

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, January 24, 2012

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Ellsworth, Representative(s) Wood(35), Smith(24), Bedke, Wills, Hart, Nonini, Hagedorn (Tucker), Bateman, Henderson, Nettet, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representative Hagedorn

GUESTS: Director Nancy Merrill, and Jennifer Wernex, Idaho Parks and Recreation, (IDPR), John Watts, Veritas Advisor, Mr. Pat Lucas, Mr. Fred Abt, Mr. Robert Wells, and Brigadier General William Shawver, Bureau of Homeland Security, (BHS)

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

Representative Bateman made a motion to approve the minutes of January 16, 2012 and January 18, 2012. **Motion carried by voice vote.**

RS 20885: **Representative Bedke** presented proposed legislation to authorize the Department of Agriculture to transfer funds to the Idaho Transportation Department (ITD) to prepare and update Idaho's rail plan. Funds to be transferred are those already appropriated and currently are in the Rural Economic Development and Integrated Freight Transportation (REDIFIT) account in the State Treasury. The amount to be transferred shall not exceed one percent (1%) of all funds contained within the REDIFIT account. ITD is authorized to accumulate funds within ITD not to exceed \$75,000 to prepare and update Idaho's rail plan. He stated that through the years the railroad program has a revolving loan fund that facilitates hubs and at one time there was \$5 million allocated to this fund. One million was swept away and \$2 million were given out in loans, so the fund balance is \$1.9 million. There is renewed interest in short line railroads in Idaho. As new interested parties apply for financing these financiers need to know Idaho's rail plan. It was thought that part of this REDIFIT balance could be used to fund the rewrite of the new plan. It will be matched with Federal money

In response to questions **Representative Bedke** said the railroads won't have to come up with any of the money. He said ITD should prepare the state rail system plan, since the money is there. Representative Bedke said the 1% is of \$1.9 million, and the \$75,000 is a total cap, not a yearly cap. Our short line railroads have been dormant, but starting with Eastern Idaho in Magic Valley and now in Boise Valley, we have interest in short line railroads connecting with Class One railroads. In answer to a question about ITD having to pay this money back, Representative Bedke said no, this is a just a writing grant so that ITD can rewrite the plan and then make loans. When this comes back as a bill, the committee asked if ITD to clarify the word 'periodically' and inform the committee on the board members.

MOTION: **Representative Ellsworth** made a motion to introduce **RS 20885**. **Motion carried by voice vote.** **Representative Wood** requested that she be recorded as voting **NAY**.

RS 20847: **Mr. Fred Abt**, BHS, presented this legislative change which clearly defines the deficiency warrants process relative to disaster emergencies. Whenever the Governor has declared that a disaster emergency has occurred or the threat is imminent in executive order or proclamation, the Director of the Idaho Bureau of Homeland Security, after consulting with the Governor, is permitted to request the issuance of deficiency warrants for the purpose of paying for allowable costs associated with the proclaimed disaster emergency. The fiscal impact would be equal to the amount of the deficiency warrants issued.

The committee asked about the current process in place when the Governor has declared a disaster. **Mr. Abt** said currently, when a disaster emergency proclamation has been made by the Governor, an estimate is made of the costs associated with a response to that disaster event. This estimate is submitted by BHS to the Governor's office on an Implementation Memorandum. Once the Governor has concurred with this estimated cost, the Governor's office prepares an Executive Order directing unobligated general funds in the amount indicated on the Implementation Memorandum to be placed into the Disaster Emergency Account. At that point, BHS, is able to pay allowable costs associated with the declared disaster event. The Disaster Emergency Account is funded as disaster emergency events take place. The committee asked if in the proposed legislation BHS is making any overall estimates of an amount for Disaster Emergency deficiency warrant(s). Because Disaster Emergency Events are unpredictable as to how damaging they are and when and with what frequency they will occur, the answer is no, BHS does not make an overall yearly estimate. The proposed legislation has placed a 5 million dollar cap on the overall amount that can be used in any fiscal year. The proposed legislation reflects the same deficiency warrant processes currently in place with some other state agencies, to include an annual limit on deficiency warrant funding. BHS would draw funds just as these agencies do.

MOTION: **Representative Ellsworth** made a motion to introduce **RS 20847**. **Motion carried by voice vote.**

RS 20895C1: **Mr. Pat Lucas**, BHS, presented this proposed legislative change relating to government operations after a "destabilizing event." This is amending Idaho Code wording to define 'destabilizing event'. This proposed change would match the National Response Emergency Framework and Standards.

The committee asked about the wording in Section 10 line 30: "successor... will not be unavailable." **Mr. Lucas** asked **Brigadier General William Shawver** Director of BHS, to address the question and the General stated that BHS would prefer to get back to the committee on that wording. It was suggested that this committee has authority to amend it now and have this **RS 20895C1** introduced. But after many more suggestions about how to word this sentence and much confusion about the meaning of the sentence in Section 10 from line 27 through 30, it was decided to send the RS back to sponsor.

MOTION: **Representative Ellsworth** made a motion to return **RS 20895C1** to the sponsor. **Motion carried by voice vote.**

Director Nancy Merrill, IDPR, stated that IDPR has been looking for ways to become more self sufficient. The strategy is to seek a dedicated funding source to replace funds lost from the general fund. The process, when an Idahoan registers their vehicle, they can simply check "yes" to purchase a passport for \$10 and gain access to all of Idaho parks. Idaho State Parks Passport program is not a "tax or fee for the registration of motor vehicles." If it were, the monies would have to be used for construction, repair and maintenance of public highways. The Idaho State Parks Passport is a voluntary purchase of state park admissions and it is given at a substantial discount. Unlike taxes or fees, there is no penalty for non-participation. At present, Idahoans can purchase an annual park pass for \$40 and this currently brings in about \$800,000 to the parks. This program, if IDPR partners with ITD, will bring in \$1.7 million. This is a conservative estimate if twenty percent (20%) of the population chooses to purchase the passport. When the income from out-of-staters is added in, the department annual revenue could be \$1.9 million. Director Merrill then presented a video showing Idaho's 30 State Parks with information on recreation in Idaho.

When asked how the purchased passport will be shown on the license plate. **Director Merrill** said the public will purchase a sticker which will be put in the left hand window of their vehicle. The committee asked for specifics about how funding cuts have affected the parks. Director Merrill answered that cuts have severely effected our parks with the loss of employees and loss of jobs. Our 40 hour weeks actually require 24 hour days. The number of visitors to our parks has gone up this year to 5.2 million. This causes stress to the employees and more workman's compensation claims. Director Merrill continued explaining that park employees' jobs are very physical with heavy lifting which they must sometimes do without equipment. Director Merrill went on to say IDPR employees have stepped up to the plate; they are becoming business people, developing a marketing plan to keep our parks open. People are coming together to help us survive. Concerning stress related workman's compensation claims, the committee asked if IDPR needed more training on how to lift, etc. Director Merrill explained that they have regular training programs on how to lift and how to remove hindrances to reduce accidents. Director Merrill said this new system will not be implemented until January 2013. Director Merrill said they have had to temporarily close some parks and reduce park hours. The committee asked about the use of the word "fee". Director Merrill said they have many fees but this one for the passport is a "choice to purchase fee", so IDPR kept that wording. The committee commended IDPR on coming up with creative ideas to serve the State.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:30 P.M.

Representative Palmer
Chair

Jane Clark
Secretary