revision: (1) change in dimension of sign panel, making it easier and cheaper to fabricate, (2) add three object markers for better safety, (3) add Type 4 object marker at railroad crossings where there is no flashing signal or no gate that lowers, and (4) heighten safety for exempt railroad crossings.

MOTION: **Rep. Ringo** moved to **recommend approval of Docket No. 39-0341-0901**. The **motion passed on a voice vote**.

RS19111: **Lt. Bill Reese**, Idaho State Police, presented **RS19111**, pertaining to gases used in automotive air conditioning equipment: approved refrigerants. Lt. Reese said this RS adds a sentence for clarity. He said the motor vehicle rules were updated but this change was needed to be made to the statute. Lt. Reese said Idaho is one of only four states that has not made this change.

MOTION: **Rep. Mathews** moved to **introduce RS19111**. **Motion passed on voice**

vote.

RS19194C: **Lynn Rhodes**, Drivers License Program Supervisor, ITD, presented **RS19194C1**. It allows driver trainer instruction permit to 14 ½ years of age and older. Ms. Rhodes said this legislation would remove the upper age limit for driver training instruction permits. She said public and commercial driving schools have been contacted. This legislation removes age restriction of 17 years for driver training permits and corrects identity document requirements. She said this assures that the permit for people in any age group will not expire before training compliance can be achieved.

MOTION: **Rep. King** moved to **introduce RS19194C1. Motion passed on voice vote.**

DOCKET NO. 39-0260-0901: **Amy Smith**, Vehicle Services Manager, ITD, presented **Docket No. 39-0260-0901**, pertaining to license plate provisions. Ms. Smith said this is a pending rule and she has received no public comments regarding it. She said this rule concerns dealer plates and wrecker plates. During Senate rule review meeting yesterday, a question arose about language conflict regarding commercial trailers and semi trailers that are rentals and drivers are not always titled owners of these trailers.

MOTION: **Rep. Hagedorn** moved to **refer Docket No. 39-0260-0901 to the Hart Subcommittee. Motion carried on voice vote.**

DOCKET NO. 39-0312-0901: **David Metcalf**, Commercial Vehicle Service Program Supervisor, ITD, presented **Docket No. 39-0312-0901**, pertaining to safety requirements of overlegal permits. Mr. Metcalf said this changes the size of flags from 12"x12" to 18"x18" and makes the rule in compliance with federal regulation.

MOTION: **Rep. King** moved to **recommend approval of Docket No. 39-0312-0901. The motion passed on voice vote.**

DOCKET NO. 39-0316-0901: **David Metcalf** presented **Docket No. 39-0316-0901**, pertaining to oversize permits for non-reducible vehicles and/or loads. Mr. Metcalf said that this changes the limit of front overhang from four feet to seven feet for daylight travel only. Mr. Metcalf addressed office hours and phone hours for answering questions and that the two time zones in Idaho present no particular availability problem.

MOTION: **Rep. Nonini** moved to **recommend approval of Docket No. 39-0316-0901.. The motion passed on voice vote.**

DOCKET NO. 39-0317-0901: **David Metcalf** presented **Docket No. 39-0317-0901**, pertaining to permits for manufactured homes, modular buildings, and office trailers. Mr. Metcalf said this rule will enable the department to allow movement of manufactured homes that exceed the current limitation of 16' at the base. He said his department is working with the manufactured homes industry, has received input from them on the rule, and that some of these homes have been moved safely on approved routes.

MOTION: **Rep. Hart** moved to **recommend approval of Docket No. 39-0317-0901.**

The motion passed on voice vote.

- DOCKET NO. 39-0318-0901:** **David Metcalf** presented **Docket No. 39-0318-0901**, pertaining to overlegal permits for relocation of buildings or houses. Mr. Metcalf said this rule is to maintain consistency by changing text. The one-word change from “shall” to “may” allows two rules to work together.
- MOTION:** **Rep. Hart** moved to **recommend approval of Docket No. 39-0318-0901. The motion passed on voice vote.**
- DOCKET NO. 39-0405-0901:** **Linda Emry**, Office of Governmental Affairs, ITD, presented **Docket No. 39-0405-0901**, pertaining to aircraft registration. Ms. Emry said this rule is currently pending and no public comments have been received. Language has been inserted in reference to weight. Rep. Jarvis requested an explanation regarding the registration closing date. Ms. Emry will get an answer from John DeThomas regarding this and regarding unregistered aircraft.
- MOTION:** **Rep. Jarvis** moved to **recommend approval of Docket No. 39-0405-0901. The motion passed on voice vote.**
- DOCKET NO. 39-0222-0901:** **David Metcalf** presented **Docket No. 39-0222-0901**, pertaining to registration and permit fee administration. Mr. Metcalf said this is a pending fee rule with two key changes. This rule will allow cancellation of future installment payment plan privileges after two or more suspensions, whether in the same or different years. There will be an installment payment plan set-up fee of \$50.00 for each plan. During further discussion, Mr. Metcalf said the department uses courtesy billing notice reminders. He also said the fee amount was determined after evaluating all administrative costs involved and that if a suspension is involved there are additional fees. He said the department has approximately 1,000 payment plans per year, and about 25% pay late or get suspended. Mr. Metcalf said they have published this plan in their newsletter and received very little input.
- MOTION:** **Rep. Smith** moved to **recommend approval of Docket No. 39-0222-0901. The motion passed on voice vote.**
- DOCKET NO. 39-0241-0901:** **Ed Pemble**, Driver Services Manager, ITD, presented **Docket No. 39-0241-0901**, pertaining to special provisions applicable to fees for services. Mr. Pemble said this is a pending fee rule and no public comment has been received. The most substantive change is that a specific fee of \$4 is being removed and a new calculation of fee for research is introduced. The new calculation currently amounts to \$7.00 for 24 minutes of research. During further discussion with committee members, Mr. Pemble explained the rule for providing records free of charge electronically, while other formats will be provided for a fee equal to the cost incurred. He also said that county agencies sometimes procure programs on their own to collect information.
- MOTION:** **Rep. Hart** moved to **refer Docket No. 39-0241-0901 to the Hart Subcommittee. The motion passed on voice vote.**
- ADJOURN:** There being no further business before the committee, **Chairman Wood**

adjourned the meeting at 2:39 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 22, 2010

TIME: 9:30 am

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti

**ABSENT/
EXCUSED:** Reps. Smith (24), Ringo, and Ruchti

GUESTS: L. Scott Stokes, Deputy Director, ITD; Alan J. Frew, Motor Vehicles Division Administrator, ITD; Linda Emry, Office of Governmental Affairs, ITD; Sue Higgins, Executive Assistant to Board, ITD; Lorraine Dennis, Governmental Affairs, ITD; Amy Smith, Vehicle Services Manager, ITD; Jason Brinkman, GARVEE Program Manager, ITD; Shannon Barnes, Service Integration Manager, ITD; Tom Cole, Chief Engineer, ITD; Steven Shaw, Connolly & Smyser; Mark Duffin, Idaho Sugarbeet Growers; Dustin Hurst, IdahoReporter.com; Benjamin Davenport, Risch Pisca.

Chairman Wood called the meeting to order at 9:33 am.

PRESENTATION: **L. Scott Stokes**, Deputy Director, ITD, presented Miscellaneous and Overview portion of the ITD presentation that the House Transportation Committee was unable to review at the Joint House/Senate Transportation Committee meeting on January 14, 2010. Mr. Stokes referred to the Report on Performance and Accountability, saying he had four items to update the committee on: 2006 and 2007 EPA Fines, DMV Modernization, Central Driver's License Issuance, and Federal Reauthorization. In discussion, Mr. Stokes reported that in July 2008, EPA fined ITD \$325,000 for violations in reporting in 2006. The amount of \$325,000 was the final figure to which ITD was able to negotiate the reduction in the fine. He expects to again be able to negotiate any 2007 fines. Fines are paid from state funds, and could result in a state-funded project losing dollars. Mr. Stokes believes that extensive training will improve circumstances from 2006 to 2007. Regarding DMV modernization, terminals have been replaced and the new system improves customer service, helps in preventing fraud, and provides a quicker response to law enforcement inquiries. Mr. Stokes invited **Alan Frew** to respond during the discussion. Mr. Frew said the Social Security numbers are used to verify ID. "One person - one record" is the keystone of modernizing the system. The current multiple data bases cannot communicate with each other and programmers are developing a common link. To mitigate impact to customers, the department will put an icon on the screen for county assessors. Mr. Frew said the ITD works to make it impossible to hack into their system by using firewalls and encryption. New technology implementation will become more routine in time. Committee members emphasized their concern about how many

people have access to Social Security numbers on the ITD system and stressed that ITD needs to make the public feel secure about privacy. Mr. Frew said he will prepare a response with details showing which agencies have access to personal numbers. Mr. Stokes said ITD issues approximately 400,000 driver's licenses each year and said ITD must upgrade security of driver cards. ITD will be changing to central issuance in 2011, which will increase security and reduce costs. Mr. Stokes said the current federal funding bill expires on February 28, 2010, and ITD is operating under an extension of that plan. One point of contention is between donor states, in that they are seeking to increase their guaranteed return. Mr. Stokes said ITD is embracing the findings of the legislature and appreciates the legislature giving them the tools to do that. In response to questions, Mr. Stokes said ITD has briefed the congressional delegation regarding negotiating fines, but ITD has maintained negotiations within the department. Mr. Stokes said timelines, delays, and slowness in environmental approvals cause a project to lag sometimes over to the next year. In the GARVEE program, there was a \$55 million savings from construction bids that allowed the board to advance four projects. The savings was from projects previously bonded, then the bids came in low, and corresponding adjustments have been made for future projects.

ADJOURN: There being no further business before the committee, **Chairman Wood** adjourned the meeting at 10:15 am.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: January 26, 2010

TIME: 1:30 pm

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti

**ABSENT/
EXCUSED:** Representative Bedke

GUESTS: Captain Lamont Johnston, Idaho State Police; Tim Fry, Registration Program Supervisor, ITD; Ed Pemble, Driver Services Manager, ITD; Alan J. Frew, Motor Vehicles Division Administrator, ITD; David Metcalf, Commercial Vehicle Services Program Supervisor, ITD; Amy Smith, Vehicle Services Manager, ITD; Lynn Rhodes, Drivers License Program Supervisor, ITD; Jeff Walker, Idaho Information Consortium; Ed Hawley, Department of Administration; Bill Farnsworth, Department of Administration; Dustin Hurst, IdahoReporter.com

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

MOTION: **Rep. Ringo** moved to **approve the minutes** of January 20, 2010; **motion carried on voice vote.**

MOTION: **Rep. Shepherd** moved to **approve the minutes** of January 22, 2010; **motion carried on voice vote.**

H397: **Lynn Rhodes**, Drivers License Program Supervisor, IT, presented **H397** regarding driver's training instruction permits. Ms. Rhodes said this bill will become effective July 1, 2010. It allows issuance of driver training instruction permits to all ages, removing the upper age limit of 17 years, and allowing the permit to expire 180 days from the date of issue for persons 17 ½ years of age or older. This legislation also makes two sections congruent with regard to the issuance of driver training instruction permits, Class D instruction permits, and drivers licenses. This legislation does not require that a knowledge test is passed before getting a driver permit, and this will better serve the needs of drive-training schools. In response to questions, Ms. Rhodes responded that changes made in this rule are unrelated to the new licensing system that is coming out, and the verbiage strengthens the code for identity, and applies to all licenses. When asked what government documents the department is willing to accept as ID, Ms. Rhodes said it depends on the individual situation, but the list would include military ID, passport, and that sometimes a group of several documents is necessary. Letters of exception are sometimes issued. Ms. Rhodes said that it is evident that there are more instances of reading or learning challenges than thought previously, and most driver training schools let people audit the course so they can pass the knowledge test. Ms. Rhodes will report to the Chairman

if this course is offered in Spanish as well as English in our schools. In response to further discussion, Ms. Rhodes said this rule primarily helps current residents of the state of Idaho who are 17 or older, and the knowledge test can be taken with aid of headphones, translators, or oral examination. The department has also developed alternative tests to remove extraneous words without altering content of test. People with reading difficulties were the primary thrust of this legislation. It may serve non-English speaking as well.

