

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 16, 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, Bateman, Henderson, Nessel, Ringo, King, Killen

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

GUESTS: Bill Miller, Idaho Aviation Association; Jeff Gould, Idaho Fish and Game (IDFG); Keith Raley, U. S. Department of the Interior; Byron Schmidt, U.S. Air Force; George Parker, Idaho Agriculture Aviation Association; Chad Frei, Pacific Northwest Aerial; Jim Ranney, Idaho Helicopters; Jim Adams, (former) Administrative Support Manager of Idaho Division of Veteran Services; Brian Fox, Idaho Army National Guard (IDARNG); Ross Borden, City of Boise, Cheryl Miller, citizen; Joe Dory, Wildlife Services; Amy Smith, and John V. DeThomas, Idaho Transportation Department; Miguel Legarrete, Realtors, Laurie Boeckel, citizen; Colonel Nolan, Idaho Air National Guard (IDANG)

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

Chairman Palmer turned the gavel over to **Vice Chairman Julie Ellsworth**.

H 480: **Chairman Palmer** presented **H 480** relating to parking meters adjacent to state buildings while the Legislature is in session. This legislation provides for parking meters to be non-operational with no fees imposed during the Legislative session to make it possible for the public to appear and testify in a hearing or to meet with legislators. **Chairman Palmer** said he has met with **Ross Borden**, City of Boise, several times in an effort to work out a solution to this problem.

Ross Borden, Director of Intergovernmental Affairs for the City of Boise, spoke **in opposition** to **H 480**. Mr. Borden said he appreciates **Chairman Palmers** efforts to make it easier to meet responsibilities here for people who come from all parts of the State. The City of Boise feels this will not accomplish the goal of the public being able to meet with legislators. This is a high demand urban core which generates revenues and expenses. The main problem is that there would be little turnover in the parking spaces. The City believes this is only an occasional problem.

In answer to a question from the committee about making the meters last for 4 hours, **Mr. Borden** stated they can be programed for more time and having a sticker to give out at the hearing is an interesting idea to be explored. The committee asked about the City of Boise's expenses and revenues for the Capital Mall area. Mr. Borden said the city budgeted approximately \$600,000 per year for the whole downtown. The revenue for Zone 5 mall area for the first quarter is \$20,000 which is 31% of the annual budget; with another \$12,000 coming from coinage. Mr. Borden passed out a map which identifies which buildings are state owned. There are 259 meters in the Capitol Mall area, which is 20% of the city's inventory. The committee questioned whether the bill meets the real problem of needing more space for parking all year long. **Chairman Palmer** said this bill may not be perfect, but it is a good start to alleviating the parking problems; these meters are revenue neutral.

Laurie Boeckel a citizen and a Child Advocate, spoke **in support** of **H 480** saying parking meters have been a hindrance to her for many years when she had to testify in State matters on behalf of children.

MOTION: **Representative Nonini** made a motion to send **H 480** to the floor with a **DO PASS** recommendation.

Discussion ensued and some of the committee felt that a four-hour meter would be a better solution.

ROLL CALL VOTE: **Vice Chairman Ellsworth** requested a roll call vote on **H 480**. **The motion carried by a vote of 9 AYE, 5 NAY. Voting in favor** of the motion. **Reps. Ellsworth, Wood (35), Bedke, Nonini, Hagedorn, Bateman, Henderson, Nessel, and Palmer. Voting in opposition** to the motion: **Reps. Smith (24), Hart, Ringo, King, and Killen. Rep. Wills was absent/excused.**

H 511: **Representative Batt** presented **H 511**. This bill establishes lighting and marking of guyed towers over 50 feet in height. The definition of guyed towers is a tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself. This bill shall not apply to power poles or structures owned and operated by an electric supplier as defined in Idaho Code. Low level flying aircraft are impacted by the towers because they are hard to see. Any guyed tower that was erected prior to the effective date of this act shall be marked as required by the provisions within one year of the effective date of this act; those erected on or after the effective date shall be marked by the provisions of this section at the time erected.

The committee asked about the cost for private companies to mark these. **Rep. Batt** said it will cost \$4,000 per tower or \$7,500 for those towers already erected. Compared to a \$30 million helicopter or the death of one person, the cost is minimal. **Rep. Batt** stated that these standards came from South Dakota. The FAA has looked at these towers and the NTSB has sent out safety alerts. The cost for marking and lighting will be borne by the owners of these towers.

Mr. Fox, Warrant Officer, Idaho Army National Guard, is Director of Safety for air crews in search and rescue missions. He presented a video with the camera facing out the front windshield of an aircraft. The aircraft comes upon a guyed tower, which was almost impossible to see, until the aircraft was right over it. The purpose is not to stop erecting these meteorological (met) towers, but to have them marked and lighted for both day and night. There have been four accidents nationwide with five fatalities, most have been civilians.

