

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, January 12, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	

COMMITTEE MEMBERS

Chairman Palmer
Vice Chairman Ellsworth
Rep Wood(35)
Rep Smith(24)
Rep Bedke
Rep Wills
Rep Hart
Rep Nonini

Rep Hagedorn
Rep Bateman
Rep Henderson
Rep Nessel
Rep Ringo
Rep King
Rep Killen

COMMITTEE SECRETARY

Jane Clark
Room: EW60
Phone: (208) 332-1146
email: jclark@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, January 12, 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 Bedke, Representative Woods (35)
GUESTS: Mollie McCarty, Governmental Affairs Program Manager from ITD

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

Chairman Palmer welcomed committee members and welcomed the new secretary **Jane Clark** and the Page, **Ben Ovard**.

Chairman Palmer announced that **Vice Chairman Ellsworth** will be the Rules Sub-Committee Chairman and the members of that committee are: Representatives **Henderson, Bateman, and Killen**.

Vice Chairman Ellsworth said that the Sub Committee Rules Review will be January 19, at 3:00 PM.

Chairman Palmer said there will be a Joint Committee meeting on January 26th for the Annual Report from ITD.

ADJOURN There being no further business before the committee, the meeting adjourned at 1:45 PM.

Representative Palmer
Chair

Jane Clark
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, January 16, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20754</u>	ITD and its Director are designated as recipient of Federal Transit Administration (FTA) program funds. With Zero Based Budgeting it is recommended that the designation be codified rather than mandated.	Mollie McCarty ITD Governmental Affairs Program Manager
<u>RS20831</u>	Repeal the sunset clause from the current Idaho Code 46-1200.	Robert (Bob) Wells, Special Assist. to Director Idaho Bureau of Homeland Security
<u>RS20853</u>	Amend Idaho Code with addition of new section, creating a Military Division Support Fund.	Robert (Bob) Wells, Idaho Bureau of Homeland Security
<u>RS20891</u>	Proclamation recognizes Ada County Highway District's 40 years of existence.	Rep. Marv Hagedorn

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Hagedorn
Vice Chairman Ellsworth	Rep Bateman
Rep Wood(35)	Rep Henderson
Rep Smith(24)	Rep Nessel
Rep Bedke	Rep Ringo
Rep Wills	Rep King
Rep Hart	Rep Killen
Rep Nonini	

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, January 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, Nasset, Ringo, King, Killen

**ABSENT/
EXCUSED:**

GUESTS: **Molly McCarty**, Idaho Transportation Department, Governmental Affairs Program Manager; Robert Wells, Special Assistant to Director, Idaho Bureau of Homeland Security; Lt. Col. David Dahle, Military Division, Skip Smyser, ITA, Zach Hauge, Capitol West, Benjamin Davenport, Risch Pisca

Chairman Palmer called the meeting to order at 1:35 p.m.

MOTION: **Rep. Hagedorn** made a motion to approve the minutes of the January 12, 2012 meeting as written. **Motion carried by voice vote.**

RS20754: **Molly McCarty**, Idaho Transportation Department, Governmental Affairs Program Manager, stated the proposed legislation was a finding identified through the Zero Based Budgeting process recommending that the designation be codified rather than mandated. This is a move toward efficiency and will eliminate the need to produce and track a new Executive Order every five years for funding from Federal Transit Administration program funds. This does not change the internal process, and there is no fiscal impact. In response to a question from the committee about whether these are the same as Metropolitan Planning Organizations funds, Molly McCarty said no, these are federal funds but that ITD works closely with MPO.

MOTION: **Representative Wills** made a motion to introduce **RS20754**. **Motion carried by voice vote.**

RS20831: **Robert Wells**, Special Assistant to the Director, Idaho Bureau of Homeland Security, said this proposed legislation extends the sunset clause for the Statewide Interoperability Executive Council (SIEC) Idaho Code 46-1200, Section 2, Chapter 292, Laws of 2006 from December 2012 through 2018. There are minor language corrections. In addition this makes changes to the make-up of the (SIEC) to reflect the current needs.

In response to a question from the committee about why extend six more years, **Robert Wells** said because the State of Idaho is unique in that we are more vertical, whereas P25 is more akin to flatland. This change will allow emergency, fire, and police to modify their equipment. In response to another question about Operations Manager, Robert Wells said this is a name change from Project Manager to Operations Manager. That person would be paid by the grant process; works for the Adjutant General; and is employed as long as there is a grant. Funds are from the military budget of Homeland Security.

MOTION: **Rep. Hagedorn** made a motion to introduce **RS20831**. **Motion carried by voice vote.**

RS20853: **Robert Wells** Special Assistant to the Director Idaho Bureau of Homeland Security, introduced **Lt. Col David Dahle** from the Military Division. Lt. Col Dahle said this proposed legislation establishes a special account that allows the Military Division to accept gifts. In response to a question as to what might be done with these funds, he said they have tried to start a youth challenge program for children who are having trouble getting through school without relying on Federal or State funds. In response to a question about how they determined the \$250,000 amount, Lt. Col. Dahle said they met with the Governor's office and came up with that number.

MOTION: **Representative Bateman** made a motion to introduce **RS20853**.
Motion carried by voice vote.

RS20891: **Representative Hagedorn** stated he represents District 20 in Meridian, Ada County. He was approached by Ada County Highway District, Director Bruce Wong, who has turned ACHD around 180 degrees. He said ACHD's 40th birthday is coming up and Mr. Wong would like to recognize the folks in his department for their fine work. ACHD is the only county highway district in the nation.

MOTION: **Representative Ellsworth** made a motion to send **RS20891** directly to the Second Reading Calendar. **Motion carried by voice vote.** **Representative Hagedorn** will sponsor the bill on the floor.

ADJOURN: There being no further business, the meeting was adjourned at 1:50 p.m.

Representative Palmer
Chair

Jane Clark
Secretary

AMENDED #2 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 18, 2012

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Improving Roadway Safety Through Speed Limit Establishment Reform.	First Lieutenant Thad Petersen Michigan State Police Introduced by Paul Steinman, ITD Chief of Operations
Question & Answers	Answer technical questions, unique to Idaho	Greg Laragan, ITD Section Manager, Highway Operations

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Hagedorn
Vice Chairman Ellsworth	Rep Bateman
Rep Wood(35)	Rep Henderson
Rep Smith(24)	Rep Nessel
Rep Bedke	Rep Ringo
Rep Wills	Rep King
Rep Hart	Rep Killen
Rep Nonini	

COMMITTEE SECRETARY

Jane Clark
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, January 18, 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:** None
GUESTS: Mollie McCarty, Greg Loragan, and Paul Steinman, Idaho Transportation Department (ITD); First Lieutenant Thad Peterson, Michigan State Police, Caitlin Lavele, Gallatin.

Vice Chairman Ellsworth called the meeting to order at 1:30 P.M.

Paul Steinman, ITD, Chief of Operations, introduced **First Lieutenant Thad Peterson** from Michigan State Police to present Michigan's Speed Limit Study.

First Lieutenant Thad Peterson, representing Michigan State Police, began by saying that speed limit reform is a matter of education. Most speed limits have been in the upward direction yet fatalities are falling. Michigan has 1 fatality per 100 million vehicle miles driven. Idaho has 1.3 fatalities per 100 million vehicle miles driven. Some reasons for this are speed limit establishment, vehicle technology, roadway design, impaired driving enforcement, and safety belt laws. He said that speed kills but speeding doesn't. We tend to drive at our comfort level. We all speed on a daily basis. So we, as law enforcement, may not be changing the speed on a road but we change the speed limit. Inappropriate speed limits cause non-compliance. When speed limits are set correctly which means those actually driven by motorists, compliance rates are maximized, and crash rates are minimized. Crashes that do occur are not as severe. Looking at a logarithmic graph, the lowest point is a little above average speed. This is the lowest risk speed for getting involved in a crash. Eighty-five percent speed is the speed that 85% of the vehicles are traveling. 85% speed is the lowest risk speed. Ideal speed is set at the maximum limit. This provides the lowest speed variance between vehicles and thus provides the lowest crash numbers. It provides optimum enforceability, and it is the safest speed limit. Finally, public perception is that a higher speed limit will make the roadway less safe, because the public falsely thinks the actual travel speeds will increase. Similarly, perception is that a lower speed limit will make roadways safer, because the public falsely think the actual travel speeds will decrease. The reality is that lowering speed limits does not change travel speeds. So we need speed limit reform; we need to set speed limits at the 85% speed which drivers feel safe driving on a particular road. Speed limits too low just cause non-compliance, ticketing, and more crashes.