MOTION: **Rep. King** moved to send **H397** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Palmer** will **sponsor** the bill on the floor.

H398: **H398** will be **rescheduled** at a later date.

RS19199: **Captain Lamont Johnston**, Idaho State Police (ISP), presented **RS19199**. Captain Johnston said this legislation will increase the Hazardous Material \$3.00 and \$5.00 endorsement fees to a single fee of \$10.00 to provide funding for education and to fund the personnel and equipment costs of five ISP Haz Mat Specialists for twelve months of the year. In response to questions, Captain Johnston said funds are earmarked by Idaho Code, this endorsement fee is different from the waste fee, and this fee revenue will cover salaries and capital outlay. Committee members asked Captain Johnston to bring to the Committee a spreadsheet showing how funds will be used and how the \$3.00 and \$5.00 endorsement fees are being increased to \$10.00.

MOTION: **Rep. Smith** moved to **introduce RS19199.** **Motion passed on voice vote.**

DOCKET NO.
39-0260-0901: **Amy Smith**, Vehicle Services Manager, ITD, presented **Docket No. 39-0260-0901**. Ms. Smith said that the Senate Transportation Committee had concern of a potential conflict because there was a segment of the market that was not included in last year's code and this rule is being revised to change that. In further discussion, Ms. Smith said the department is working toward modernization of the system to identify all licenses and vehicles attached to a person. That helps law enforcement also. In answer to questions, Ms. Smith said only one person on the title of a vehicle is required to make a change on the title.

MOTION: **Rep. Smith** moved to **recommend approval of Docket No. 39-0260-0901.** The **motion passed on a voice vote.**

DOCKET NO.
39-0241-0901: **Ed Pemble**, Driver Services Manager, ITD, presented **Docket No. 39-0241-0901**. Mr. Pemble said this pending rule will become permanent if approved and he has received no public comments. He said this rule provides structure in how registrations are handled. Also a specific fee of \$4.00 for services and copies of documents is being removed and, cross referencing a statute, changing to per-hour rate of service. The new calculated fee would amount to \$7.00 for the same minutes of services. Further, he said, the rule updates terminology.

MOTION: **Rep. Smith** moved to **recommend approval of Docket No. 39-0241-0901**. The **motion passed on voice vote**.

ADJOURN: There being no further business before the committee, **Chairman Wood** adjourned the meeting at 2:37p.m.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES
JOINT MEETING

**HOUSE TRANSPORTATION AND DEFENSE COMMITTEE
SENATE TRANSPORTATION COMMITTEE**

DATE: January 28, 2010

TIME: 1:30 pm

PLACE: Room WW02

MEMBERS: House Chairman Wood, Vice Chairman Hart, Representatives Smith(24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti
Senate Chairman McGee, Vice Chairman Hammond, Senators Keough, Corder, Heinrich, Broadsword, Winder, Werk, Bilyeu

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

GUESTS: Lance Holmstrom, LHTAC Administrator, ITD; Dan Schaeffer, Hillsdale Highway District Commissioner, ITD; Lan Smith, Gem County Commissioner, ITD; Glenn Miles, Director, Kootenai County MPO; Brian Ness, Director, ITD; Dave Amick, Office of Transportation Investment, ITD; Ed Bala, Engineer, District 5, ITD; Darrell Manning, Chairman, ITD Board; Benjamin Davenport, Risch, Pisca; Roger Seiber, Capitol West; Colby Cameron, Sullivan & Reberger; Randy Prescott, Soda Springs; Tamara Humiston, Idaho Parks & Recreation; Hadley Wagnon, Idaho Parks & Recreation

Chairman McGee called the meeting to order at 1:35 pm.

PRESENTATION: A Joint Germane Presentation of Highway Project Selection Processes was presented by Idaho Transportation Department.

Lance Holmstrom, LHTAC Administrator, ITD, presented the Local System Project Selection Overview. Mr. Holmstrom said elected local highway officials are charged with managing the local transportation system and are accountable to their constituents. Local Highway Technical Assistance Council, LHTAC, has created a series of technical manuals on uniform standards and procedures to promote best management practices, partnered with ITD to develop a local roads GIS base map, and provided management systems to local highway jurisdictions. The overall goal is to improve 1/20th of the local paved highway system each year. LHTAC administers four programs, including federal and local programs, and the criteria for selection is primarily derived from the 1997 Idaho Transportation Planning Task Force recommendations.

Lan Smith, Gem County Commissioner, presented concerning local system in counties. Mr. Smith said Gem County is unique in that it has a county-wide road and bridge plan, a joint comprehensive plan with the city, and a joint planning commission with the city. Mr. Smith said Gem County has four major considerations in making decisions for road

improvements. The comprehensive plan is state mandated. Two hundred members of the community provide input for zero dollars; it is a citizen-driven plan. The county then defines methodology. Gem County concentrates on maintenance and capital improvements are done by grant funding. It is critical that the asset management plan has local people involved in the process; they drive roads daily and gather data. Collection is subjective, but presents an objective view. The capital improvement plan has a five-year rolling window, is a dynamic document, is limited to available funding and can have most citizen involvement. Another layer of involvement drives costs higher and that means waste rather than improvement. Mr. Smith said he believes in incentives for good work.

Dan Schaeffer, Hillsdale Highway District Commissioner, ITD, spoke concerning local system highway jurisdictions. Hillsdale District takes care of the east half of Jerome County. Its last large project was funded by a local dairy who paid for all material and the district paid for labor. Other local businesses have funded maintenance of those roads that they are impacting. Mr. Schaeffer said the district is keeping up conditions of middle to better roads. Hillsdale District submits projects to LHTAC for additional funding.

Glenn Miles, Director, Kootenai County MPO, introduced MPO project selection. He defined and described Transportation Improvement Program (TIP), Statewide Transportation Improvement Program (STIP), and Metropolitan Planning Organization (MPO). Mr. Miles said MPOs develop long-range transportation plans for 20+ years and develop short-range transportation funding programs called transportation improvement programs. MPOs oversee the prioritization and allocation of United States Department of Transportation funds. MPOs exist in urban areas over 50,000 in population and there are five MPOs in Idaho. There is a distinction in the federal code which has enhanced authority and rules for areas over 200,000 in population. MPOs develop individual TIPs for metro areas; ITD merges TIPs into the statewide program. TIPs identify prioritized and selected projects. TIP is a short-term transportation funding strategy developed to show how federal funding will be spent, and must be consistent with the state's STIP. MPO boards receive recommendations from technical committees then the projects are prioritized. Idaho is the only state with an urban balancing program. MPOs and LHTAC cooperate to fund projects in urban areas using federal funds. The TIP and STIP can be amended when necessary and Mr. Miles discussed the defined process for amending a TIP or STIP. Mr. Miles said the railroads are going to play a greater role in freight and goods commerce as well as passenger rail in the future.

Brian Ness, Director, ITD, introduced the project selection process. Mr. Ness said ITD must do everything possible to preserve this valuable investment in the infrastructure in the most cost effective manner possible. Because of declining funding, ITD cannot maintain bridges and roads at their current level nor add new capacity to the system, which is aging faster than they can be rebuilt. ITD must spend its existing revenues wisely.

Dave Amick, Office of Transportation Investment, ITD, presented the statewide process for selecting and funding projects. Mr. Amick described the source of funding. Twenty-five percent of roads are neither

on the national highway system nor the interstate system funding. ITD takes the most restrictive funds, blends them with the most flexible funds, then best aligns those funding sources with programs. Mr. Amick described the planning process of establishing funding needs and expenditures. ITD does the planning then turns the projects over to the public sector to construct.

Ed Bala, Engineer, District 5, ITD, presented district project selection. Seventy-five percent of the value of goods moved in Idaho were moved by truck. Mr. Bala explained the prioritized expenditures over the next five years and what percentage of the budget will be used for pavements, bridges, safety, and capacity. He said that after 2012, ITD will not be doing expansion programs for a while, but will be doing maintenance and safety. Mr. Bala described how ITD collects pavement data and said all spending is guided by the database. He also defined corridor planning.

Darrell Manning, Chairman, ITD Board, presented the board role and responsibilities. Mr. Manning said project selection process takes into consideration safety needs, budget, system needs, and public input. The Board's first priority is to keep highways safe, open and useable. ITD's priorities are operations, preservation, restoration, and expansion. Major construction projects are usually in the category of restoration and expansion, with Board review at each stage of process. Mr. Manning said the Board makes sure that the projects in the STIP are the high priority for the state of Idaho.

Mr. Ness concluded the presentation then asked for questions. In response, **Mr. Miles** said that the only TMA in Idaho is in the Boise area and the EPA responsibility for air quality in Spokane does not include anything in the state of Idaho. Mr. Miles said he is paid through federal, state and local funding for MPOs. Mr. Miles said Kootenai MPO does the planning for all the small towns and the local highway districts within Kootenai County and interacts with other counties on an as-need basis.

Mr. Smith said Gem County enters into developmental agreements quite often with local jurisdictions for those large developments that impact the highway system. Committee members expressed concern about funding the road system in the future because of the expense of federal requirements. **Mr. Holmstrom** said that once LHTAC completes design of a project, ITD manages and monitors the construction, and utilities are part of the design plan. Mr. Holmstrom said bridges under 20' in length are not eligible for federal funds.

ADJOURN: There being no further business before the committee, **Chairman McGee** adjourned the meeting at 3:17 pm.

Co-Chairman JoAn Wood
Chairman House Transportation and
Defense Committee

Co-Chairman John McGee
Chairman Senate Transportation Committee

Sheila Doherty, Secretary
House Transportation and Defense
Committee

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** February 2, 2010
- TIME:** 1:30 pm
- PLACE:** Room EW40
- MEMBERS:** Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo (Judy Brown), King, Ruchti
- ABSENT/
EXCUSED:** Representatives Ringo, Wills, Ruchti
- GUESTS:** Lt. Bill Reese, Idaho State Police; Captain Lamont Johnston, Idaho State Police; Dawn Peck, Chief, Bureau of Criminal Identification, Idaho State Police; Shannon Barnes, Manager, Office of Project Management, ITD; Barry Takeuchi, ITD; Brent Olmstead, 3M; Benjamin Davenport, Risch, Pisca.
- Chairman Wood** called the meeting to order at 1:33 pm. **Vice Chairman Hart** assumed the chair of the committee.
- RS19457:** **Rep. Wood** presented **RS19457**, a memorial urging the United States Air Force to select Idaho for a base for its F-35 missions. Rep. Wood read the memorial to the committee.
- MOTION:** **Rep. Nonini** moved to introduce **RS19457**; **motion carried by voice vote**.
- Chairman Wood** assumed the chair of the committee.
- H0398:** **Lt. Bill Reese**, Idaho State Police, presented **H0398**, which governs gases used in automotive air conditioning equipment. This legislation permits the use of certain refrigerants approved by the EPA as an alternative motor vehicle air conditioning substitute for Chlorofluorocarbon-12. This bill adds a sentence that clarifies which refrigerant gases could be used in air conditioning systems, and updates the statute.
- MOTION:** **Rep. Hart** moved to **hold H0398** in committee for a time certain to the call of the Chair; **motion carried on voice vote**.
- H0438:** **Captain Lamont Johnston**, Idaho State Police, presented **H0438**, pertaining to hazardous materials/hazardous waste transportation enforcement. This bill revises endorsement requirements for transporters of hazardous materials, increases the annual fee for the vehicle registration, and makes technical corrections. Captain Johnston discussed the revenues and expenses of the Hazardous Material/Hazardous Waste Transportation Law Enforcement Fund.

MOTION: **Rep. Hagedorn** moved to send **H0438** to the floor with a **DO PASS** recommendation; **motion carried by voice vote**. Rep. Palmer requested that he be recorded as voting nay. Rep. Hagedorn will sponsor the bill on the floor.

H0445: **Dawn Peck**, Chief, Bureau of Criminal Identification, Idaho State Police, presented **H0445**, which revises requirements for reporting stolen vehicles. This legislation modernizes the technological process of reporting and tracking stolen vehicles.

