

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 28, 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, Nasset, Ringo, King, Killen

**ABSENT/
EXCUSED:** Representative Henderson

GUESTS: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Palmer called the meeting to order at 2:30 P.M.

Rep. Ringo made a motion to approve the minutes of February 14, 2012, February 16, 2012 and February 22, 2012. **Motion carried by voice vote.**

H 570: **Paul Jagosh**, Idaho Fraternal Order of Police, presented **H 570**. Mr. Jagosh represents the largest police organization in Idaho. In 2007 a Peace Officers Temporary Disability Act was proposed to provide full salary to employees in certain dangerous occupations who have been injured on the job. This revised bill adds the language "when the injury is caused by the actions of another person." The money for the injured employee comes from a dedicated fund which is generated from a \$3 fine added to misdemeanor and felony convictions. Approximately \$180,000 is generated in a full fiscal year, and currently there is \$562,000 in this fund. He said there would be no impact to the General Fund and if the money is depleted, there will be no further distribution. This fund is not for permanent disabilities. Since there are agencies who cannot afford to provide this benefit to peace or detention officers, those agencies can recoup the costs from the fund. Not every officer who is injured and off work will suffer a financial loss and thus some won't have a need to collect from this fund. Mr. Jagosh also said the bill has a three year sunset clause in order for the agencies to do injury evaluation.

In answer to a question regarding who makes the determination for the officer to return to work, **Jane McClaran**, Idaho Industrial Commission (IIC), said this is determined by IIC and there are medical personnel in place. **Mr. Jagosh** said no other entity draws on this fund.

MOTION: **Rep. King** made a motion to send **H 570** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Palmer** will sponsor the bill on the floor.

H 577: **Rep. Crane** introduced **H 577** and deferred to **Fire Marshall Karl Malott**, Idaho Fire Chiefs' Association, to explain the bill. Mr. Malott said that during Law Enforcement Recognition Week in May, the Medal of Honor is presented to law enforcement as well as firemen and Emergency Medical Service (EMS). The firemen and EMS would prefer to have their Medal of Valor awarded during the annual Idaho Fallen Firefighter Memorial Ceremony, which is held on September 11, now called Patriot Day. He said this bill simply changes the date the medals are awarded.

MOTION: **Rep. Bateman** made a motion to send **H 577** to the floor with a **DO PASS** recommendation. **Motion carried by a voice vote.** **Rep. Crane** will sponsor the bill on the floor.

S 1274:

Senator Hammond presented **S 1274**. He said this bill creates an infraction when texting while driving. In 2002 the average number of texts was one million; in 2008 that number rose to one hundred and ten million. In 2010 there were one hundred and ninety-six billion texts. Texting causes 16,141 deaths per year, and an additional 6,000 to 10,000 injuries each year. Seventy-three percent of teens text while driving. He went on to say there are three types of distractions: manual, visual and cognitive. Texting uses all three of these: hands, eyes and mind. When texting, you are twenty-three times more likely to get involved in a crash. This bill will allow law enforcement to issue citations and provide motivation to drive safely. Sen. Hammond stated that the bill did not violate personal freedom, but it protects citizens.

Senator Lodge presented the proposed change to **S 1274**, which deletes the exemption of law enforcement from the texting ban. Senator Lodge introduced **Shauna Sauer** who spoke **in support** of **S 1274**. Mrs. Sauer is the mother of Taylor Sauer, who lost her life on January 14, 2012, while driving home from college on I-84. Taylor was on Facebook while driving and slammed into a truck trailer. Mrs. Sauer said the world cannot stop media addiction and technology, but one more life saved would be enough reason to pass this bill. Mrs. Sauer's eleven year old daughter also spoke of the pain of losing her best friend.

Erik Makrush and **Wayne Hoffman**, Idaho Freedom Foundation, and **Michelle Audette**, A Brotherhood Against Totalitarian Enactments, (ABATE) of Southern Idaho spoke **in opposition** to **S 1274**. The main opposition to this bill is: Idaho already has laws on inattentive driving, punishable with a misdemeanor. They argued that there were other activities that are just as distracting such as: reading a book, changing the radio station, using Global Positioning System, (GPS), putting on make-up, and talking on a hand held device. This bill defines texting as "engaging in review of, or manual preparation and transmission of written comment." The bill does not address reviewing social networks or playing games on a handheld devices. They said that the answer is to educate the public on the consequences of inattentive driving and to hold people responsible for their actions. They also said they believe the law would violate personal liberties.

Officer Sheldon Kelley, Idaho State Police, (ISP), **Cynthia Gibson**, Idaho Pedestrian and Bicycle Alliance, (IPBA), **Dave Carlson**, AAA Idaho, **Janelle De Weerd**, **Mariah Raynor**, **Eli Nary**, Mayor's Youth Advisory Council, spoke **in support** of **S 1274**. The main points in support of **S 1274** are: some cities in Idaho have made it illegal to text while driving and have seen a great reduction in texting; Idaho's laws should be consistent throughout the State; educating the public is good but it is not enough; and pedestrians and bikers are especially vulnerable from inattentive drivers. One proponent stated Idaho survey results: nine out of ten voters support a law on banning texting; thirty-six percent of crashes are related to distracted driving, yet only two percent were ticketed for this type of driving. The Idaho State Police is in full support of this bill, because the costs of crashes affect the general public. Police officers say they can easily see drivers going sixty miles an hour using both thumbs. In enacted, the police fully intend to enforce this law.

The committee asked **Officer Kelley** about the rationale for ISP not citing more inattentive drivers. He said it requires a higher burden of proof to show inattentiveness. The penalty for inattentive driving is a misdemeanor. Regarding the proposed amendment to **S 1274**, the committee wanted to know if it would affect ISP's ability to perform police duties. Office Kelley said that currently, the police agencies around the state do not allow the officers to text while driving. He also said officers will be able to use the police car's computer.

Senator Hammond thanked the Sauer family for testifying. He said he fully supports an amendment to strike out the exemption for law enforcement in **S 1274**.

MOTION: **Rep. Wills** made a motion to send **S 1274** to General Orders. **Rep. Ellsworth** seconded the motion. **Motion carried by voice vote.** **Rep. Wills** will sponsor the bill on the floor.

S 1312: **Suzanne Budge**, representing John Deere, presented **S 1312**. The bill amends Idaho Code to provide that specified operating fees shall not apply to certain construction equipment, forestry equipment and lawn and grounds equipment. This bill clarifies current practice which exempts construction and forestry equipment from titling requirements because they are exempt from registration.

MOTION: **Rep. Wood (35)** made a motion to send **S 1312** to the floor with a **DO PASS** recommendation. **Motion passed by voice vote.** **Rep. Wood (35)** will sponsor the bill on the floor.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 3:48 P.M.

Representative Palmer
Chair

Jane Clark
Secretary