It was asked if average speeds are creeping up when speed limits are set at the 85%. **First Lt. Peterson** answered that they have looked at this issue for several years and see no appreciable change. Another question asked if there is demographic that follows the speed limit. First Lt. Peterson said they have not found any consistent group. When asked what prompted the visit with First Lt. Peterson, **Paul Steinman** explained that this was as result of a meeting between ITD and **Senator Hammond** and Idaho State Police (ISP) to make sure we have the proper reform in Idaho. As a department ISP wants to make sure our partners are on board. ITD wanted a national perspective so First Lt. Peterson was asked to come out and share Michigan's story.

The committee asked if there are any updates since the advent of cell phones and texting. **First Lt. Peterson** responded that he does not believe there is a current study to measure speeds since the advent of cell phones. However, even with the number of cell phones increasing, fatality rates are going down.

The committee asked about having one speed for multi-axle vehicles and another speed limit for cars. **First Lt. Peterson** responded that they have looked at this and concluded that getting rid of 55 m.p.h. for trucks will have a positive effect.

The committee then asked about intermittent work zone times when there are no workers, should the speed limits signs come down. And, secondly, when you are approaching a work zone how many miles in advance should you slow down. **First Lt. Peterson** said we those transition zones have been stretched too far. When the zones are shortened, the workers remarked that drivers seemed more alert to work zones.

The committee asked if the Michigan study had looked at Montana because they used to have signs that read "reasonable and prudent." **First Lt. Peterson** replied that he did not have any good data from that era, but understood that it was struck down as unconstitutional and Montana's crash rates went up.

Greg Laragan ITD, Section Manager Highway Operations began by speaking on differential speeds. He pointed out that before 1974 states had the right to set speeds. Idaho's speed limits on freeways were then 70 mph. There were also 419 miles of non-interstate roads that were set at 70 mph. To date, we still have not changed those road speed limits back from national mandate of 55 mph to the speeds prior to 1974. Mr Laragan went on to explain that although the studies were Michigan specific, Idaho has experienced the same kind of phenomenon. Relative to changing speeds, you don't get the change in safety, but in compliance.

The committee noted that Idaho's speeds limits are set by statute, so there would be no deviation. **Greg Laragan** answered that the maximum is set by statute but individual sections are set by engineering study and can be set lower. Another question was asked about whether or not towns comply to the engineering study. Mr. Laragan said that there is a separate piece of Idaho Code that deals with cities, which have authority to set speeds within their jurisdiction. ITD does a study and gives their recommendations. If they don't agree, they have to take official city action and go on record against ITD's recommendations. Then ITD reports back to them every year.

When questioned if the engineering study considers wildlife, horseback riders and pedestrians in their studies. **Mr. Laragan** said they don't double count the subconscious things the driver sees. If it is apparent to the motorist, they slow down; but if there are things hidden from the motorist, those things are taken into consideration. Mr. Laragan also said he did not believe that school zones were part of their decisions. The responsibility for school zones lie locally. The state does not interfere.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:45 P.M.

Representative Ellsworth
Chair

Jane Clark
Secretary

**AMENDED #1 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
ELLSWORTH SUBCOMMITTEE**

Rules Review

3:00 P.M.

**E403 Majority Caucus Room
Thursday, January 19, 2012**

DOCKET NO.	DESCRIPTION	PRESENTER
<u>35-0105-1101</u>	Idaho Motor Fuels Tax Administrative Rules	Dan John Tax Commission
<u>39-0203-1101</u>	Rules Governing Vehicle Dealer's Principal Place of Business	Amy Smith Vehicle Services Mgr.
<u>39-0247-1101</u>	Rules Governing Revocation of Vehicle Registration For Failure to Comply with a Motor Vehicle Emission Inspection Ordinance	Amy Smith Vehicle Services Mgr.
<u>39-0270-1101</u>	Rules Governing Restricted Driving Permits	Ed Pemble Driver Services Mgr.
<u>39-0272-1101</u>	Rules Governing Administrative License Suspensions	Ed Pemble
<u>39-0275-1101</u>	Rules Governing Names on Drivers' Licenses and Identification Cards	Lynn Rhodes Driver's License Program Supervisor
<u>39-0276-1101</u>	Rules Governing Driver's License Renewal-By-Mail Process	Lynn Rhodes
<u>39-0301-1101</u>	Rules Governing Definitions Regarding Overlegal Permits	Regina Phipps Vehicle Size & Wt. Spec.
<u>39-0316-1101</u>	Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads	Regina Phipps
<u>39-0341-1101</u>	Rules Governing Traffic Control Devices	Carl Main Traffic Engineer
<u>39-0321-1101</u>	Rules Governing Overlegal Permit Fees	Regina Phipps

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Ellsworth
Rep. Killen

Rep. Henderson
Rep. Bateman

COMMITTEE SECRETARY

Jane Clark - jclark@house.idaho.gov
Room: EW60 - Phone 332-1146

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
ELLSWORTH SUBCOMMITTEE
Rules Review

DATE: Thursday, January 19, 2012

TIME: 3:00 P.M.

PLACE: E42 Majority Caucus Room

MEMBERS: Chairman Ellsworth, Representatives Bateman, Henderson, Killen

**ABSENT/
EXCUSED:**

GUESTS: Dan John, Idaho State Tax Commission, Linda Emry, Ed Pemble, Lynn Rhodes, John Tomlinson, Robert Linkhart, Amy Smith, Carl Main, Regina Phipps, and Mollie McCarty, Idaho Transportation Department (ITD), Chris Arvas, and E. Lee Wilson, Idaho Operation Lifesaver, Brian Thompson, United Transportation Union, Chris Weadick, Idaho State Police, Steve Brumbaugh, Brotherhood of Locomotive Engineer Trainmen, Mike Hysell, citizen, George Millward, citizen.

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

DOCKET NO. 35-0105-1101: **Dan John**, Idaho State Tax Commission presented **Docket No. 35-0105-1101**, Idaho Motor Fuels Tax Administrative Rules. He stated this rule is being amended to provide the Tax Commission with adequate time to determine if a fuel distributor is delinquent and to notify the fuel distributor that their bond exemption will be terminated if the delinquency is not paid. The fuel distributor will need time to obtain a bond if they are not able to pay the delinquency. When ITD revokes a bond waiver, the fuel distributor is out of business. ITD is changing the wording from immediately to 90 days, giving the fuel distributor time to get a new bond.

MOTION: **Representative Henderson** made a motion to recommend **Docket No. 35-0105-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0203-1101: **Amy Smith**, Vehicle Services Manager, ITD, presented **Docket No. 39-0203-1101** Rules Governing Vehicle Dealer's Principal Place of Business. This rule allows dealers to keep records electronically or in off-site locations, following 30 day notification to ITD. Records must be reproducible or available upon request to the department. This requires that electronic records be searchable, be kept secure and in such a manner that they cannot be altered. It amends dated telephone criteria because of modern technology, by removing language for a "hard-mount" wire line business phone. Language that excluded mobile phones, and cell phones was eliminated due to the variety of technology now available for phone service.

When questioned regarding protocol for dealers for securing files, **Amy Smith** explained that in the past it was a locked file cabinet but that the dealers also have to abide by Federal requirements. Amy Smith indicated changing the sign requirements from two inches to four inches is a suggestion.

MOTION: **Representative Killen** made a motion to recommend **Docket No. 39-0203-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0247-1101: **Amy Smith**, ITD, presented **Docket No. 39-0247-1101**, Rules Governing Revocation of Vehicle Registration for failure to comply with Motor Vehicle Emission Inspection Ordinance. The purpose of repealing this rule is due to the passage of **H326** (2011). This legislation changed revocations and reinstatement of vehicle registrations for failure to comply with emission testing. Essentially this bill only requires the compliance of obtaining the emission test after being revoked to have the prior registration reinstated. The department is no longer a part of the process nor is repayment of registration fees a requirement of reinstating.