MOTION: **Rep. Smith** moved to send **H0445** to the floor with a **DO PASS** recommendation; **motion carried by voice vote**. Rep. Jarvis will sponsor the bill on the floor.

PRESENTATION: **Shannon Barnes**, Manager, Office of Project Management, ITD, presented a Department of Motor Vehicles project update. Ms. Barnes described how responsibility for shared services are divided. Ms. Barnes said the objective of modernization is to have DMV services available anytime and anywhere, have one person-one record information, safeguard customers, and secure technology. The budget is only estimated until a vendor is selected. Phase 1 was completed in 2006-2009 and Ms. Barnes listed the successes accomplished. The new system activates during Phase 2 (2009-2012). Phase 3 (2011-2013) will implement functionality to issue vehicle titles, registrations and dealer operations. Phase 4 (2013-2015) will plan and implement functionality for commercial vehicle registration, permits and Port of Entry services, and will finally decommission the old legacy systems. Ms. Barnes listed the challenges in accomplishing the modernization schedule. **Alan Frew** said the budget for background checks on employees is not now available. **Ms. Barnes** said that federal money has attached conditions for use. **Mr. Frew** said that last year's H0334 designated funds for modernization of the system. He said that all vendors applying will have a background check and security measures in the contract issued.

ADJOURN: There being no further business before the committee, Chairman Wood adjourned the meeting at 2:57 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 4, 2010

TIME: 1:30 pm

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo (Judy Brown), King, Ruchti

**ABSENT/
EXCUSED:** Representatives Bedke, Palmer, Ringo

GUESTS: Lt. Governor Brad Little; Col. Bill F. Richey, Special Assistant, Military Affairs, Idaho Military Division; Don Dietrich, Director, Idaho Department of Commerce; Representative Brian Cronin; Leo Hennessy, Idaho Department of Parks & Recreation; Geoff Baker, Idaho Mountain Bike Trails Preservation Association; Emily Anderson, Governor's Office; Jaysom Ronk, Idaho Association of Commerce & Industry

Vice-Chairman Hart called the meeting to order at 1:36 pm.

HJM010: **Chairman Wood** introduced Col. Bill F. Richey then Chairman Wood assumed the chair of the committee.

Col. Bill F. Richey, Special Assistant, Military Affairs, Idaho Military Division, presented HJM010, a memorial urging the United States Air Force to select Idaho for a base for its F-35 missions. Mr. Richey presented a DVD supporting Idaho's qualifications as the choice base for the missions.

Lt. Governor Brad Little said it is important that Idaho stays competitive in military modernization. He said the two projects associated with the F-35 missions of training and operations are projected to bring 3,000 jobs to Idaho and would advance Idaho in military modernization over the next decade. Lt. Governor Little said the local Air Guard and Army Guard are working together to encourage selection of Idaho as the base for the F-35's. He said Idaho's training range is its advantage. Lt. Governor Little emphasized the importance of Idaho citizens exhibiting a united front in showing support to the Air Force of their eagerness to be selected.

Don Dietrich, Director, Idaho Department of Commerce, said that on most training days, the F-35's would depart Gowen Field, train at Mountain Home Air Force Base, then return to Gowen Field. The F-35's would replace a wide range of aging fighters. Of 206 bases originally considered, Idaho is one of four states in the final selection. The goal is to have 3 squadrons of 24 planes per squadron at each facility, for a total of 144 total aircraft. Mr. Dietrich listed the advantages of having Idaho as the base for the missions and he defined the proposed airspace expansion. He said Idaho's mountain and desert terrain is conducive to training for current military needs. Mr. Dietrich said a benefit for Gowen

Field and for Idaho is that it assures viability of Gowen Field for the next 40 years.

MOTION: **Rep. Wills** moved to send **HJM010** to the floor with a **DO PASS** recommendation; **motion carried by voice vote**. **Rep. Wood** will sponsor the bill on the floor.

RS19396C1: **Representative Brian Cronin** presented **RS19396C1** pertaining to an Idaho mountain biking special license plate. He said this is a car license plate and there will be no negative fiscal impact to the General Fund. Rep. Cronin said the net proceeds will go to the Idaho Department of Parks and Recreation to be used for the purpose of preserving, maintaining, and expanding recreational trails in Idaho on which mountain biking is permitted.

MOTION: **Rep. Ruchti** moved to introduce **RS19396C1**; **motion carried by voice vote**. Representatives Roberts, Smith and Wood requested that they be recorded as voting nay.

ADJOURN: There being no further business before the committee, Chairman Wood adjourned the meeting at 2:30 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 10, 2010

TIME: 1:30 pm

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti

**ABSENT/
EXCUSED:** Rep. Bedke, Hagedorn

GUESTS: Captain Lamont Johnston, Idaho State Police; Representative Maxine Bell; Sandra Mitchell, Idaho Recreation Council; Rex Green, Idaho Independent Auto Dealers Association; Tamara Humiston, Idaho Department of Parks & Recreation; Dave Ricks, Idaho Department of Parks & Recreation; Lance Holmstrom, LHTAC Administrator, ITD; Benjamin Davenport, Risch, Pisca

Chairman Wood called the meeting to order at 1:33 pm.

MOTION: **Rep. Mathews** moved to **approve the minutes** of the January 28 meeting as written; **motion carried on voice vote.**

MOTION: **Rep. Hart** moved to **approve the minutes** of the February 2 meeting as written; **motion carried on voice vote.**

MOTION: **Rep. Jarvis** moved to **approve the minutes** of the February 4 meeting as written; **motion carried on voice vote.**

**DOCKET NO.
11-1301-0901:** **Captain Lamont Johnston**, Idaho State Police, presented **Docket No. 11-1301-0901** pertaining to rules governing motor carriers. This rule makes technical changes, creates a new rule to define commercial motor vehicle as required in the federal regulations, updates a rule to define hazardous material to be consistent with Code, and updates the Code reference.

MOTION: **Rep. Mathews** moved to recommend approval of **Docket No. 11-1301-0901**; **motion carried on voice vote.**

H 398: **Captain Lamont Johnston**, Idaho State Police, presented **H 398** pertaining to gases used in automotive air conditioning equipment. The list of gases that are authorized for use as refrigerant gases has been updated by the U.S. Environmental Protection Agency and the Society of Automotive Engineers. This legislation adds reference to refrigerants approved and updates the Code.

MOTION: **Rep. Smith** moved to send **H 398** to the floor with a **DO PASS** recommendation; **motion carried by voice vote.** **Rep. Hart** requested that he be recorded as voting nay. **Rep. Smith** will sponsor the bill on the

floor.

H 457: **Representative Maxine Bell** presented **H 457** pertaining to fuel tax distribution and delay of implementation. This legislation delays the effective date of changes to the apportionment of the highway distribution account and distribution of revenues from the tax on gasoline. Rep. Bell described the rigorous review process employed by the interim committee. She said the committee sought alternative funding and also funding sources for the Idaho State Police and for the Idaho Department of Parks & Recreation. **Senator Dean Cameron** referred to books of paperwork reflecting research done by the interim committee before reaching their decision to recommend delaying application for one year. **Sandra Mitchell**, Idaho Recreation Council, said there are about 375,000 registered recreational vehicles in Idaho and the gas tax issue is critical to recreation.

MOTION: **Rep. Roberts** moved to send **H 457** to the floor with a **DO PASS** recommendation; **motion carried by voice vote**. **Rep. Wills and Rep. Roberts** will sponsor the bill on the floor.

PRESENTATION: **Lance Holmstrom**, Local Highway Technical Assistance Council (LHTAC), Administrator, ITD, presented LHTAC's 2009 annual report. Mr. Holmstrom said the Legislature created LHTAC and gave LHTAC ten areas of authority. He said LHTAC takes its responsibilities very seriously and provides subjective information to the Legislature. Mr. Holmstrom described how LHTAC manages the process for distributing federal funds to local highway jurisdictions. He spoke of LHTAC's effort to develop stimulus projects which they are responsible for administering. In response to questions, Mr. Holmstrom addressed consolidation of highway districts. He said LHTAC could gather criteria regarding consolidation feasibility and report that to this committee.

ADJOURN: There being no further business before the committee, Chairman Wood adjourned the meeting at 2:17 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** February 12, 2010
- TIME:** 1:30 pm
- PLACE:** Room EW40
- MEMBERS:** Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti
- ABSENT/
EXCUSED:** Rep. Nonini, Smith, Bedke, Shepherd
- GUESTS:** Representative Brian Cronin; Steve Stuebner; Martin Bilbao, Connolly, Smyser; Rex Green, Idaho State Independent Auto Dealers Association; John Mackey; Geoff Baker; Zach Hauge, Capitol West; Leo Hennessy, Idaho Department of Parks & Recreation
- Chairman Wood called the meeting to order at 1:30 pm.**
- MOTION:** **Rep. King** moved to approve the minutes of the February 10 meeting as written; motion carried on voice vote.
- RS 19475:** **Rep. Shirley G. Ringo** presented **RS 19475**. The purpose of this legislation is to provide for a Selway-Bitterroot Wilderness special automobile license plate. Rep. Ringo said the net proceeds will go to the Selway-Bitterroot Foundation for the purpose of assisting in the stewardship of the Idaho Selway-Bitterroot Wilderness and surrounding wildlands of north central Idaho. She said there will be no negative fiscal impact to the general fund. Selway-Bitterroot Foundation has 600 members and partners with the Forest Service to maintain wilderness areas and improve trails.
- MOTION:** **Rep. Ruchti** moved to introduce **RS 19475**; **motion carried by voice vote**. Rep. Wood requested that she be recorded as voting nay.
- RS 19450C2:** **Rep. Phil Hart** presented **RS 19450C2** and said this legislation delineates what information can be included on the driver's license in a two dimensional bar code form. It also prohibits the use of a three dimensional photograph and prohibits the driver's license from incorporating any type of transmitting device that would allow the information on a driver's license to be read from a distance. Rep. Hart said this legislation also prohibits the issuance of a driver's license to a person who is illegally present in the United States and who has been issued an out-of-state driver's license. Rep. Hart said this legislation limits what can and cannot be done to a drivers license. He said that the information that will be contained on the back bar code will be the same as on the front of the license.
- MOTION:** **Rep. Mathews** moved to introduce **RS 19450C2**; **motion carried by**

voice vote.

- RS 19551:** **Rep. Phil Hart** presented **RS 19551** and said this legislation relates to motor vehicle registration. He said a problem was created by the passage of legislation during the 2009 session which required every motor vehicle, when registered, to be tied to either a social security number or an employee identification number. The 2009 legislation provided an exemption for those persons who do not have a social security number. Rep. Hart said there is a need to allow for a similar exemption for businesses, trusts or other artificial entities who do not have an employee identification number. He said this legislation has no fiscal impact.
- MOTION:** **Rep. King** moved to introduce **RS 19551**; **motion carried by voice vote.**
- RS 19528C1:** **Rep. Pete Nielsen** presented **RS 19528C1** and said the purpose of this legislation is to create safer conditions for the public and traffic at Port of Entry mobile checking sites in the enforcement of trucks hauling produce at harvest to the point of delivery. Rep. Nielsen said this legislation will also provide allowances for weather related weight considerations during harvest of farm and ranch produce. He said there is no fiscal impact. Following a discussion concerning influences of weather on weight of produce and products, Rep. Nielsen said he will work with the Department of Motor Vehicles toward resolving the problematic areas without legislation.
- MOTION:** **Rep. Roberts** moved to **return RS 19528C1 to sponsor**; **motion carried by voice vote.**
- H 486:** **Rep. Brian Cronin** presented **H 486** and said the purpose of this legislation is to provide for an Idaho Mountain Biking special automobile license plate. The net proceeds will go to the Idaho Department of Parks and Recreation and be used for the purpose of preserving, maintaining, and expanding recreational trails in Idaho on which mountain biking is permitted. Representative Cronin said there will be no negative fiscal impact to the General Fund, and there may be a positive fiscal impact for the State. These plates are printed on demand. **Steve Stuebner** and **Geoff Baker** testified **in favor of H 486**. **Leo Hennessy**, Idaho Department of Parks & Recreation, also testified **in favor of H 486** and said that Parks & Recreation will work with the mountain bike association regarding trail needs.
- MOTION:** **Rep. Ruchti** moved to send **H 486** to the floor with a **DO PASS** recommendation; **motion carried by voice vote**. **Rep. Cronin** will sponsor the bill on the floor. **Rep. Wood and Roberts** requested that they be recorded as voting nay.
- ADJOURN:** There being no further business before the committee, **Chairman Wood**

adjourned the meeting at 2:30 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 16, 2010

TIME: 1:30 pm

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti

**ABSENT/
EXCUSED:** Rep. Bedke

GUESTS: Representative Dick Harwood; Marilyn Sword, IWG Chair, and Executive Director, Idaho Council on Developmental Disabilities; Thomas Warne, Tom Warne and Associates; Nicole Hancock, Stoel Rives LLP; Ed Pemble, Driver Services Manager, ITD; Amy Smith, Vehicle Services Manager, ITD; Heather Wheeler, Executive Director, Community Transportation Association of Idaho (CTAI); Randy Kyrias, Public Transportation Administrator, ITD; Hal Putnam, Drivers Services Program Manager, ITD; Barry Takeuchi, Titles Operations Supervisor, ITD; Colby Cameron, Sullivan & Reberger

Chairman Wood called the meeting to order at 1:33 pm.