Bill Miller, Idaho Air Association; **Jeff Gould**, Wildlife Chief for Idaho Fish and Game; **Keith Raley**, Chief of Aviation Safety for U.S. Department of the Interior; **Byron Schmidt**, Chief of Air Force Management, Mtn. Home Air Force Base; **George Parker**, Idaho Agricultural Aviation Association; **Jim Ranney**, Idaho Helicopters, and **Chad Frie**, President of Pacific NW Aerial Applicators testified **in support of H 511**. Aviators fly at low altitudes in search of snowmobilers, lost hikers, animals, horses, noxious weeds; they fight fires, spray crops, fly at night; count game; they use telemetry and often fly in unfamiliar areas. These towers are mostly erected for wind prospecting. They may be located in one area for 6 months and then moved to another area in order to find a more profitable location. The cost of marking and lighting these towers will be passed onto the consumer, when consumers use the energy from wind. **Colonel Nolan** (IDANG) said they don't want to miss this opportunity to mitigate the risk and save lives. He suggested keeping a database where guyed towers are located.

Chairman Palmer asked **John DeThomas** Division of Aeronautics, ITD, if he knows if military operations can take precedence over legislation such as this, which would require the marking of their towers. **Mr. DeThomas** did not know the answer.

Rep. Batt urged the passing of this bill, reiterating that the bill framers are not against wind power exploration, but are concerned for the safety of aircraft pilots and passengers.

- MOTION:** **Rep. Wood (35)** made a motion to send **H 511** to the floor with a **DO PASS** recommendation.
- Rep. Hagedorn** asked for a caveat saying: "any temporary or permanent guyed tower not used for military purposes."
- SUBSTITUTE MOTION:** **Rep. Hagedorn** made a substitute motion to send **H 511** to General Orders. **Rep. Wood (35)** seconded the motion. **Motion passed by voice vote.** **Rep. Batt** will sponsor the bill on the floor.
- H 537:** **Representative Hagedorn** presented **H 537**, which makes available to family of a service member killed while serving on active duty the Gold Star license plate; with a distinction for service members killed in combat, noted on the Gold Star License plate by a Purple Heart emblem affixed to the plate. **Rep. Hagedorn** said families want their loved ones who were not killed in combat zones but were on active duty to receive a Gold Star Plate. This bill creates an option for a Gold Star plate with a Purple Heart sticker for those military men killed in combat.
- Jim Adams**, former Support Manager for Idaho Division of Veteran Services and **Cheryl Miller**, Child Advocate, testified **in opposition** to **H 537**. Mr. Adams spent a year talking to Gold Star families discussing the meaning of the Gold Star Plate. Mr. Adams also read a letter from **Brigadier General, Alan Gayhart**, Commander of the Idaho Army National Guard, who wrote **in opposition** to **H 537**. General Gayhart's letter stated that we must be alert to protect the sanctity of the gold star purpose, to honor those who paid the ultimate sacrifice in combat to defend our freedom. The definition of serving on active duty is not clearly defined. Cheryl Miller told of a personal experience of a family member killed by a drunk driver while on active duty, yet she asked for family of military men to work together to find another way to honor all military members who lose their lives.
- Rep. Hagedorn** told of military men who were shot on the USS Liberty in 1964, not in a combat zone; and the marines who lost their life in Beirut, Lebanon from terrorists bombs; none of these families received a Gold Star. This is a heated issue and is personal to a lot of people. **Rep. Hagedorn** met with the Veterans of Foreign Wars (VFW) and with the American Legion in December, and they were in agreement that it would be appropriate to design a Gold Star license plate with a Purple Heart for those who were killed in combat and another Gold Star plate for those killed on active duty. The committee asked how many more plates would be required for Idaho. **Rep. Hagedorn** said at last count it was 39 plates, however, there could be more.
- MOTION:** **Rep. Killen** made a motion to send **H 537** to the floor with a **DO PASS** recommendation.
- ROLL CALL VOTE:** **Chairman Palmer** requested a roll call vote on **H 537**. **Motion failed by a vote of 5 AYE, and 7 NAY. Voting in favor** of the motion: **Reps. Wood (35), Hart, Hagedorn, Ringo, and Killen. Voting in opposition** to the motion: **Reps. Ellsworth, Nonini, Bateman, Henderson, Nessel, King, and Palmer. Reps. Smith (24), Bedke, and Wills** were absent/excused.
- ADJOURN:** There being no further business before the committee, the meeting was adjourned at 3:14 P.M.

Representative Palmer
Chair

Jane Clark
Secretary