MOTION: **Representative Bateman** made a motion to recommend **Docket No. 39-0247-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0270-1101: **Ed Pemble**, ITD, Driver Services Manager, presented **Docket No. 39-0270-1101**, Pending Rule Governing Restricted Driving Permits. It removes 'non-residents' from the list of those to whom restricted permits cannot be issued. This is a result of a Supreme Court decision that required issuance of permits to out-of-state residents based on the principal of equal protection under the law. A time period restriction is being removed so that the customer is allowed to have the permit even if it has a very short duration. There is new wording adding "under 17 drivers" to the list of those who shall not receive a restricted permit.

The subcommittee asked if this involves commercial driving permits and **Mr. Pemble** stated it does not.

MOTION: **Representative Killen** made a motion to recommend **Docket No. 39-0270-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0272-1101: **Ed Pemble**, ITD, presented **Docket No. 39-0272-1101**, Rules Governing Administrative License Suspensions. **H61** (2011) deals with the requirement to seize a license and issue a temporary permit upon failure or refusal of an evidentiary test. This rule adds additional time for subpoena service and adds a proof of service requirement. This added time is because the subpoena was often received just after the officer would leave for 3 days and the officer needs more time to see it. We are also correcting a fax number and adding email for receiving documents.

MOTION: **Representative Bateman** made a motion to recommend **Docket 39-0272-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0275-1101: **Lynn Rhodes**, ITD, Driver's License Program Supervisor, presented **Docket No. 39-0275-1101**, Rules Governing Names on Drivers' Licenses and Identification Cards. The changes to this rule were proposed to support the Department of Motor Vehicle's (DMV) modernization criteria of one-driver-one-record by disallowing the issuance of a drivers license in one name and an identification card in another name. This has been a continuing problem with people who want to make a name change due to marriage or divorce but also want to maintain two identities. There is a deletion of the 26 character limit for names, because the DMV system will allow more characters. The rule was revised to provide for additional name formatting flexibility. The revisions also provides procedure for adding a middle name when making a name change.

Lynn Rhodes , ITD advised the committee that for people who do not have a birth certificate a foreign passport is used. ITD checks with Homeland Security on their status.

MOTION **Representative Henderson** made a motion to recommend **Docket 39-0275-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0276-1101: **Lynn Rhodes**, ITD, presented **Docket No. 39-0276-1101**. Rules Governing Driver's License Renewal-By-Mail Process. Lynn Rhodes stated this rule allows for future electronic driver license renewal procedures and deletes references to out-dated procedures, such as providing renewal stickers for application to the back of film-based driver license cards. All driver licenses are now digitized. ITD has not used Social Security numbers on drivers licenses since 1996, so that provision was deleted. An electronic online renewal process is expected to be implemented in the future as part of the Department of Motor Vehicle's modernization.

MOTION: **Representative Killen** made a motion to recommend **Docket 39-0276-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0301-1101: **Regina Phipps**, ITD, Vehicle Size and Weight Specialist, presented **Docket No. 39-0301-1101**, Rules Governing Definitions Regarding Overlegal Permits. This rule added the definition of a "designated agent," which can be a relative or employee of the farmer. This rule also moves the definition of Escort Vehicle to Pilot Vehicle. This rule also added definition of overall length limit for vehicle combination from 105 ft. to 115 feet. This rule adds a clarifying definition for Overall Length for enforcement personnel.

MOTION: **Representative Bateman** made a motion to recommend **Docket 39-0301-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0316-1101: **Regina Phipps**, ITD, presented **Docket No. 39-0316-1101** the Rule for Oversize Permit for Non-Reducible Vehicles and/or Loads. This rule eliminated the reference to the 10 minute delay of traffic since this is addressed in Rule 39.03.11 when operating under a traffic control plan. This rule also changed trailer width allowance from 9 feet to 10 feet, so that the vehicle can haul a non-reducible load smaller than the trailer. This rule also added new exemptions for farming vehicles that are no longer required to be permitted when meeting certain requirements.

MOTION: **Representative Henderson** made a motion to recommend **Docket 39-0316-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0341-1101: **Carl Main**, ITD, Traffic Services Engineer, presented **Docket No. 39-0341-1101** Rules Governing Traffic Control Devices. This Pending Rule will adopt the 2009 Manual on Uniform Traffic Control Devices (MUTCD). This manual has been endorsed by the Federal Highway Administration. In Idaho the MUTCD is not automatically adopted; this allows ITD to add conforming additions. This manual has been modified five times, starting in year 2000 up to this year, 2012. This 2009 MUTCD was a major rewrite from the previous version; the complete list is 629 pages long and there were 24 Conforming Additions to the 2009 MUTCD.

Carl Main said adoption of these standards will be mandatory for all state municipalities and it applies to all public roads, access to private land and parking lots. In response to a question regarding signage at railroad crossings, Mr. Main said in 1966 the IdaShield program was started for all railroad crossings and money was obtained from another source. With that money ITD supplied and installed the signage for all railroad crossings. That program also required ITD to administer and to maintain IdaShield. ITD has not decided whether that means ITD will also replace signage.

MOTION: **Representative Henderson** made a motion to recommend **Docket No. 39-0341-1101** to the full committee for approval. **Motion carried by voice vote.**

DOCKET NO. 39-0321-1101: **Regina Phipps** ITD, presented **Docket No. 39-0321-1101**, the Rules Governing Overlegal Permit Fees. The Permit Fee increase will allow collection for ITD's administrative costs as required. ITD may require reimbursement of actual costs incurred for extraordinary services provided, incidental and necessary to the planning and/or movement of overlegal loads moving under the requirements of a traffic control plan.

MOTION: **Representative Henderson** made a motion to recommend **Docket No. 39-0321-1101** to the full committee for approval. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the subcommittee the meeting was adjourned at 3:55 P.M.

Representative Ellsworth
Chair

Jane Clark
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 24, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>RS20885</u>	Amend Idaho Code to authorize the Department of Agriculture to transfer funds to the Idaho Transportation Department (ITD) to prepare and update Idaho's rail plan. Funds already appropriated in Idaho Code.	John Watts, Veritas Advisors Representative Scott Bedke
<u>RS20847</u>	This proposed legislative change clearly defines the deficiency warrants process relative to disaster emergencies.	Mr. Fred Abt, Idaho Bureau of Homeland Security
<u>RS20795C1</u>	This proposed legislative change amends the current Idaho Code Title 59 Chapter 14 to reflect the current needs of Continuity of Operations (COOP) and Continuity of Government (COG) within Idaho.	Mr. Pat Lucas, Idaho Bureau of Homeland Security
Presentation	Idaho State Parks Passport Legislation	Director Nancy Merrill, Idaho Parks and Recreation

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Hagedorn
Vice Chairman Ellsworth	Rep Bateman
Rep Wood(35)	Rep Henderson
Rep Smith(24)	Rep Nessel
Rep Bedke	Rep Ringo
Rep Wills	Rep King
Rep Hart	Rep Killen
Rep Nonini	

COMMITTEE SECRETARY

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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

JOINT
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
AND
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
WW02 Auditorium
Thursday, January 26, 2012

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Idaho Transportation Department Annual Report to the Legislature	
	Introduction	Darrell Manning, Idaho Transportation Board Chairman
2011 Focus Areas	Realignment	Brian Ness, ITD Director
	Investing for Performance	Brian Ness, ITD Director
Follow-up	Performance Measures	Scott Stokes, ITD Chief Deputy
	Accountability, Efficiency, Effectiveness	Scott Stokes, ITD Chief Deputy
	Strategic Plan	Brian Ness, ITD, Director
	Individual Performance Management	Brian Ness, ITD, Director
	Questions and Answers	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Hagedorn(Tucker)
Vice Chairman Ellsworth	Rep Bateman
Rep Wood(35)	Rep Henderson
Rep Smith(24)	Rep Nessel
Rep Bedke	Rep Ringo
Rep Wills	Rep King
Rep Hart	Rep Killen
Rep Nonini	

COMMITTEE SECRETARY

Jane Clark
Room: EW60
Phone: (208) 332-1146
email: jclark@house.idaho.gov

MINUTES
JOINT MEETING
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE
SENATE TRANSPORTATION COMMITTEE**

DATE: Thursday, January 26, 2012

TIME: 1:30 P.M.