Rep. Wills moved to approve the minutes of the February 12 meeting as written; **motion carried by voice vote.**

PRESENTATION: **Marilyn Sword**, Interagency Working Group (IWG) for Public Transportation Systems Chair, and Executive Director, Idaho Council on Developmental Disabilities, made a presentation describing the coordinated environment that has emerged in Idaho subsequent to efforts by the IWG and the Public Transportation Advisory Council (PTAC) to identify and address barriers to coordination. She said that effort provides more efficient, effective, and value-added service to Idahoans who rely on human service public transportation and the community at large respective to mobility, economic development, and environmental quality. Ms. Sword discussed the added value to the state respective to planning, coordination and mobility. She said that IWG is a statewide policy group charged with coordinating better public transportation, addressing barriers, and leveraging at state level those decisions that make a difference at lower level. In 2007 IWG identified fundamental barriers and presented a concept to ITD Division of Public Transportation which matured to "mobility." In 2008, IWG identified seven local mobility management networks. I-WAY is Idaho's connected travel network and will become a resource system of all different modalities in Idaho. **Heather Wheeler**, Executive Director, Community Transportation Association of Idaho (CTAI), said CTAI is a collective voice dedicated to improving mobility of Idahoans. She described the success of Victor, ID, and Riggins, ID, in expanding existing service. Ms. Wheeler explained the value of improved mobility. **Marilyn Sword** said the National Governors

Association study showed that coordination between public transit and ancillary transportation programs frees up sufficient resources to improve overall transportation service.

RS 19614C1: **Rep. Phil Hart** presented **RS 19614C1**. Rep. Hart said this legislation regulates the use of whole body scanners within the state of Idaho. He said a whole body scanner is a device that takes a 360 degree x-ray of persons, providing a detailed picture of the subject where the subject is essentially naked in the picture. There are currently a few of these whole body scanners in use at 19 of the larger airports and at governmental buildings in the United States. More of these whole body scanners are planned to be installed at additional airports and other facilities around the country. Rep. Hart said this legislation requires the Director of the Idaho Bureau of Homeland Security to make a finding that the use of the whole body scanners is safe for persons who will frequently be x-rayed by them, who operate the devices or who work in close proximity to them. Rep. Hart stated that it is the intent of this legislation to balance the need for secure public facilities while at the same time respecting the constitutional rights of Idahoans, and there is no fiscal impact. TSA is the main agency using these right now and want it to be the primary device to be used. Rep. Hart said issues of concern are privacy, safety of technology, and jurisdictional regulation by Idaho to regulate federal use of these machines in Idaho. Rep. Hart said the annual report on the number of people scanned would show if the machines are being used as a primary or secondary device. Rep. Hart said he has notified Homeland Security and the Attorney General's Office about this legislation.

MOTION: **Rep. King** moved to introduce **RS 19614C1**; **motion carried by voice vote**. **Rep. Smith, Ruchti, and Ringo** requested that they be recorded as voting nay.

RS 19284: **Rep. Dick Harwood** presented **RS 19284** pertaining to CDL (commercial drivers license) operating wholly within the State of Idaho. Rep. Harwood stated that this is a 10th Amendment sovereignty issue and validates that anyone holding an Idaho CDL license and driving within the State of Idaho will not be subject to the federal fines for infractions. Rep. Harwood said H 147 should be repealed because it allowed the federal government rights over Idaho state rights. There was discussion amongst Rep. Harwood and committee members regarding correctness of the Idaho Code numbers cited in this RS.

MOTION: **Rep. Hart** moved to introduce **RS 19284** with correction of code section.

MOTION: **Rep. Smith** offered a substitute motion, to return **RS 19284** to sponsor; **motion carried by voice vote**. **Rep. Nonini** requested that he be recorded as voting nay.

PRESENTATION: **Thomas Warne**, Tom Warne and Associates, made a presentation of the national and state transportation funding overview and also reported on a Utah Case Study. Mr. Warne said that though the demand for transportation mobility will continue to grow, the capacity to make improvements doesn't meet the demand and the problem is financing the system. He said the purchasing power of the federal tax declines yearly. The federal government is no longer in a position to finance Idaho's

highways because the highway trust fund is over subscribed. Mr. Warne said there are ten new-start projects for every one there are funds for, creating a 10:1 ratio. The ratio for TIGER grants is 38:1. The current federal administration does not support raising motor fuels tax, and smart growth does not fix roads. Mr. Warne said the federal government is not going to save the state; Idaho must fix its own problems. Currently, 52% of Idaho's highway funds are federal aid, making Idaho 12th from the top in relying on federal aid to fund highway programs. In 1985, Utah was 80% federal aid dependant and Utah recently reported they are now 20% federal aid dependant for their highway needs. Mr. Warne said the environment is going to be an issue and federal decisions made in the East will affect the West, and EPA will have a greater role. He cautioned to not rely on federal aid, but instead to fix financial needs within Idaho; otherwise, ITD will have to deal with more federal regulations. Mr. Warne said other states are raising revenues to fund highway needs. The trend is two-thirds of ballot initiatives passed in 2006-2009 in the country. The Utah Case Study results showed that the growth summit gained public participation and support. The revenue stream paid bonds and is now being used on highways. The Centennial Highway Fund in Utah was the pivot of change because ballot initiatives changed sales tax and reduced reliance on federal aid. Mr. Warne said more states are taking the initiative in solving their own transportation funding and citizens are willing to pay for transportation if there is a plan that includes projects, a schedule and a limit on the tax increase.

RS 19283: **Rep. Dick Harwood** asked that **RS 19283** be returned to sponsor.

MOTION: **Rep. Hart** moved to return **RS 19283** to sponsor; **motion carried by voice vote.**

RS 10604: **Nicole Hancock**, Stoel Rives LLP, representing Enterprise Rent-A-Car Company, presented **RS 10604**, pertaining to rental car vehicle licensing fees. Ms. Hancock said the fees include costs incurred by a car rental company to license, title, register, plate and inspect rental vehicles. These fees are routinely collected by car rental companies as part of the price for renting automobiles. Ms. Hancock said this proposed legislation conforms Idaho law to the vast majority of states by imposing disclosure requirements on the collection of vehicle license fees and limitations on the amount of those fees.

MOTION: **Rep. Hagedorn** moved to introduce **RS 10604**; **motion carried by voice vote.**

S 1296: **Ed Pemble**, Driver Services Manager, ITD, presented **S 1296** relating to commercial motor vehicles. Mr. Pemble said this legislation was drafted to respond to an audit by legal services, and is to revise definitions and to provide a correct code reference. He said it aligns Idaho Code with the federal definition of conviction for a limited purpose and relating to bond forfeitures will allow application of the statute to operators of commercial motor vehicles who do not have a CDL (commercial drivers license). This legislation gives the state authority to disqualify a CDL holder and employ due process. Mr. Pemble said this legislation will prohibit masking of convictions if a non-CDL driver is cited while operating a commercial motor vehicle. Mr. Pemble defined imminent hazard, which this legislation

cross references. Mr. Pemble said that Idaho Trucking Association has not voiced its position on this legislation.

MOTION: **Rep. Jarvis** moved to send **S 1296** to the floor with a **DO PASS** recommendation.

MOTION: **Rep. Hart** offered a substitute motion, to **HOLD S 1296** in committee at the call of the chair; **motion passed on voice vote**. **Rep. Jarvis and Roberts** requested that they be recorded as voting nay.

S 1297: **Barry Takeuchi**, Titles Operations Supervisor, ITD, presented **S 1297** relating to vehicle and vessel titles. Mr. Takeuchi said this legislation streamlines the manner of application for both an application for duplicate title and transfer to a new owner in a single transaction for particular vehicles. This improves customer convenience. He said the transaction would eliminate a one to two week delay and result in reduced wait times. This legislation applies to any vehicle that is at least ten years old, or is over 16,000 gross vehicle weight, or has been built with no odometer device.

MOTION: **Rep. Wills** moved to send **S 1297** to the floor with a **DO PASS** recommendation; **motion carried by voice vote**. **Rep. Roberts** will sponsor the bill on the floor.

ADJOURN: There being no further business before the committee, **Chairman Wood** adjourned the meeting at 3:22 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 22, 2010

TIME: 1:30 pm

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti

**ABSENT/
EXCUSED:** Chairman Wood, Rep. Roberts, Bedke, Ruchti

GUESTS: Ted Spangler, Deputy Attorney General, State of Idaho; David Metcalf, Commercial Vehicle Services Program Supervisor, ITD; Amy Smith, Vehicle Services Manager, ITD; Ed Pemble, Driver Services Manager, ITD; Robert Mason, Executive Director, Selway-Bitterroot Foundation; Sarah Walker, Selway-Bitterroot Foundation; John McBoyle, Selway-Bitterroot Foundation; Rex Green, Idaho Independent Auto Dealers Association; Alan Frew, Motor Vehicles Division Administrator, ITD; Gideon Tolman, Governor's Office; Dennis Stevenson, Administration; Randy Nilson, Tax Policy Specialist, State Tax Commission; Suzanne Budge, SBS Associates; Brent Olmstead, 3M; Roger Seiber, Capitol West

Vice Chairman Hart called the meeting to order at 1:34 pm.

DOCKET NO. 35-0105-0901: **Ted Spangler**, Deputy Attorney General, State of Idaho, presented **Docket No. 35-0105-0901**, a pending rule that amends Motor Fuels Rule 130 to be consistent with the passage of H 338, and it notifies motor fuels distributors that deductions on the motor fuel distributor report for ethanol and biodiesel cannot be claimed on or after June 1, 2009.

MOTION: **Rep. King** moved to recommend approval of **Docket No. 35-0105-0901**; **motion carried on voice vote.**

DOCKET NO. 35-0105-0902: **Ted Spangler**, Deputy Attorney General, State of Idaho, presented **Docket No. 35-0105-0902**, which is a pending rule. This legislation amends or creates several rules regulating reporting requirements and procedures by motor fuels distributors. It also refers to exemption and penalties. Mr. Spangler said that motor fuels distributors must report ethanol as a receipt on the motor fuels distributors report when it is blended with gasoline. He also said that this legislation notifies motor fuels distributors they cannot claim deductions on the monthly motor fuel distributor report for ethanol and biodiesel for periods before June 1, 2009. Mr. Spangler said the distributor must file its distributor report electronically unless he obtains a waiver. He said persons are exempt from obtaining a motor fuels distributor license and monthly reporting when they produce biodiesel or import motor fuels into Idaho only for use in their own aircraft, motor vehicles, and equipment.

MOTION: **Rep. Smith** moved to recommend approval of **Docket No.**

35-0105-0902; motion carried on voice vote.