PLACE: WW02 - Auditorium

MEMBERS: Chairman Palmer, Vice Chairman Ellsworth, Representative(s) Wood(35), Smith(24), Bedke, Wills, Hart, Nonini, Hagedorn (Tucker), Bateman, Henderson, Nessel, Ringo, King, Killen
Chairman Hammond, Vice Chairman Brackett, Senators Keough, McGee, Corder, Winder, Bair, Werk, Bilyeu

**ABSENT/
EXCUSED:** Representative(s) Wills, Nonini, Hagedorn

GUESTS: Darrell Manning, Idaho Transportation Board, Brian Ness, Scott Stokes, and Mollie McCarty, Idaho Transportation Department, (ITD), Kim Toryanski, Vicki Tokita, Department of Human Resources, Max Greenlee, Risch Pisca, Zach Haug, Capital West, Dave Carlson, AAA Idaho, Ben Richner, and Robyn Lockett, Legislative Services Office, (LSO) Matt Kaiserman, Gallatin, Dennis Tanikuni, Idaho Farm Bureau, Teronda Robinson, Developmental Disabilities Council, (DDC)

Co-Chairman Hammond called the meeting to order at 1:36 P.M.

Co-Chairman Hammond introduced **Darrell Manning**, Idaho Transportation Board Chairman.

Darrell Manning began by thanking the legislators for all they do for people of Idaho. This was his last official duty as Chairman of the ITD Board, and he announced the appointment of **Jerry Whitehead** as the new Board Chairman. He praised the ITD Board for setting budgets and direction for ITD. There were two major studies this year of citizens and investments. ITD developed a pavement management system which is up and running. An audit found that starting salaries for Idaho transportation technicians were shamefully low. The stimulus projects and GARVEE projects are nearly complete. This is a benefit to the people of Idaho. Mr. Manning also said that major changes at ITD have been embraced by the employees.

Co-Chairman Hammond thanked former **Adjutant General, Darrell Manning** for his service.

Director Ness, ITD, thanked all the committee members for their help with transportation issues this year. Director Ness began by saying, ITD will discuss the Department's new direction, how to attain this goal, and how progress will be measured. Last year the Department focused on 5 areas: (1) realignment; (2) investing in performance; (3) performance measures; (4) accountability, efficiency and effectiveness; and (5) individual performance management. The Governor's realignment was completed in eight months. The Department reduced nine layers of management to five; eliminated 62 one-on-one supervisory positions; and had less duplication between districts and headquarters. No employees lost their jobs, yet ITD saw a total savings of \$3.5 million. ITD is looking at "Investing For Performance" to maximize investment dollars. Management is holding the employees accountable for the departments priorities. ITD invested in the Transportation Asset Management System which launched on time and on budget; it determines the most cost effective pavement investments and tracks

and manages maintenance activities. It was used in 2011 to select pavement preservation projects. ITD is also looking at a 50-Year Plan which ensures that good decisions are made now for the future. The Fiscal Year 2013 (FY13) Budget Request is \$584 million, with \$0 requested for GARVEE Bonds. The ITD website has a pie chart which shows how FY13 budget will be proportioned.

Scott Stokes, ITD Chief Deputy, discussed the Performance Measure Status which is reported on ITD's Dashboard website, so the public can see how ITD does compared to other states. One area that is important to note for the future is that today Idaho has 13% deficient pavement; but 28% deficiency in pavement is predicted in 2021. ITD is going to have to address pavement foundations. Also, Idaho's bridges, built prior to 1962, are over 50 years old. In 2021 Idaho will have over 1000 bridges over 70 years old. ITD may need to pull some money away from pavement to put toward reconstruction of bridges. The Governor's Task Force members confirmed Idaho's real and significant transportation funding shortfall of \$543 million.

Director Ness continued with ITD's New Mission Statement: "Your Safety, Your Mobility and Your Economic Opportunity." With that mission statement for 2012, there are three goals: (1.) become the best organization by continually developing employees and implementing innovative business practices; (2.) commit to having the safest transportation system possible; and (3.) provide a mobility-focused transportation system that drives economic opportunity. The first goal of becoming the best organization means to develop the best employees and the best practices. To do this, the Department needs to reduce turnover rates. Even in a slow economy ITD has fifty percent (50%) employee turnover, therefore, ITD must invest in our employees and in compensation. The second goal of "committing to safety" will see ITD focus on reduction in fatalities, serious injuries, and injuries related to impaired driving. The third goal is mobility and economic opportunity, which is measured by increased efficiency in transporting goods; as well as reduction in travel time for commuting, commerce, recreation, and tourism. This also involves an increase in Idaho's Gross Domestic Product (GDP) with more jobs and business revenues. Travel time reductions will benefit tourism and recreation industries; travel time reliability is valued by the public, shorter shipping times will lower the cost of goods and lower cost goods will make Idaho more competitive. ITD will also study ways to improve Idaho's shipping efficiency. To do this ITD partners with the Department of Commerce, the Department of Agriculture and the Department of Labor along with private industry. This plan is about action, outcome and accountability. Our leadership team developed measurable strategies and looked at those goals to see that nothing is missed. ITD's goal is that every employee will have a new performance plan at the beginning of the fiscal year, measuring performance that will relate directly to the Department's goals.

In answer to a question about why Michigan's Governor is requesting more revenue now for transportation, **Director Ness** said Michigan's governor wants to raise revenue to do preventative measures so that in the future they won't have to completely rebuild the roads. Putting more money into preventative fixes now will also be cost effective for Idaho.

The committee asked a question about Idaho's out-of-date rail plan and how ITD plans to address the plan. **Scott Stokes** ITD Chief Deputy, explained that ITD's focus has been pavement and bridges, with a lack of focus on other modes like rail. They believe the one percent (1%) funds being transferred to ITD will be sufficient to complete the new plan and the 3 to 5 year interval is the correct time interval for revisiting their needs. Mr. Stokes also stated they will look at aeronautics, rail, pedestrian and bike plans. The source of funding for these plans comes from the most restricted ITD funds not from shifting internal budgets.

When a question was asked about the study of 129,000 lb. trucks using the roadways when there are other trucks of that weight not permitted on the same roadways. **Scott Stokes** said ITD is studying what the traffic is in and out of waste energy sites. They will look at incoming lanes rather than outgoing lanes. ITD hopes to have this study completed by November or December of this year. In answer to a question about Idaho receiving railroad funds, ITD explained that Idaho gets \$200,000 from Federal Rail Act and so, to the degree that the railroads contribute, Idaho benefits.

In answer to the investigation of the Highway 95 collapse last year, **Director Ness** said he has not received the final results, but the major contributing factor was heavy tourism on that road and waiting until that traffic had subsided before working on that stretch of road. Also, the weather was a factor.

When asked what federal dollars contributed to Idaho jobs, **Director Ness** said he does not know how many jobs were created with the \$300,00 in Federal funds but the \$800,000 in GARVEE funds created 13,000 jobs last year.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 2:36 P.M.

Representative Palmer
Co- Chair

Jane Clark
Secretary

**AMENDED #3 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, January 30, 2012**

Docket No.	DESCRIPTION	PRESENTER
	Report from Ellsworth Subcommittee on Rules <u>Pending Rule from Idaho State Tax Commission</u>	Rep. Ellsworth
<u>35-0105-1101</u>	Idaho Motor Fuels Tax Administrative Rule <u>Pending Rules from Idaho Transportation Department</u>	Rep. Ellsworth Rep Ellsworth
<u>39-0203-1101</u>	Rules Governing Vehicle Dealer's Principal Place of Business	
<u>39-0247-1101</u>	Rules Governing Revocation of Vehicle Registration Fee	
<u>39-0270-1101</u>	Rules Governing Restricted Driving Permits	
<u>39-0272-1101</u>	Rules Governing Administrative License Suspensions	
<u>39-0275-1101</u>	Rules Governing Names on Drivers' Licenses / I.D. Cards	
<u>39-0276-1101</u>	Rules Governing Driver's License Renewal-By-Mail Process	
<u>39-0301-1101</u>	Rules Governing Definitions Regarding Overlegal Permits	
<u>39-0316-1101</u>	Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads	
<u>39-0341-1101</u>	Rules Governing Traffic Control Devices	
<u>39-0321-1101</u>	Rules Governing Overlegal Permit Fees	
<u>H 367</u>	Relating to Idaho Transportation Department as recipient of Federal Transit Authority program funds.	John Krause, Transit Program Mgr., ITD
<u>H 368</u>	Relating to the Statewide Communications Interoperability Executive Council (SIEC)	Mark Lockwood, SIEC Chairman
<u>H 369</u>	Relating to creating a Military Division Support Fund, giving the Adjutant General authority to accept gifts for projects.	Lt. Col. David Dahle, Military Division

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer
Vice Chairman Ellsworth
Rep Wood(35)
Rep Smith(24)
Rep Bedke
Rep Wills

Rep Hart
Rep Nonini
Rep Hagedorn(Tucker)
Rep Bateman
Rep Henderson
Rep Nessel

Rep Ringo
Rep King
Rep Killen

COMMITTEE SECRETARY

Jane Clark
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, January 30, 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(s) Smith(24), Bedke, Ringo, Killen

GUESTS: The sign-in sheet will be retained with the minutes in the committees 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 1:32 P.M.