DOCKET NO. 39-0322-1001: **David Metcalf**, Commercial Vehicle Services Program Supervisor, ITD, presented **Docket No. 39-0322-1001** pertaining to overlegal permits for extra-length vehicle combinations. Mr. Metcalf said this temporary rule increases the limitations for permitted vehicle combinations on blue-coded routes from ninety to ninety-five feet in overall length including loads overhang. This still allows the vehicles to operate within the maximum off-tracking limitations. Mr. Metcalf said ITD conducted tests in November, 2009, to ensure that this increase in allowable length would maintain safety for the traveling public on these highways.

MOTION: **Rep. King** moved to recommend approval of **Docket No. 39-0322-1001; motion carried on voice vote.**

H 540: **Rep. Shirley G. Ringo** presented **H 540**. This legislation is to provide for a Selway-Bitterroot Wilderness special motor vehicle license plate. Rep. Ringo said the net proceeds shall go to the Selway-Bitterroot Foundation for the purpose of assisting in the stewardship of the Idaho Selway-Bitterroot Wilderness and surrounding wildlands of north central Idaho. **Robert Mason**, Executive Director, Selway-Bitterroot Foundation, **testified in favor of H 540** and described the mission and projects and agenda of the Foundation. He said their work is located almost entirely within Idaho County. Mr. Mason said the Foundation was formed in 2006. **Sarah Walker**, Selway-Bitterroot Foundation, **testified in favor of H 540** and said she is a retired Forest Service employee and knows many people want to join the Foundation. **John McBoyle**, Selway-Bitterroot Foundation, **testified in favor of H 540**.

MOTION: **Rep. Wills** moved to send **H 540** to the floor with a **DO PASS** recommendation; **motion carried on voice vote.** **Rep. Ringo** will sponsor the bill on the floor. **Rep. Smith** requested that he be recorded as voting nay.

Rep. Smith assumed the chair of the committee.

H 541: **Rep. Phil Hart** presented **H 541** and said this legislation delineates what information can be included on the driver's license in a two dimensional bar code form and prohibits the use of a three dimensional photograph. Rep. Hart said the last part of H 541 prohibits the driver's license from incorporating any type of transmitting device that would allow the information on a driver's license to be read from a distance but will allow the technology to be used if requested by the cardholder. Rep. Hart said this bill prohibits the issuance of a driver's license to a person who is illegally present in the U.S. and who has been issued an out-of-state driver's license. **Ed Pemble**, Driver Services Manager, ITD, said the intent is to make requirements for the State ID card the same and consistent procedurally. Mr. Pemble said the bar code is currently including the information that is on the card itself. In the future, ITD would like to add inventory control number and a revision date for that card, and no extra information would appear in the bar code. **Rep. Hart**

said the intention is to avoid a database that can be used in violation of the 4th Amendment.

MOTION: **Rep. Mathews** moved to send **H 541** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Wills** offered a substitute motion, to **HOLD H 541** in committee at the call of the chair; **motion passed on voice vote**.

H 542: **Rep. Phil Hart** presented **H 542** which relates to motor vehicle registration. Rep. Hart said this legislation makes an allowance for an exemption for businesses, trusts, or other artificial entities who do not have an employee identification number. He said this bill will create a similar exemption to that of last year's **S 1053** which provided an exemption for persons who do not have a Social Security number.

MOTION: **Rep. Hagedorn** moved to send **H 542** to the floor with a **DO PASS** recommendation; **motion carried on voice vote**. **Rep. Hart** will sponsor the bill on the floor.

ADJOURN: There being no further business before the committee, **Rep. Smith** adjourned the meeting at 2:43 pm.

Representative Phil Hart
Vice Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** February 24, 2010
- TIME:** 1:30 pm
- PLACE:** Room EW40
- MEMBERS:** Chairman Wood, Vice Chairman Hart (Steve Vick), Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti
- ABSENT/
EXCUSED:** Rep. Hart, Palmer, Ringo
- GUESTS:** Rep. Frank N. Henderson; Senator Chuck Winder; Steve Price, General Counsel, Ada County Highway District; Greg Laragan, Assistant Chief Engineer/Operations, ITD; Roger Seiber, Capitol West; Steve Price, Ada County Highway District; J. Schweitzer, Ada County Highway District; Colby Cameron, Sullivan & Reberger; Matthew Parks, Elam & Burke; Ray Start, Boise Metro Chamber; Justin Ruen, Association of Idaho Cities; Beth Markley, Idaho Council on Industry and Environment; Steve Rutherford, City of Boise; Ken McClure, American Council of Engineering Companies; Robert Simison, City of Meridian
- Chairman Wood** called the meeting to order at 1:34 pm.
- Rep. King** moved to approve the minutes of the February 16 meeting as written; motion carried on voice vote.
- MOTION:** Chairman Wood introduced Rep. Steve Vick who is temporarily serving in the stead of Rep. Phil Hart.
- H 577:** **Rep. Frank N. Henderson** presented H 577, relating to highways, bridges and contracts, and said it provides a new procedure to ITD by adding design-build as an option. Under design-build method, designers and contractors work together as a team then submit a bid, containing final project performance specifications detailing the final delivered product. Design-build projects were authorized for public works projects in 1987 Idaho Code. However, the Code specifically states that contracts for highways be let to the lowest responsible bidder. This legislation will allow the department to solicit and award contracts using design-build or construction manager/general contractor methods of procurement for highway projects. Rep. Henderson said this bill allows the department to begin soliciting contracts using these alternative contracting methods for projects, which might be designed and completed faster than standard projects, potentially saving money. Rep. Henderson said H 577 has errors in transcription.
- MOTION:** **Rep. Smith** moved to **hold H 577** in committee; **motion carried on voice vote.**
- RS19721:** **Senator Chuck Winder** presented **RS 19721**, and said this legislation will

replace **H 577**. Sen. Winder said that Rep. Henderson explained the basics of H 577 and then Sen. Winder detailed each change made to H 577 to create RS19721. He said this new method will promote joint ventures between engineers and contractors. He said the procedure would apply to federal or state funded projects, not to local jurisdictions. **Kim McClure**, American Council of Engineering Companies, testified in favor of **RS 19721**.

Chairman Wood noted that the Transportation and Defense Committee received a letter from Speaker of the House Lawrence Denney designating the committee a **privileged committee** on Wednesday, February 24, 2010, for the purpose of introducing **RS 19721**.

MOTION: **Rep. Smith** moved to introduce **RS 19721**; **motion carried by voice vote**.

H 583: **Steve Price**, General Counsel, Ada County Highway District (ACHD), presented **H 583**, relating to urban renewal and single county-wide highway districts, regarding removing an unfunded mandate portion and regarding earmarking funds. Mr. Price said the ACHD is required to fund an urban renewal project with or without consent of the district. ACHD does not believe there should be a mandatory funding requirement. Mr. Price said City Councilmen believe they have a duty to reinvest any revenue generated from a public asset. He said collected parking meter funds are put in a general fund account, and the statute defines what the city can do with it. This legislation earmarks funds from parking meters to landscaping. Mr. Price said these changes only relate to ACHD. **Justin Ruen**, Association of Idaho Cities, testified in **opposition to H 583**, and said his concern is that this bill sweeps very broadly. **Steve Rutherford**, Boise City Attorney's Office, City of Boise, testified in **opposition to H 583**. Mr. Rutherford said the change is sweeping and could lead to disagreements between city and county so that city/county roads would not be compatible. **Robert Simison**, City of Meridian, testified in **opposition to H 583** and said he is concerned with the verbiage. Mr. Simison said this bill impacts more than just ACHD and the City of Boise. **Mr. Price** said this legislation does not affect other jurisdictions and only relates to the cities in Ada County.

ORIGINAL MOTION: **Rep. Ruchti** moved to **table H 583**.

SUBSTITUTE MOTION: **Rep. Nonini** offered a substitute motion, to send **H 583 to General Orders** for amendments; **Rep. Roberts** seconded the motion.

AMENDED SUBSTITUTE MOTION: **Rep. Hagedorn** offered an amended substitute motion, to **HOLD H 583** in committee.

VOTE ON AMENDED **Rep. Mathews** requested a **roll call vote**. **Chairman Wood** called for a vote on the amended substitute motion to **HOLD H 583** in committee. By

**SUBSTITUTE
MOTION:**

a vote of **4 aye and 8 nay, the motion failed.** Voting in the affirmative: **Reps. Wills, Hagedorn, King, Ruchti.** Voting in the negative: **Reps. Wood, Vick, Smith, Roberts, Nonini, Jarvis, Mathews, Shepherd.**

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Wood called for a vote on the substitute motion to send **H 583 to General Orders** with amendments made by the city and county representatives with legislators to be provided. By a vote of **10 aye and 2 nay, the motion passed.** Voting in the affirmative: **Reps. Wood, Vick, Smith, Roberts, Wills, Nonini, Hagedorn, Jarvis, Mathews, Shepherd.** Voting in the negative: **Reps. King, Ruchti.**

ADJOURN:

There being no further business before the committee, **Chairman Wood** adjourned the meeting at 3:08 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: February 26, 2010

TIME: 1:30 pm

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart (Steve Vick), Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti

**ABSENT/
EXCUSED:** Rep. Smith, Nonini, Ruchti, Hart, Vick, Bedke, Wills, Shepherd

GUESTS: Stuart Davis, Executive Director, Idaho Association of Highway Districts; Ed Pemble, Driver Services Manager, ITD; Hal Putnam, Drivers Services Program Manager, ITD; Dar Olberding, Idaho Grain Producers; Dennis Tanekini, Idaho Farm Bureau; Lance Holmstrom, LHTAC Administrator, ITD; Mollie McCarty, Government Affairs Program Manager, ITD

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

S 1296: **Ed Pemble**, Driver Services Manager, ITD, presented **S 1296** and said this legislation was discussed in committee on February 16. In response to a question from then, Mr. Pemble reported that Kathy Fowers of Idaho Trucking Association said they support the bill. Mr. Pemble said this legislation adds a definition of conviction to be used for disqualification purposes only. He explained that the same requirements for CDL holders are also being applied to commercial vehicle operators. Mr. Pemble said this legislation will give the state authority to disqualify a CDL holder or commercial motor vehicle operator on cause of imminent hazard. He said it defines some requirements that apply to CDL holders that will also apply to commercial vehicle operators and those convictions cannot be masked. Mr. Pemble said the Senate had interest in how an employer could get the employee driver's convictions information, and he defined for the Senate the options an employer has to gain that information.

MOTION: **Rep. Hagedorn** moved to send **S 1296** to the floor with a **DO PASS** recommendation; **motion carried by voice vote**. **Rep. Wills** will sponsor the bill on the floor.

PRESENTATION: **Stuart Davis**, Executive Director, Idaho Association of Highway Districts, made a presentation to the committee regarding highway jurisdiction consolidation. He said Idaho has three primary entities that have responsibility for administering local highways: Cities, Counties and Highway Districts. Consolidation of jurisdictions can work within the framework of a safe system. Mr. Davis said a 1995 report showed there might be some minuscule savings with consolidation and he suggested it is necessary to incentivize consolidation to make the locals accepting to the method. He said to make it financially attractive, make it easy and let the locals participate. Mr. Davis said LHTAC is doing a study that should be completed by November and that study needs to be about whether

efficiencies can be found in consolidations. **Lance Holmstrom**, LHTAC Administrator, ITD, said annual reporting is done on how funds are distributed. **Mr. Davis** suggested that annual reporting be changed so that each entity report shows exactly how funds were spent. Mr. Davis said a statewide recording system to get data integrated would be advantageous. ITD has a new system that is near operational and **Mollie McCarty**, Government Affairs Program Manager, ITD, said that Tom Cole has done some research about jurisdictions working together in using the system. **Mr. Davis** said he will contact Mr. Cole about this.

ADJOURN: There being no further business before the committee, **Chairman Wood** adjourned the meeting at 2:39 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** March 4, 2010
- TIME:** 1:30 pm
- PLACE:** Room EW40
- MEMBERS:** Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti
- ABSENT/
EXCUSED:** Rep. Bedke, Wills
- GUESTS:** Bradley J. Dixon, Stoel Rives LLP; Representative Pete Nielsen; Representative Frank Henderson; Senator Chuck Winder; Representative Elaine Smith; Paul Jackson, Farmers Insurance; Randy Colson, Idaho Towing & Recovery Professionals; Sarah Biggers, Crossroad Towing; Clint P. Nielsen, Go Nuts Farms, Wagner Farm; Brian Church, Enterprise Rent-A-Car; Brian Rothery, Enterprise Rent-A-Car; Kathe VanderMeer, Boise Valley Towing; Woody Richards, Allstate/American Family/Farm Bureau; Rod Thayer, Farmers Insurance; Fran Hood, ITD; Pat Carr, ITD; Alan Frew, Motor Vehicles Division Administrator, ITD; Jeremy Chou, Givens Pursley; Benjamin Davenport, Risch Pisca; Barry Takeuchi, ITD; Greg Laragan, Assistant Chief Engineer for Operations, ITD; Dave Carlson, AAA Idaho; Mike Kane, Property Casualty Insurance Association of America; Colby Cameron, Sullivan & Reberger; Mark Dunham, Associated General Contractors
- Chairman Wood** called the meeting to order at 3:02 pm
- MOTION:** **Rep. Smith** moved to approve the minutes of the February 24 meeting as written; **motion carried on voice vote.**
- MOTION:** **Rep. Mathews** moved to approve the minutes of the February 26 meeting as written; **motion carried on voice vote.**
- H 574:** **Bradley J. Dixon**, Stoel Rives LLP, presented **H 574**, relating to vehicle rental fees. **Brian Church**, Enterprise Rent-A-Car, said that vehicle licensing fees (VLF) are routinely collected by car rental companies as part of the price for renting automobiles. VLF includes costs incurred by a car rental company to license, title, register, plate and inspect rental vehicles. Mr. Church said this legislation does not exist in Idaho, though it does in many states. This legislation insures that VLF is disclosed.
- MOTION:** **Rep. Mathews** moved to send **H 574** to the floor with a **DO PASS** recommendation; **motion carried by voice vote.** **Rep. Mathews** will sponsor the bill on the floor.
- H 618:** **Rep. Pete Nielsen** presented **H 618**, and said the purpose of this legislation is to create safe conditions for the public and traffic at Port of Entry mobile checking sites in the enforcement of trucks hauling produce

at harvest to the point of delivery. It will also provide allowances for weather related weight considerations during harvest of farm and ranch produce. Rep. Nielsen said this legislation is to create safer conditions for harvest and that the penalty for first violation during the harvest season will be a warning.

Alan Frew, Motor Vehicles Division Administrator, ITD, testified that he has concern that this bill would put ITD in non-compliance with federal regulations, possibly resulting in a federal fine. Mr. Frew said the department tries to work with industry by accommodating with roving waysites.

Clint P. Nielsen, speaking on behalf of six agricultural farms in eastern Idaho, said this is a safety issue and reported a Port of Entry incident of three years ago. He said he would like the tolerances for weather related weight considerations during harvest time to be in writing. Mr. Nielsen said he wants variances in writing with a one-time warning.

Mr. Frew said that every year ITD provides educational opportunities regarding weight considerations in each district with multiple classes that are advertised in the ITD newsletter.

MOTION: **Rep. Hagedorn** moved to send **H 618** to the floor with a **DO PASS** recommendation. **Rep. Nielsen** will sponsor the bill on the floor.

ROLL CALL VOTE: **Rep. Mathews** requested a **roll call vote**. By a vote of **6 aye and 4 nay**, the motion passed. Voting in the affirmative: **Reps. Wood, Nonini, Hagedorn, Palmer, Mathews, Shepherd**. Voting in the negative: **Reps. Hart, Smith, King, Ruchti**

H 600: **Rep. Frank Henderson** presented **H 600**, regarding design-build contracts for highway projects. Rep. Henderson said this method of combining expertise to design and build is indicated on certain projects.

Sen. Chuck Winder said the design-build method is valuable when the scope of the project is to bring in a single contract, shorten the window of design and construction, gain a cost savings because of shortened time to completion, lessen interference during construction, and lessen risk of disputes between design team and contractor.

Greg Laragan, Assistant Chief Engineer for Operations, ITD, said the fixed price-best design method establishes a fixed price for a project and is based on selection of value for that amount of money. Mr. Laragan said one variation of this is a fixed price in definite quantity where the amount specified for the contract is stated and the bidder can define how many units he will provide for that price. **Sen. Winder** said guaranteed maximum price means the total maximum price that includes everything.

Jeremy Chou, Givens Pursley, American Council of Engineering Companies, of Idaho (ACEC), testified **in favor of H 600**, and said ACEC members would qualify as design-build contractors.

MOTION: **Rep. Smith** moved to send **H 600** to the floor with a **DO PASS** recommendation; **motion carried by voice vote**. **Rep. Henderson** will

sponsor the bill on the floor.

H 586: **Rep. Elaine Smith** presented **H 586**, and said she had met with stakeholders from insurance companies, towing companies, Sheriff's Office, Idaho State Police, and car dealers concerning this legislation. Rep. Smith said the purpose of this legislation is to inform persons of the location of their vehicles when those vehicles have been towed for accidents or extraordinary circumstances. It will also disclose any charges that may be incurred as a result of storage of the vehicles. Rep. Smith said this legislation will clarify definitions and provide for timely and uniform notification procedures of interested parties. It will also provide uniform procedures for all vehicles towed and stored by tow companies. These proposed procedures will reduce the cost of processing and disposal of unclaimed vehicles. Rep. Smith submitted a proposed amendment to H 586.

Paul Jackson, Farmers Insurance, testified **in favor** of **H 586**, and said several insurance carriers had input in drafting this legislation.

Randy Colson, Idaho Towing and Recovery Professionals, said tow companies do not remove vehicles unless instructed by law enforcement to do so.

Mike Kane, Property Casualty Insurance Association of America and Sheriffs Association, testified **in favor** of **H 586** and said a forthcoming amendment would change a word from "roadway" to "highway" in the proposed legislation.

Kathe VanderMeer, Boise Valley Towing, said the initial contact with the vehicle owner is at the time of towing and the existing law requires certified mail contact.

Sarah Biggers, Crossroads Towing, said this legislation adds a first class mailing in the beginning.

Sgt. Scott Dye, Idaho State Police, said if a vehicle is on pavement on a state or interstate road, it is towed at dark and the owner is called. If the vehicle is off the pavement, it is tagged then towed after 48 hours and owner is contacted by phone. **Rep. Smith** said this legislation would be effective statewide and would pertain to all law enforcement. **Mr. Kane** said this legislation gives law enforcement the power and duty to clear obstructions on streets and makes this uniform throughout the state for all agencies.

ORIGINAL MOTION:

Rep. Roberts moved to **HOLD H 586** in committee for a time certain until Monday, March 8, 2010.

SUBSTITUTE MOTION:

Rep. King offered a substitute motion to send **H 586 to General Orders** with amendments attached.

VOTE ON SUBSTITUTE MOTION:

Chairman Wood called for a vote on the substitute motion to send **H 586 to General Orders** with amendments attached; **motion failed on voice vote.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Wood called for a vote on the original motion to **HOLD H 586** in committee for a time certain until Monday, March 8, 2010; **motion carried on voice vote.**

Vice-Chairman Hart assumed the chair of the committee.

HJM 13:

Rep. JoAn E. Wood presented **HJM 13**, asking Congress and the Federal Highway Administration, following their "Western States Scenario Analysis", to lift the 1991 freeze put on state authority to expand the use of LCVs (longer combination vehicles). Rep. Wood said that at the multi-state transportation meeting, Idaho and other states joined forces to get the freeze lifted in order to save shippers monetarily.

MOTION:

Rep. Jarvis moved to send **HJM 13** to the floor with a **DO PASS** recommendation; **motion passed by voice vote.** **Rep. Wood** will sponsor the bill on the floor.

Chairman Wood assumed the chair of the committee.

ADJOURN:

There being no further business before the committee, **Chairman Wood** adjourned the meeting at 5:22 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 8, 2010

TIME: 2:00 pm

PLACE: Room EW40

MEMBERS: Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti

**ABSENT/
EXCUSED:** Rep. Bedke, Wills

GUESTS: Rep. Elaine Smith; Rep. George C. Saylor; Rex Green, Idaho Independent Auto Dealers Association; Jim Trent, State Farm; Paul Jackson, Farmers Insurance; Sarah Biggers, Crossroads Towing; Ed Pemble, Driver Services Manager, ITD; Randy Colson, Idaho Towing and Recovery Professionals; Paula Garvin, Idaho State Police; Gordon Dye, Idaho State Police; Amy Smith, Vehicle Services Manager, ITD; Mike Kane, Property Casualty Insurance Association of America; Rod Thayer, Farmers Insurance; Kathi VanderMeer, Boise Valley Towing; Jeff Rylee, Idaho Bureau of Homeland Security; Steve Rasulo, Idaho Technical Rescue Team 2; Mike Walker, Professional Firefighters of Idaho

Chairman Wood called the meeting to order at 2:00 pm.

H 541: **Rep. Phil Hart** presented **H 541** pertaining to drivers licenses. He said the purpose of this legislation is to insure that in the future drivers licenses are private documents. This bill prohibits use of electronically transmittable information on the drivers license. This bill is silent on one dimensional bar code. This bill prohibits issuance of drivers licenses to illegal aliens. Rep. Hart said no one will be able to search the entire drivers license database to match a photograph without a court order. He said the same criteria used for drivers license will apply to ID cards.

Ed Pemble, Driver Services Manager, ITD, said his concern is that the two dimensional bar code, to meet national standards, would include revision date of card and inventory control number. Mr. Pemble said ITD provides law enforcement a copy of their database and he doesn't know if this bill would keep them from using it. **Rep. Hart** said law enforcement, including federal, would not be prohibited from looking for a select photograph, but could access the full database only with a court order.

ORIGINAL MOTION: **Rep. Hagedorn** moved to send **H541** to **General Orders** with the amendment attached.

SUBSTITUTE MOTION: **Rep. Roberts** offered a substitute motion, to **HOLD H 541** in committee for a time certain until Wednesday, March 10, 2010.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Wood called for a vote on the substitute motion to **HOLD H 541** in committee for a time certain until Wednesday, March 10, 2010; **motion passed by voice vote.**

H 586:

Rep. Elaine Smith presented **H 586** and explained each proposed amendment to HB 586 as outlined. She said that rural areas requested longer time periods for notification on vehicles that needed to be towed. **Mike Kane**, Property Casualty Insurance Association of America, said the point of excluding weekends in the timeline is to allow more time for the smaller departments in rural areas.

MOTION:

Rep. King moved to send **H 586** to **General Orders** with amendment attached; **Rep. Mathews** seconded the motion. Amendments are: On page 3 of the printed bill, in line 8, delete "roadway" and insert: "highway"; On page 3, in line 43, following "hours" insert: ", excluding weekends and holidays,"; On page 4, in line 23, delete "an" and insert: "a"; in line 24, delete "inventory/notice" and insert: "notice"; and in line 35, delete "and" and insert: "or"; On page 6, in line 8, delete "owner or authorized agent" and insert: "legal or registered owner, authorized agent or insurance representative"; On page 6, in line 26, delete "inventory/notice" and insert: "notice"; and in line 30, following "legal or registered owner" insert: ", authorized agent"; On page 1, in line 8, delete "AND" and insert: ";"; in line 9, following "CIRCUMSTANCES" insert: "AND TO PROVIDE FOR THE EXCLUSION OF WEEKENDS AND HOLIDAYS IN A TIME CALCULATION"; and in line 13, delete "INVENTORY/NOTICE" and insert: "NOTICE". **Motion passed by voice vote. Rep. Smith** will sponsor the bill on the floor.

H 617:

Rep. George C. Saylor presented **H 617**, and said this legislation is designed to help the State of Idaho with disaster preparedness. He said this legislation is to authorize technical rescue teams, specialty rescue teams, and incident management and support teams to be used by the Bureau of Homeland Security when an emergency has been declared, and to allow cost recovery for the local entities providing the teams. This would make the specialized skills and equipment of these teams available more widely throughout the state. Rep. Saylor said it will formalize agreements between the state and the sponsoring entities, create training standards for the teams, establish credentialing requirements to verify each team's capability, and set out response protocols to streamline response times. Rep. Saylor said the cause for response by one of these teams must be from Homeland Security. He said it is less expensive to use a local team under local authority, and cost recovery rules are outlined. He said the joint powers agreement with entities will be a written agreement and the terms are consistent with federal documents. **Jeff Rylee**, Idaho Bureau of Homeland Security, said the rates are set in agreement with local service and are based on rates currently being paid for that service.