Vice Chairman Ellsworth reported on the Administrative Rules Subcommittee, recommending approval of **Docket Nos: 39-0203-1101, 39-0247-1101, 39-0270-1101, 39-0272-1101, 39-0275-1101, 39-0276-1101, 39-0301-1101, 39-0316-1101, 39-0341-1101, 39-0321-1101** from the Idaho Transportation Board, and **Docket No. 35-0105-1101** from the Idaho State Tax Commission.

MOTION: **Representative Wood (35)** made a motion to accept the report of the Ellsworth Administrative Rules Subcommittee. **Motion carried by voice vote.**

MOTION: **Representative Bateman** made a motion for subcommittee members to approve the subcommittee minutes of January 19, 2012. **Motion carried by voice vote of subcommittee members.**

H 367: **John Krause**, Transit Program Manager, Idaho Transportation Department (ITD), reported that every five years ITD renews a continual Executive Order with the Office of the Governor designating the ITD and the Director as the recipient of Federal Transit Administration (FTA) program funds. A finding identified through the Zero-Based Budgeting process recommended that this long-standing designation be codified rather than mandated. **H 367** will eliminate the time intensive process of producing a new Executive Order every five years. FTA funding associated with this designation totals approximately \$11 million annually, plus any special discretionary programs. Codifying this does not change any internal processes or authority but simply makes it permanent.

The committee asked if ITD has authority for all of Idaho's Federal Transit Administration funds and if the legislature manages those funds for the State and if so how much is it? **Mr. Krause** said the total is \$11 million, which is seventy five percent (75%) of what Idaho receives from FTA funding. Other funding is discretionary or competitive funding, where ITD competes with other states. In answer to what role the Legislature plays in the governing of this money, Mr. Krause stated ITD has to have spending authority for the money it manages. ITD goes through a competitive process to sub grant to other communities across the state. ITD has spending authority from Division of Financial Management. The committee asked if the term 'spending authority' is authority from the Legislature. Mr. Krause said that is correct. This bill simply streamlines the process.

MOTION: **Representative Wills** made a motion to send **H 367** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wills** will sponsor the bill on the floor.

H 368:

Police Chief Mark Lockwood, Chairman of Statewide Interoperability Executive Council (SIEC), presented this bill on interoperability. Mr. Lockwood stated the SIEC has worked hard on government structures. They have emphasized local governments in setting standards. The SIEC added on members of local governments to chair and to sit on the Council. The District Interoperable Governance Boards (DIGB's) have just started to mature, but there is more to be done concerning communication across the State.

Regarding the length of the terms for the Council members. **Mr. Mark Lockwood** stated that in the beginning they staggered the terms of the Council so new ones were added every two years, but now the membership has remained consistent so a term became a straight four (4) years. The agencies recommend their members to the Governor for appointment. In defining "governance council." Mr. Lockwood explained the State Council is set up through Executive Order. In 2011, through statute, Mr. Lockwood appointed one (1) member from each of the six District Interoperable Governance Boards (DIGBs) across the state to serve as voting members on the SIEC. The SIEC utilizes ITD's Regions across the state for boundaries for the six DIGB's. This provided a direct link from the 'ground up' (the local level) back to the SIEC. This also provided a means for local involvement with SIEC. The appointed members from the DIGB's have been very helpful, and several are currently serving on SIEC subcommittee projects. SIEC was praised for doing a tremendous job in bringing first responders into communication throughout the State. The governance board determined how and when to use particular channels, and Idaho can now use the radio system from one end of the state to the other. After a question about changing the "project manager" position to "operation's manager" which will be a permanent position, Mr. Lockwood referred that question to **General William Shawver** Director, Bureau of Homeland Security (BHS). General Shawver explained that the statute, as it exists today, specifies two full time support employees. This allows better support for the Council and gives additional flexibility. When questioned about the wording "other funding sources," if SIEC is anticipating using State funding, and what are these "other funding sources," General Shawver said the Council does not anticipate using State funding or asking for a budget from the General Fund. As to the make-up of the Council, and removing a Department of Administration member from the Council, General Shawver stated an Administration member was specifically needed in 2007. Currently SIEC has only one member of the Idaho Military Division participating because we are very sensitive to the balance of State and Federal control.

MOTION:

Representative Hagedorn made a motion to send **H 368** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hagedorn** will sponsor the bill on the floor.

H 369:

Lt. Col. Dahle said **H 369** creates a special account that allows the Military Division to receive gifts and donations. He said there are people who may be willing to give gifts to facilitate projects. The Military Division has statutory authority and reports to the Department of Financial Management for the tracking of this program.

The committee asked to hear more about the youth program these funds would help to create. **Lt. Col. Dahle** explained that it is a National Guard Youth Challenge Program. These children are at risk of not completing their education. Funding from the Federal government makes this work. The Military Division is proposing to meet the extra funds needed by obtaining private donations to help put children back on track. It is managed by the military but the program has to meet state educational standards. The committee asked if this might entice some young people to enter the National Guard and **Lt. Col. Dahle** said this has happened.

MOTION: **Representative Bateman** made a motion to send **H 369** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Bateman** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:36 P.M

Representative Palmer
Chair

Jane Clark
Secretary

AMENDED #2 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 02, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21010</u>	Relating to improving the flexibility in driver license and identification card renewal processes to better accommodate those who are temporarily out-of-state.	Representative Jim Guthrie
<u>RS20960</u>	This proposed legislation creates a new historic special license plate to mark the Sesquicentennial (150th) celebration of the Idaho Territory.	Representative John Rusche Representative Jeff Nesset
<u>RS21138</u>	Marking Guyed-Towers	Representative Gayle Batt

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer

Vice Chairman Ellsworth

Rep Wood(35)

Rep Smith(24)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Henderson

Rep Nesset

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

Jane Clark

Room: EW60

Phone: (208) 332-1146

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 02, 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) Smith(24), Bedke, Hart

GUESTS: Amy Smith and John D. Thomas, Idaho Transportation Department (ITD)

Chairman Palmer called the meeting to order at 1:33 P.M.

Representative Ringo made a motion to approve the minutes of January 26, 2012 and January 30, 2012. **Motion carried by voice vote.**

RS 21010: **Rep. Jim Guthrie** presented **RS 21010**. When citizens leave the country temporarily, and their driver license expires, drivers had to retest if it expired for 12 months or more. This new provision gives drivers 25 months expiration before they have to take the appropriate tests and vision screening. ITD does not endorse outside legislation, but looked at this legislation and had no technical issues, however they added some clarification language. This legislation also brings the same renewal provisions for identification cards with some additional extension time. Military persons have 60 days after re-entering the country before they have to surrender their old ID card and obtain a new one.

MOTION: **Rep. Nonini** made a motion to introduce **RS 21010**. **Motion carried by voice vote.**

RS 20960: **Representative Rusche** presented **RS 20960**, which creates the Idaho Territory Sesquicentennial License plate. The proceeds from this new plate are to be shared by the county historical society in which the vehicle is registered. Rep. Rusche said Section 1 puts this plate into Code and Section 2 describes how the money will be utilized from its sale.

MOTION: **Vice Chairman Ellsworth** made a motion to introduce **RS 20960**. **Motion carried by voice vote.**

RS 21138: **Representative Batt** presented **RS 21138**, which establishes standards to lighting and markings of guyed towers that are 50 feet in height or more and have lines coming down from them for support. This legislation was brought by low level aircraft pilots like crop dusters, air ambulance, medevac, military, fire suppressors, Idaho Fish and Game personnel, rescuers and general aviators. These towers are not covered by FAA regulations, which has created a loop hole. There is a safety issue because these towers can be as high as 190 feet.