MOTION:

Rep. Roberts moved to send **H 617** to the floor with a **DO PASS** recommendation; **motion passed by voice vote. Rep. Saylor** will sponsor the bill on the floor.

ADJOURN:

There being no further business before the committee, **Chairman Wood**

adjourned the meeting at 2:50 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** March 12, 2010
- TIME:** Upon adjournment of 10:00 House floor session
- PLACE:** Room EW40
- MEMBERS:** Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti
- ABSENT/
EXCUSED:** Rep. Nonini, Shepherd, Ruchti
- GUESTS:** Rex Green, Idaho Independent Auto Dealers; Michael and Wendy Bartley; Mike Kane, Property Casualty Insurance Association of America and Idaho Sheriffs Association; Dave Carlson, AAA Idaho; Woody Richards, Allstate Insurance Company, American Family Insurance and Farm Bureau; Rod Beck; Jeanne Purcell, Driver Service, ITD; Hal Putnam, Driver Service, ITD; Amy Smith, Vehicle Services, ITD; Randall Goodspeed, Meridian Police Department; Bill Nary, City of Meridian; Benjamin Davenport, Risch Pisca; Tony Smith, Eiguren Public Policy; Janelle deWeerd, Meridian Mayor's Youth Advisory Council; Eli Nary, Meridian Mayor's Youth Advisory Council; Martin Bilbao, Connolly & Smyser, Ctd.; Ed Pemble, Driver Services Manager, ITD; Lt. Col. Kevin Johnson, Idaho State Police; Mollie McCarty, Government Affairs Program Manager, ITD
- Chairman Wood** called the meeting to order at 12:23 pm.
- H 573:** **Rep. Phil Hart** presented **H 573** relative to limitations on use of whole-body imaging scanners. Rep. Hart said the intention is to use these scanners at airports and government buildings and about 1,000 scanners are now on order. He said the three issues of concern are privacy, health, and jurisdictional. The fourth amendment regarding unreasonable search and seizure is being challenged. The intent to use scanners as the primary screening device could be a health hazard and research is inconclusive now. Rep. Hart said it is unknown how the courts will rule on the authority of federal use of the scanners in Idaho.
- MOTION:** **Rep. Ringo** moved to send **H 573** to the floor with **DO PASS** recommendation; **motion carried on voice vote**. **Rep. Hart** will sponsor the bill on the floor.
- H 541:** **Rep. Phil Hart** presented **H 541** regarding drivers licenses and said he had in hand a draft of an amendment to attach. Rep. Hart said the bill intent is to make drivers licenses a private document. The Western Hemisphere Travel Initiative requires transmitting technology be added to drivers licenses. An individual may request that application. This amendment would allow three dimensional features if ITD wants to use it in the future. Facial recognition technology could be used by court order or under special circumstances while seeking the court order. Rep. Hart

said the legislation includes language stating Idaho will determine the applicant's legality before issuing an Idaho drivers license to illegal aliens who have been issued a drivers license from another state. **Jeanne Purcell**, Driver Service, ITD, said that ITD asks all applicants if they are citizens of the United States and then takes their word for it. **Rep. Hart** said he has reviewed this legislation with ITD. **Ed Pemble**, Driver Services Manager, ITD, said that ITD treats Identification Cards the same as drivers licenses. **Lt. Col. Kevin Johnson**, Idaho State Police (ISP), said he reviewed this bill with Rep. Hart and ISP is okay with the bill. **Mollie McCarty**, Government Affairs Program Manager, ITD, said that the department takes the position to be neutral. **Ms. Purcell** said the amendment to this bill would not affect ITD's federal funding of this bill, and state-to-state standards and consistency with the barcode might be the only problem she could foresee.

MOTION: **Rep. Smith** moved to send **H 541** to **General Orders** with amendment attached; **Rep. Hart** seconded the motion. **Motion carried on voice vote.** **Rep. Ringo** requested that she be recorded as voting nay.

H 609: **Rep. Rich Wills** presented **H 609**. This legislation amends Idaho Code to provide that certain Idaho State Police personnel continue to benefit from uses of the Project Choice Fee. As of July 1, 2010, the fee shall be restricted to certain personnel. Rep. Wills said the project choice fee shall be used exclusively for the purposes of creating a career ladder for commissioned officers, dispatch personnel and forensic personnel within the Idaho State Police. The bill will also provide salaries to encourage the hiring and retention of those personnel. Rep. Wills said this legislation is not in conflict with the appropriations budget because these personnel are grandfathered in.

MOTION: **Rep. Bedke** moved to send **H 609** to the floor with a **DO PASS** recommendation; **the motion carried on voice vote.** **Rep. Wills** will sponsor the bill on the floor.

S 1359: **Sen. Chuck Winder** presented **S 1359** and said the purpose of this legislation is to expand the current automobile Dealers Advisory Board to include two independent auto dealer members with voting rights and one additional volunteer member from the motorcycle/all-terrain vehicle (ATV) industry as an advisory non-voting member. Sen. Winder said this is an effort to balance out the existing advisory board and that the Governor appoints the board. Sen. Winder said the fiscal impact would be between \$1,200 and \$3,700 to cover travel. The intent is to improve representation from across the state, and this will take the existing board membership from eight to eleven. **Rex Green**, Idaho Independent Auto Dealers, testified **in favor of S 1359.**

MOTION: **Rep. Wills** moved to send **S 1359** to the floor with a **DO PASS** recommendation; **motion passed on voice vote.** **Rep. Wood** will sponsor the bill on the floor.

S 1352a: **Rep. Rich Wills** presented **S 1352a** regarding texting while driving. Rep. Wills said the bill says texting while driving a motor vehicle shall constitute inattentive driving; the amendment defines texting and separates it from inattentive driving. He said the bill is not engrossed. Rep. Wills said the

amendment describes allowed use of devices, and the intent is to get unsafe drivers off the road. **Mike Kane**, Property Casualty Insurance Association of America and Idaho Sheriffs Association, testified **in favor of S 1352a** and said that texting is written communication and typing in a phone number is not considered written communication. Mr. Kane said the way texting is defined allows law enforcement to look at computers. **Woody Richards**, Farm Bureau, testified **in favor of S 1352a**. **Michael Bartley** of Meridian testified **in favor of S 1352a**. Mr. Bartley said his 20 year old daughter was killed because of inattentive driving and he encouraged the committee to do something to stop the amount of texting. **Dave Carlson**, AAA Idaho, testified **in favor of S 1352a** and said texting does three things that inattentive driving does not do: vision is displaced, there is cognitive disconnect, and there is loss of manual touch of the wheel. **Randall Goodspeed**, Meridian Police Department, said that the Meridian Police Department is in support of this bill and would support the first offense being an infraction. He said a small number of misdemeanor tickets are written outside of an accident. **Rod Beck** of Boise testified **in opposition to S 1352a** and said narrowly defining one area of inattentive driving is not necessary and will be hard to enforce. **Bill Nary**, City of Meridian Attorney, testified **in favor of S 1352a**. **Tony Smith**, Eiguren Public Policy, testified on behalf of Verizon Wireless **in favor of S 1352a** and said the amount of texting is on the increase. **Janelle deWeerd**, Meridian Mayor's Youth Advisory Council, testified **in favor of S 1352a**, and said teens need a law clearly stating not to text and drive. **Eli Nary**, Meridian Mayor's Youth Advisory Council, testified **in favor of S 1352a** and quoted statistics from different studies to support his position.

MOTION: **Rep. Hagedorn** moved to send **S 1352a** to **General Orders**; **Rep. Roberts** seconded the motion. **Motion carried on voice vote**. **Rep. Hart** requested that he be recorded as voting nay.

ADJOURN: There being no further business before the committee, **Chairman Wood** adjourned the meeting at 2:52 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary

MINUTES

JOINT SENATE TRANSPORTATION COMMITTEE

AND

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

DATE: March 18, 2010

TIME: 1:30 p.m.

PLACE: Room WW02

MEMBERS PRESENT: Chairman McGee, Vice Chairman Hammond, Senators Kerby, Corder, Heinrich, Broadsword, Winder, Werk and Bilyeu

MEMBERS ABSENT/ EXCUSED:

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.

MINUTES: **Chairman McGee** called meeting to order at 1:34 pm and the secretary took a silent roll.

PRESENTATION: **Chairman McGee** introduced **Stephanie Kane** a project manager from the Social Science Research Unit from University of Idaho. **Ms. Kane** referred to the power point presentation which is attached for the record and summarized an Idaho Transportation Department Customer Service Satisfaction Survey. She explained that the study was a result of ITD's strategic planning efforts. She reviewed the methodology which included telephone surveys of 1,609 individuals. Survey questions were asked including ITD customer service, satisfaction with highway Maintenance, quality of highways following construction, whether the project was the right solution for the region, satisfaction with the DMV, importance of alternative transportation, public involvement and ease of obtaining information from ITD's travelers' services. **Ms. Kane** also reviewed the conclusions and recommendations based on survey results included in the powerpoint presentation.

Chairman McGee opened discussion for Local Highway Jurisdiction Transportation Issues. **Lance Holmstrom** an Administrator with LHTAC, **Stuart Davis** with the Idaho Association of Highway Districts, **Ken Harward** with Idaho Association of Cities, and **Tony Poinelli** with the Idaho Association of Counties formed the panel which answered questions posed by the Governor's Task Force on Transportation. Those questions and answers on which the presentation are based were distributed to the Committees and handed out in written format. That list

of questions and answers being referred to during the presentation is attached with the minutes. In regard to the first question concerning the setting of local property tax levies, **Senator Heinrich** asked **Mr Poinelli** to review what steps are required of a county to levy property tax. **Mr. Poinelli** replied that if an entity is not currently levying a property tax for road purposes, they either have a vote or establish a road fund from other funds and then increase property taxes by 3%.

Senator Kerby asked **Mr. Poinelli** how dollars that are levied for a road and bridge tax from a property tax collected by a county are returned back to the municipality and if he knew how many counties do return the funds to the cities. **Mr. Poinelli** answered that dollars that are levied by counties for road and bridge purposes are supposed to be shared with the cities within the jurisdiction. **Mr. Poinelli** also stated that to his knowledge, all counties were returning money to the cities.

Senator Corder asked if **Mr. Poinelli** had knowledge of what the levy rate was in each county. **Mr. Poinelli** did not have those numbers with him at the committee meeting but planned to forward those figures to the committee.

Mr. Poinelli answered question number 2 asking how the revenue is balanced with the Highway Fund Apportionment. In answering this question, he stated that the Craig Widen funds are being used. It is approximately \$30 million dollars appropriated to the local jurisdictions for roads and bridges, which may be eliminated, creating a significant hole.

Senator Corder asked how many counties submit their PILT funds to the cities and if there was a school or safety component included. **Mr. Poinelli** answered that no PILT dollars are shared with other jurisdictions. **Mr. Poinelli** clarified the fund **Senator Corder** was referring to for a school or safety component was the Craig Widen Funds, not the PILT. **Senator Corder** asked if PILT funds could be shared with the school through decisions made at the county commission level and **Mr. Poinelli** replied that they are.

Senator Kerby asked how many years PILT has been funded by Congress. **Mr. Poinelli** answered PILT has been funded since 1976 but just been fully funded within just the past few years.

Regarding question number three, **Mr. Poinelli** stated that the local budgeting process is accomplished and dovetailed into an adjacent district and state needs and budgets by a review in February at the County level to determine budget requirements for the next fiscal year.

Chairman Wood asked why the State does not do budget training for city, county and school board members when they are first employed by the state. **Mr. Poinelli** answered that every general election year, the Association of Counties conduct a newly elected official training and a major component of that training is the budgeting process. Attendance, however, may not be required.