MOTION: **Vice Chairman Ellsworth** made a motion to introduce **RS 21138**. **Motion carried by voice vote.**

The committee asked for more clarification on the costs for a company to add these markings and lights, as well as what is being done currently on these towers. **Rep. Batt** will bring the estimates on the costs when the bill comes back to committee. When questioned about urban areas, since this bill just references towers in areas outside the city, Rep. Batt said regulations are in place for towers in urban areas.

There being no further business before the committee, the meeting was adjourned at 1:45 P.M.

Representative Palmer
Chair

Jane Clark
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, February 06, 2012

<u>SUBJECT</u>	<u>DESCRIPTION</u>	<u>PRESENTER</u>
<u>RS20967</u>	Relating to the Administrator of the Division of Veterans Services to be appointed to act as a payee, for the purpose of receiving funds payable to a resident of a veteran's home of this state.	Tamara MacKenthun, Administrative Support Mgr., Division of Veterans Services Michael Berry, Business Manager, Division of Veterans Services
<u>RS21164</u>	Relating to Parking Meters during the Legislative Session.	Representative Joe Palmer, Chairman, Transportation and Defense Committee

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer

Vice Chairman Ellsworth

Rep Wood(35)

Rep Smith(24)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

Jane Clark

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, February 06, 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 Hart
GUESTS: Ross Borden, City of Boise; Mike Berry, and Tamara Mackenthun, Division of Veteran Services; Zach Hauge, Capitol West

Chairman Palmer called the meeting to order at 1:32 P.M.

RS 20967: **Tamara Mackenthun**, Administrative Support Manager, Division of Veteran Services (DVS), presented **RS 20967**, and stated that her duties include acting for the Director on legislative issues. This proposed legislation will allow DVS to formally appoint a member of their Division to receive payments, when the veteran's family is receiving income, but not using it for the resident's living expenses. DVS has assumed this duty but has been doing so at the risk of being liable. When a physician who is not an employee of DVS has determined that the resident is not capable of handling their own financial affairs, the DVS Administrator appoints a designee as payee to provide for the money to be kept in trust, applied to certain expenses and to provide for accounting of those funds. The paying entity may conduct their own reviews. A trained and licensed social worker will also be present with the resident to make sure they understand their rights. The Division already manages trust accounts for residents, and we have not experienced any issues with these trust accounts.

A question was asked about what the Division does when there is a problem receiving funds. **Tamara Mackenthun** said the administrator in the home steps up even though they could incur liability. It is not an optimum situation, but we have an ombudsman who works with and for our veterans. When asked if there was another way to deal with these issues through the courts, Tamara Mackenthun deferred to **Julie Weaver**, Deputy Attorney for the Division; she said there is a guardian in place, but it is very costly and time consuming. The committee asked to have more information presented about the process when a resident is declared to need a fiduciary. The committee also requested more information on the safety aspects in place to guarantee the money is used for the intended purpose, along with a description of the audit procedure and how often the audits are prepared.

MOTION: **Representative Henderson** made a motion to introduce **RS 20967**. **Motion carried by voice vote.**

Chairman Palmer turned the gavel over to **Vice Chairman Ellsworth** in order to present **RS 21164**.

RS 21164: **Chairman Palmer** presented **RS 21165**. This legislation proposes to make the meters inoperable when the Legislature is in session. Because many committee meetings extend beyond the time allotted on a parking meter, this will allow the public to attend or testify at a meeting without receiving a parking ticket.

A question was asked about what would prevent state employees from taking advantage of the free meters. **Chairman Palmer** said there is no way to completely solve this, but a letter could be sent out to state employees reminding them of the purpose of the parking spaces. In answer to the question of what control would be put in place so that the public would not stay all day, Chairman Palmer said there are no guarantees, but security could monitor the parking spaces. The committee suggested a three hour time limit be put on each space. Asked about how much revenue would be lost to the city from these free parking meters, Chairman Palmer said he does not know, but the City of Boise will provide that information. Finally a more precise definition of the wording "parking meters adjacent to or adjoining the state buildings of the Capitol Mall area" was requested by committee members.

MOTION:

Representative Bateman made a motion to introduce **RS 21164**. **Motion carried by voice vote.**

There being no further business before the committee, the meeting was adjourned at 1:47 P.M.

Representative Palmer
Chair

Jane Clark
Secretary

**AMENDED #3 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 08, 2012**

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1243</u>	Relating to motor vehicle registration and license plates, and to rein in the proliferation of specialty license plates and to ensure greater accountability for funds collected through this program.	Sen. James Hammond
<u>RS21212</u>	Establishes standards for lighting and marking of guyed towers above 50 feet in height, not regulated by the F.A.A., to ensure safety of pilots.	Rep Gayle Batt
<u>H 473</u>	Relates to improving the flexibility in driver license and identification card renewal, and reduces the inconvenience of retesting requirements to those who have inadvertently allowed their driver's license to expire.	Rep. Jim Guthrie
<u>RS21182</u>	Relating to creating a National Motto specialty license plate. Part of the fees collected for these license plates will go to the American Heritage Foundation, which helps to educate the public regarding the founding principles of the United States of America.	Terry Sali Bill Sali
<u>RS21060</u>	Relating to repeal of ITD's authority to establish and administer zoning of public airports and leaves that responsibility to local jurisdictions.	Rep. JoAn Wood

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Hagedorn
Vice Chairman Ellsworth	Rep Bateman
Rep Wood(35)	Rep Henderson
Rep Smith(24)	Rep Nessel
Rep Bedke	Rep Ringo
Rep Wills	Rep King
Rep Hart	Rep Killen
Rep Nonini	

COMMITTEE SECRETARY

Jane Clark
Room: EW60
Phone: (208) 332-1146
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 08, 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(s) Smith(24), Hart, Killen

GUESTS: Ed Pemble, and Amy Smith, Idaho Transportation Department, (ITD); John Eaton, Idaho Realtors; Bill Miller, Idaho Aviation Association; Katherine Kirk, Idaho Heritage Trust (IHT); William P Statham, Idaho Division of Aeronautics, (IDA)

Chairman Palmer called the meeting to order at 1:30 P.M.

S 1243: **Senator Hammond** presented **S 1243**. This bill is a compromise between those interests who would allow the specialty license plates to grow in number and those who want to eliminate these plates. This bill does not propose to eliminate them. There are three different kinds of license plates: vanity plates, military plates and speciality plates. Four types have been discontinued. Currently \$1.6 million has been raised by the sale of these plates and the money has been given to agencies and organizations with no accountability as to how the funds are dispersed. The purpose of the license plate is to be a unique identifier on each vehicle, assisting law enforcement and traffic management. Having many types of plates, including those for private clubs, dilutes that purpose. Montana, for instance, has twice as many special license plates as Idaho, and it has become hard to read the plates. This bill proposes to leave any and all license plates that are currently issued, but limit future speciality plates to state or other public agencies or foundations supporting the interests of state and/or local government.

In answer to a question about whether Montana uses a template for their license plates, **Senator Hammond** said they do not.

MOTION: **Rep. Wood** made a motion to send **S 1243** to the floor with a **DO PASS** recommendation.

Asked to expand on the issues of limiting license plates, **Senator Hammond** said having a template does help, but Idaho is collecting money and giving it to organizations that do not serve state or local government interests. These agencies or clubs are given money and do not have to account for those funds. Government should not be in the business of raising money for private organizations. In answer to a question about military plates, plates to raise funds for educating low income folks, and other memorial plates, Senator Hammond said those organization would still be able to come forward with new plate proposals. Those are examples of plates being used for a government purpose for the general good of the community. In answer to whether or not organizations with current plates will have to provide annual reports, Senator Hammond said only those new plates going forward will have to report. Senator Hammond said ITD will promulgate rules for future interests; but the Legislature will make the final decision on each plate. Another question was asked about set-up costs as well as on going cost for these plates. Senator Hammond deferred to **Amy Smith** ITD, who said the set up cost is \$3000. The ITD State Highway account gets \$10 or \$13 dollars from the sale of each plate, but there are no ongoing expenses. Some members of the committee argued that limiting the ability to access this voluntary cash for ITD, to the tune of

\$1.6 million, would be imprudent. The system currently in place is self-limiting, if a plate does not draw business, it ceases to exist. Idaho has spent a great deal of money at the prison for this purpose and Idaho does not stock pile plates which has saved storage dollars. The system provides a product at reasonable cost and ITD is the beneficiary.

MOTION: **Representative Bateman** made a substitute motion to **HOLD S 1243** in committee. **Motion carried by voice vote.**

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

RS 21212: **Chairman Palmer** presented **RS 21212** which makes a change to **H 474** which proposes to establish standards for lighting and marking of guyed towers over 50 feet in height. The change adds: "This shall not apply to power poles or structures owned and operated by an electric supplier as defined in Section 61-332A (4). Idaho Code."

Representative Wood made a motion to introduce **RS 21212**. **Motion carried by voice vote.**

H 473: **Representative Jim Guthrie** presented **H 473**. This bill allows for situations when a citizen goes out of state, the driver's license expires, and the driver has to retest if it was expired for 12 months or more. This new provision gives the driver 25 additional months on an expired driver's license before required to take the vision screening and other appropriate tests. The fees are retroactive so ITD does not lose money on the extended time. Identification cards' renewal is mirrored to the license plate changes for consistency. Military persons have 60 days after re-entering the country before surrendering their old ID card to obtain a new one.

When questioned regarding military persons' ability to access the application to renew a license or ID card when deployed out of country, **Rep Guthrie** deferred to **Ed Pemble**, ITD, who said the applications are online and can be accessed for a fee of \$10.

MOTION: **Representative Wills** made the motion to send **H 473** to the floor with a **DO PASS** recommendation. **Motion carried by a voice vote.** **Rep. Guthrie** will sponsor the bill on the floor.

RS 211812: **Congressman Bill Sali** presented **RS 21182**. This proposed legislation creates a National Motto specialty license plate. There are at least eleven states that have adopted plates with the National Motto "In God We Trust." Most people don't know that this motto is in U.S. Code at 36 USC 302. In Washington DC, Mr. Sali was surrounded by the history of this great nation. He and his wife started the American Heritage Foundation, as a non profit foundation, to provide booklets and other materials on the founding principles of our country, promoting patriotism and good citizenship and respect for positions of authority. Mr. Sali was unable to find another entity providing such materials for free, or at reduced cost. Mr. Sali offered to provide an annual report to the Legislature, giving evidence of how the funds are spent. Mr. Sali mentioned several booklets, including, "The Proper Role of Government" by Ezra Taft Benson and another titled, "American History Stories You Never Read In School....but should have."

The committee asked about the members of the American Heritage Foundation's Board. The committee asked for more information on other entities providing this information at no cost. One committee member felt this foundation was politically motivated.

Representative Hart made a motion to introduce **RS 21181**. **Motion carried by voice vote.** **Rep. King** requested that she be recorded as voting **NAY**.

RS 21060: **Representative JoAn Wood** presented **RS 21060**. This legislation comes from ITD and Division of Aeronautics for all of Idaho cities and counties. There are airports that are struggling because of growth in the communities around the airports. The Association of Idaho Cities, The Association of Idaho Counties, Aviation Association, the Division of Aeronautics and the US Department of Aeronautics were brought together to talk about airport zoning. This repeals ITD's authority to establish and administer zoning around public airports and leaves that responsibility to local entities. Idaho has a 64-year-old zoning act that needs to be revised. Rep. Wood has letters from around the State in favor of this legislation, which will be available.

MOTION: **Representative Nonini** made a motion to introduce **RS 21060**. **Motion carried by voice vote.**

Rep. Ringo asked to have more information about the structure of the organizations who propose license plates and information on how the funds are dispersed to those organizations.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:20 P.M.

Representative Palmer
Chair

Jane Clark
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 14, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>H 479:</u>	This legislation add a new section for the Administrator of the Division of Veterans Services or his designee to be appointed to act as a payee, fiduciary for receiving funds payable to a resident of a veteran's home of this state.	Tamara Mackenthun Administrative Support Manager, Div. of Veterans Services
Committee Discussion <u>S 1243:</u>	Relating to motor vehicle registration and specialty license plates to ensure greater accountability for funds collected. NOTE: A motion to hold S 1243 in Committee passed by voice vote on Feb. 8, 2012.	Rep. Julie Ellsworth

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer
Vice Chairman Ellsworth
Rep Wood(35)
Rep Smith(24)
Rep Bedke
Rep Wills
Rep Hart
Rep Nonini

Rep Hagedorn
Rep Bateman
Rep Henderson
Rep Nessel
Rep Ringo
Rep King
Rep Killen

COMMITTEE SECRETARY

Jane Clark
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 14, 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 Nonini

GUESTS: Tamara Mackenthun, Julie Weaver, Michael Berry, Division of Veterans Services (DVS); Charles Price, Sr., Mel Napier, American Legion; Chris Fisher, and Alan Frew, Idaho Transportation Department (ITD); Katherine Kirk, Idaho Heritage Trust

Chairman Palmer called the meeting to order at 1:34 P.M.

Representative Bateman made a motion to approve the minutes of February 8, 2012 with the following correction: **Rep. Killen** be included as absent/excused.
Motion carried by voice vote.

H 479: **Tamara Mackenthun**, Administrative Support Manager, Division of Veterans Services (DVS), presented **H 479**. Ms. Mackenthun went over the process for determining and declaring that residents of the veterans home need a Representative Payee (for Social Security Benefits) or Fiduciary for Veterans Administration (VA) Benefits appointed on their behalf: For VA benefits: The state Veterans Services Officer at the Veterans Home sends the VA Regional Office a letter requesting appointment of VA Fiduciary for a specific resident, a statement of medical opinion from residents' primary physician to VA Regional Office, and a recommendation as to who should be appointed as Fiduciary. The VA sends the resident notification that the VA is considering rating the resident as not able to make financial decisions; if the resident disagrees with the VA's decision the resident has 60 days to respond with additional evidence, to request a hearing, or to both provide more evidence and request a hearing. If the VA determines a Fiduciary needs to be appointed the resident's file is sent to the VA Fiduciary Office in Salt Lake City. The local VA investigator meets with the resident and the proposed Fiduciary and provides on-site information to the VA Fiduciary Office, which then makes the final appointment determination.

The Division of Veterans Services (DVS) has not yet drafted rules for an internal appeal process. The Division would like to bring advocates from such groups as the ombudsman program, the Idaho Commission on Aging and Legal Aid to discuss the options and to provide their input regarding a process that is best for the resident. The Division anticipates the internal appeal process will be similar to the appeal program in place elsewhere within the Division, which is: (1) an individual disagreeing with a determination submits an appeal to the Division Administrator; (2) the administrator can appoint a single hearing officer or designate the Veterans Affairs Commission to act as a hearing officer; (3) the hearing officer informally receives evidence and can conduct a meeting-like hearing to take testimony; (4) The hearing officer makes a decision which is then affirmed or rejected by the Division Administrator; and (5) the appealing party can appeal the Division Administrator's decision to a district court under the Administrative Procedure Act.

The processes for ensuring proper handling, safeguarding and audits of residents' funds are as follows: Social Security Administration (SSA) requires an annual

accounting, a Representative Payee Report, which includes questions such as: did the payee determine how funds were spent; did payee charge for services provided; how much was spent on food and housing; how much was spent on personal items, and how much was saved. The VA conducts periodic random reviews of fiduciary accounts to ensure proper handling of resident funds. Veterans homes reconcile resident trust accounts monthly and they provide the friend or family member(s) selected by the resident to receive the information with a quarterly Resident Trust Account statement. Veterans homes must provide residents with a trust account ledger any time they request one. Trust account transactions are audited regularly by the Idaho Division of Veterans Services staff, VA Surveyors, State Licensing and Certification Surveyors, State LSO Auditors and an independent auditing agency.

The committee asked what happens if the resident already has a court appointed conservator. **Ms. Mackenthun** said in that case DVS would not need to appoint a payee, unless that representative was not acting in the best interest of the veteran. If that was the case, DVS would go back to the court and go through the process and ask for that conservator to be terminated.