Mr. Holmstrom stood to address the question #4, stating that only federal aid projects are required to be reflected in the STIP. Question number 5 was answered, stating that the planning process is not entirely completed in the same way across all districts because of the different needs of the local jurisdictions. Most local road jurisdictions do use best management practices. **Senator Corder** explained that some of the members of the Committee wondered about how local jurisdictions proceed with planning, hoping it would be patterned after ITD. **Mr. Holmstrom** indicated that compliance with their points system is almost 100%.

Chairman Wood recalled the audit had indicated the need for a pavement management system and asked for an update on that wondering whether it encompassed the local jurisdictions as well. **Mr. Holmstrom** answered that only three thousand miles are not currently part of a pavement management system and ITD management indicated locals could participate but wondered if that was most cost effective. **Chairman Wood** followed her question asking if LHTAC is part of the pavement management system and whether the vehicles they are responsible for should be included in the cost allocation study questioning the type of vehicles using the roads. She further questioned if a pavement management system would help manage what vehicles are causing wear and tear on the roads. **Mr. Holmstrom** responded that it would be useful to know that. Currently 55% of the commercial trips are concentrated on a small number of principle arterials. **Mr. Poinelli** added that the planning process for local jurisdictions is done in the early stages of the year during the budget process. Counties also need the flexibility that if something dramatic happens, plan can change. **Senator Heinrich** then reviewed **Mr. Holmstrom's** assertion that incentives are given to those using best management practices, asking if a local jurisdiction has a project that can be done within the confines of their district and they elect to get help from ITD, wondering how much does help from ITD increase the cost of a project. **Mr. Poinelli** replied that occasionally requests have been made to assist on a local project. In those occasions funds from LHTAC rural funds go to local highway jurisdictions partnering with ITD indicating this has occurred three times. **Senator Hammond** further added to **Mr. Poinelli's** remarks indicating that significant planning has gone into local projects.

Senator Corder stated that every single district has a pavement management system, but it may not be an electronic one. **Mr. Holmstrom** indicated agreement with **Senator Corder's** statement but stated local districts are encourage to modernize with an electronic format. **Senator Corder** questioned how much the cost of a project is increased when partnering with ITD. **Mr. Holmstrom** indicated that an analysis has determined that it cost \$0.61 cents on the dollar to use local funds to do similar projects. The cost of doing federal projects are higher because of laws that need compliance.

Mr. Holmstrom then explained question #6 concerning consistency in moving projects to the STIP across all local jurisdictions with the answer being yes. **Senator Heinrich** inquired as to forest highway funds being on

the STIP. **Mr. Holmstrom** answered that was the case.

Question #7 was then explained by **Mr. Holmstrom** concerning the measurement criteria for need and priority being consistent across all districts, answering that it is not consistent because local elected officials are responsible for spending the money in the most efficient and effective manner, almost universally using best management practices.

Question #8 concerning coordination of local jurisdictions was explained by **Mr. Holmstrom** indicating some are formal and some are informal. **Mr. Poinelli** added that a number of local highway districts work together.

Mr. Holmstrom presented question #9 focusing on the process for sharing capital equipment or leased equipment resources between locals and between locals and the state. He stated that multi jurisdictional committees also handle these issues. He encouraged the committee to find out when multi jurisdictional groups meet so they could attend.

Chairman Wood asked what the process would be if you needed a bid to be done by local jurisdictions. What would the process be. **Mr. Holmstrom** answered that there is a process for local jurisdictions.

Senator Kerby asked what is the bigger impediment that prevents more cooperative agreements between jurisdictions. **Mr. Holmstrom** indicated that geographic limitations are the main problems. Also problems may be distance to gravel sources, and to mobilize and get equipment to people from one area to another. Mobilization is costly, particularly in rural areas. **Mr Poinelli** remarked that there may be a concern among locals regarding using federal funds and requirements.

Senator Kerby also asked if there is any impediment regarding liability and who the liability would fall upon for personal injury claims or other accidents. **Mr. Poinelli**, if a shared entity, it would be written to be a shared liability. There may a clause in which if it is a certain area, one entity would be responsible and the other forgiven. **Senator Heinrich** stated that local jurisdictions are insured such that they would be covered.

Question #10 and #11 were reviewed with no questions from the committee.

Question #12 focused on reporting requirements for the local jurisdictions with **Mr. Holmstrom** explaining that annually each local highway district must submit a Road and Street Finance Report and reviewing the content of those reports. He suggested outputs be reported through an additional performance measure tracking how close they are getting to the 1/20th of the local road system. **Senator Corder** stated that he appreciates the effort to tie funding to performance. **Chairman Wood** stated her Committee wanted to know what is happening and how well it is done. **Senator Heinrich** attested to the fact that the financial report is very thorough.

Mr. Holmstrom addressed #13 concerning performance measurements commenting it had been answered.

Questions #14 through #17 were then reviewed with a specific question by **Chairman McGee** on question #16 wondering if legislation is needed to help make the proposals happen. **Mr. Holmstrom** said a slight modification to the compliance report was made last year, and that nothing could preclude that from happening again with out legislative action. **Mr. Poinelli** indicated no legislation is needed, but a recommendation would be more than is needed from the joint committee or task force. **Senator Werk** asked about efficiency and local jurisdictions wondering if there was a method to measure movement toward efficiency. **Mr. Holmstrom** indicated that good planning is the key and using the best management system. How to measure is efficiency is challenging because of the differences in local jurisdictional needs.

Senator Hammond cautioned the Committee that snow removal costs by jurisdiction doesn't denote an efficiency.

Stuart Davis gave closing comments recognizing the wealth of experience on the committee and thanked the committee for the time allowed for the presentation today. **Chairman McGee** reiterated the importance of the committee understanding the local process. **Chairman Wood** apologized for the absence of her committee indicating they were still on the floor in session and thanked the members of the panel for the presentation.

Chairman McGee adjourned the meeting at 3:00 pm

Senator John McGee
Chairman

Lizzie Kukla
Secretary

MINUTES

HOUSE TRANSPORTATION AND DEFENSE COMMITTEE

- DATE:** March 22, 2010
- TIME:** 1:30 pm
- PLACE:** Room EW40
- MEMBERS:** Chairman Wood, Vice Chairman Hart, Representatives Smith (24), Roberts, Bedke, Wills, Nonini, Hagedorn, Jarvis, Mathews, Palmer, Shepherd (2), Ringo, King, Ruchti
- ABSENT/
EXCUSED:** Reps. Roberts, Bedke, Ringo
- GUESTS:** Alan Frew, Motor Vehicle Administrator, ITD; Sen. James C. Hammond; Timothy L. Fleming, Chief of Staff, Canyon County Prosecuting Attorney Office; Sen. Chuck Winder; Rex Green, Idaho State Independent Auto Dealers; Amy Smith, Vehicle Services Manager, ITD; Fairy Hitchcock, Hitchcock Family Advocates; Barry Takeuchi, Titles Operations Supervisor, ITD
- Chairman Wood** called the meeting to order at 1:34 pm.
- MOTION:** **Rep. Wills** moved to approve the minutes of the February 22 meeting as written; motion carried on voice vote.
- MOTION:** **Rep. Shepherd** moved to approve the minutes of the March 4 meeting as written; motion carried on voice vote.
- MOTION:** **Rep. Hart** moved to approve the minutes of the March 8 meeting as written; motion carried on voice vote.
- MOTION:** **Rep. King** moved to approve the minutes of the March 12 meeting as written; motion carried on voice vote.
- S 1311a:** **Sen. James C. Hammond** presented **S 1311a**, and said this bill relates to temporary registrations and the amendment makes a grammatical correction. Sen. Hammond said this legislation prevents the double taxation of registered semi-trailers. He said that currently when a semi-tractor buys a temporary registration the carrier must also purchase a registration for the trailer it will pull regardless of the registration status of the trailer. Sen Hammond said the current temporary registration requirement assesses an additional fee to the trailer when pulled by a vehicle operating with a five-day temporary registration permit.
- MOTION:** **Rep. Hart** moved to send **S 1311a** to the floor with a **DO PASS** recommendation; **motion carried on voice vote**. **Rep. Hart** will sponsor the bill on the floor.
- PRESENTATION:** **Alan Frew**, Motor Vehicle Administrator, ITD, presented the Idaho Transportation Department Customer Satisfaction Survey results. This survey was conducted by the University of Idaho Social Science

Research Unit. Mr. Frew said the Highway Division is the largest division in the Idaho Transportation Department. The 82-question survey had 1609 completed interviews with persons from throughout the state. Mr. Frew said 22% of Idaho households have only cell phones with no land lines, and the surveyors contacted respondents using both methods. Twenty percent of respondents reported they had completed an online transaction with the department and all reported a positive experience. Of all respondents who have used ITD's website for 511 Traveler's Services, 83% of those respondents reported the site was easy to use, and 74% had altered their travel plans based on the information received. The overall response to the survey was very favorable toward ITD. Mr. Frew said the department plans more public involvement in the planning and decision making process. The recommendations of the survey suggested that ITD have more online availability, more marketing, work with regional groups, and continue surveys.

Vice Chairman Hart assumed the chair of the committee.

S 1361a: **Sen. Chuck Winder** presented **S 1361a**, which relates to independent auto dealers and salesmen licensing. He said the purpose of this legislation is to provide independent auto dealers a means to provide for employee training and minimum pre-licensing knowledge and requires the completion of an eight-hour course of instruction. Sen. Winder said the amendment changes the hours of education from 4 to 8 hours and allows ITD and auto dealers to provide more training and education to new dealers. Sen. Winder said there will be no fiscal impact. ITD will provide review and oversight to assure that standards are met.

Rex Green, Idaho State Independent Auto Dealers, said a fee of \$200 will be charged for the class, though the bill has a cap of \$350 for the class.

MOTION: **Rep. Wills** moved to send **S 1361a** to the floor with a **DO PASS** recommendation; **motion passed on a voice vote**. **Reps. Hagedorn, Hart, and Mathews** requested that they be recorded as voting nay. **Rep. Wills** will sponsor the bill on the floor.

HJM 14: **Rep. JoAn E. Wood** presented **HJM 14**. This House Joint Memorial urges the Idaho Congressional delegation to support change in federal law through the amending of the Business Activity Tax Simplification Act of 2009, HR 1083. Rep. Wood said this resolution is to restrict a state's taxation of interstate motor carriers to those carriers that are incorporated in that state, have their principal place of business in that state, have real property in that state, or have obtained intrastate operating authority in that state.

MOTION: **Rep. Nonini** moved to send **HJM 14** to the floor with a **DO PASS** recommendation; **motion carried on a voice vote**. **Rep. Wood** will sponsor the memorial on the floor.

Chairman Wood assumed the chair of the committee.

S 1398: **Timothy L. Fleming**, Chief of Staff, Canyon County Prosecuting Attorney

Office, presented **S 1398**, and said this legislation would amend Idaho Code to ensure that a person who is convicted and placed on probation or receives a withheld judgment for felony driving under the influence and has the case dismissed after successfully completing probation can be charged with another felony if, within 15 years, they receive another driving under the influence charge. Mr. Fleming said the addition of language clarifies the legislation and yet allows discretion of the prosecutor.

Fairy Hitchcock, Hitchcock Family Advocates, **testified in opposition to S 1398**. She said she is an advocate of women in prison, then she related a personal story with resultant discretion used by the court regarding sentencing. Ms. Hitchcock said she doesn't want to make people oppressed by this legislation.

**ORIGINAL
MOTION:**

Rep. Hart moved to **HOLD S 1398** in committee at call of the chair.

**SUBSTITUTE
MOTION:**

Rep. Mathews offered a substitute motion, to send **S 1398** to the floor with a **DO PASS** recommendation.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Wood called for a vote on the motion to send **S 1398** to the floor with a **DO PASS** recommendation; **motion carried on vote by show of hands**. **Rep. Ruchti** will sponsor the bill on the floor. **Rep. Hart and Wood** requested that they be recorded as voting nay.

ADJOURN:

There being no further business before the committee, **Chairman Wood** adjourned the meeting at 2:50 pm.

Representative JoAn Wood
Chairman

Sheila Doherty
Secretary