The committee expressed concern about too few checks and controls and asked about the liability of the administrator. **Ms. Mackenthun** said in a private home the administrators are protected without invoking their own liability, but the DVS administrator has the same liability as any state employee. If there were misappropriations, the individual would be prosecuted by the state. The committee asked if the resident is at any point given a choice about having a representative payee appointed for them. **Ms. Mackenthun** said that determination would be made by a physician, but only when the person seems incapable. Social Security Income (SSI) processes and legal processes in all cases have many kinds of protection to make sure the person is incapable of acting for himself/herself. The committee members indicated they would be more comfortable with this type of procedure handled through the court system. **Ms. Mackenthun** deferred the concern to **Michael Berry**, DVS Business Manager, who said DVS follows the advise of their legal council by taking advantage of the same processes and payees of Social Security. **Ms. Mackenthun** said this is not a process DVS wants to handle. There are very isolated cases when a family is taking advantage of that veteran. DVS is not asking to be their guardian (for medical needs) or their conservator. In answer to what back-up DVS has in place, **Ms. Mackenthun** said DVS has a wide variety of social workers, state ombudsman, and the people from the Commission on Aging. **Ms. Mackenthun** said there is a tremendous amount of paperwork for a veteran when they apply to live at our home; they are enrolled in the medical system, they give full financial disclosure to determine if Medicare or Medicaid is involved. This is audited by the State and Veterans Administration.

Charles Brice, American Legion, testified in support of **H 479**, standing in favor of this legislation because many of our veterans, as well as their family members, can't make decisions for the veteran. **Mel Napier**, American Legion, also testified in support of **H 479**, saying this bill will allow for an administrator to act as a payee when a resident is experiencing financial abuse.

MOTION:

Rep Hagedorn made a motion to **HOLD H 479** to a time certain and bring in legal council. Upon learning council was present, Rep. Hagedorn withdrew the motion.

Julie Weaver, Deputy Attorney for DVS, said when there are no appointed fiduciaries the VA and SSI have a process for appointing a payee. Regarding adjudication by a court, **Ms. Weaver** said in the private sector fiduciaries are appointed all the time, but that process takes too long and so DVS does not involve the courts. **Ms. Weaver** stated this process was not patterned after another state.

MOTION: **Representative Killen** make a motion to send **H 479** to General Orders. **Rep. Ringo** seconded the motion. **Motion carried by voice vote.** **Representative Bolz** will sponsor the bill on the floor.

S 1243: **Representative Ellsworth** asked for unanimous consent to reconsider **S 1243**. There were no objections. Rep. Ellsworth explained that this bill assures accountability of entities who receive funds from the license plate programs. Potential amendments were discussed. **Representative Hagedorn** asked the committee to give ITD have an opportunity to weigh-in on the amendment, before it is sent to General Orders.

Alan Frew, ITD, stated that he believes accountability for the license plate funds is important, and he requested 24 hours to look it over and offer suggestions.

MOTION **Rep. Ellsworth** made a motion to send **S 1243** to General Orders. **Rep. Wood (35)** seconded that motion. **Motion passed by voice vote.** **Rep. Hart** asked to be recorded as voting **NAY**. **Rep. Ellsworth** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:37 P.M.

Representative Palmer
Chair

Jane Clark
Secretary

**AMENDED #3 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 16, 2012**

SUBJECT	DESCRIPTION	PRESENTER
<u>H 480</u>	This relates to parking meters adjacent to state buildings while Legislature is in session.	Rep. Joe Palmer
<u>H 511</u>	Establishes standards for lighting and marking of guyed towers above 50 feet in height.	Rep. Gayle Batt
<u>H 537</u>	To make available to family of a service member killed while serving on active duty, the Gold Star license plate. A distinction for service members killed in combat noted on the Gold Star license plate by a Purple Heart emblem which will be affixed to the plate.	Rep. Marv Hagedorn

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer
Vice Chairman Ellsworth
Rep Wood(35)
Rep Smith(24)
Rep Bedke
Rep Wills
Rep Hart
Rep Nonini

Rep Hagedorn
Rep Bateman
Rep Henderson
Rep Nasset
Rep Ringo
Rep King
Rep Killen

COMMITTEE SECRETARY

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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

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
 1:30 P.M. or Upon Adjournment of the House
 Room EW40
 Wednesday, February 22, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>H 540</u>	This legislation will create an Online Insurance Verification Program with a real-time response to verify the existence of insurance coverage on a motor vehicle.	Paul Jackson, Farmers Insurance Rep. Thompson
<u>H 472</u>	This legislation creates a new special license plate, the Idaho Territory Sesquicentennial (150) License plate, with proceeds to be shared by the county historical society in which the vehicle is registered	Rep. John Rusche Rep. Jeff Nasset
Annual Report	Idaho Emergency Communications Commission Annual Report.	Mayor Garret Nancolas, Caldwell, Idaho
Annual Report	SIEC - Statewide Interoperability Executive Council - Annual Report	Mark Lockwood, Chief of Police, Sandpoint, Idaho
Update	Port of Lewiston, Idaho - Update	David Doeringsfeld Manager, Port of Lewiston

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Hagedorn
Vice Chairman Ellsworth	Rep Bateman
Rep Wood(35)	Rep Henderson
Rep Smith(24)	Rep Nasset
Rep Bedke	Rep Ringo
Rep Wills	Rep King
Rep Hart	Rep Killen
Rep Nonini	

COMMITTEE SECRETARY

Jane Clark
 Room: EW60
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 22, 2012
TIME: 1:30 P. M. or Upon Adjournment of the House
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 Wills
GUESTS: Bob Wells, Idaho Bureau of Homeland Security (BHS); Eddy Goldsmith, Idaho Emergency Communications Commission (IECC); Mark Lockwood, Statewide Interoperability Executive Council (SIEC); David Doeringsfeld, Port of Lewiston; Amy Smith, Mollie McCarty, Idaho Department of Transportation (ITD); Angela Richards, Allstate Insurance Co., American Family Insurance Co., and Farm Bureau Mutual Insurance Co.; Paul Jackson, Farmers Insurance; Barbara Jordan, Idaho Trial Lawyers Association; Mike Kane, Property Casualty Insurance Association of America, (PCIAA).

Chairman Palmer called the meeting to order at 2:52 P.M.

Mark Lockwood Chairman, (SIEC), presented the Annual Report. In 2011 the SIEC reorganized and appointed members from each of the Six District Interoperability Governance Boards (DIGBs) to enhance coordination of information and resources across the State. In 2011 SIEC formed a Business Plan, an Operational Plan and a Strategic Plan. These components will provide the means for future funding sources and operational needs. Their Operation Plan establishes standards statewide for management of the system and addresses situations where there is disparity. The addition of thirteen sites will provide statewide coverage. The SIEC operates on an annual budget of approximately \$100,000, sub granted by the (BHS) from federal U.S. Dept. of Homeland Security grants.

Rep. Hagedorn noted that SIEC operates at 17% capacity, using micro wave and fiber optic. This network is shared with Idaho Education Network, so serves a dual purpose.

H 540: **Rep. Thompson** presented **H 540** an Online Insurance Verification Program. Thirty-two states use information from the insurance industry and require insurance companies to report information about their insureds. This bill creates a real time response capability to verify existence of motor vehicle insurance coverage. This program will be available to law enforcement, Department of Transportation, Department of Insurance and the courts. If a person is verified as having coverage under the system, they will not be subject to an infraction for failure to carry proof of insurance.

Rep Thompson said a citizen could not verify his own insurance with this system. If the police officer finds him in violation, the citizen has recourse through the courts. In answer to how this will save the State money. **Rep Thompson** said this saves police time writing a ticket, and court time, approximately \$10 per ticket. Police write 66,000 tickets per year and 13,000 are dropped because the citizen gave proof of insurance or otherwise mitigated the ticket. When asked about the fine for insurance infraction, **Amy Smith**, ITD, said it is \$150 including court costs. The committee asked if the \$100,000 of fiscal impact comes from the General Fund or ITD. **Paul Jackson** Farmers Insurance, said the cost will come from ITD. In answer to a question about which insurance companies will participate, Mr. Jackson said all 750 insurance companies in Idaho will be required connect to this system.

Paul Jackson, Farmers Insurance Group, **Mike Kane** (PCIAA), and **Angela Richards** representing Allstate Insurance Co., American Family Insurance Co., and Farm Bureau Mutual Insurance Company, spoke **in support** of **H 540**. This bill is designed to allow the insurance industry and the ITD to cooperatively build an online insurance verification system that will allow a prompt response to law enforcement to verify the existence of insurance coverage and protect customers' information. Previously in order to get the information from insurer to administration, every insurance company gave a vendor their book of business each month. This method is very expensive. County assessors could also be granted access to the system at the time the vehicle is registered.

Barbara Jordan, Idaho Trial Lawyers Association, spoke **in opposition** to **H 540** because of concern about a line which states: 'being immune from civil or administrative liability.' which is too broad and should have added, "if they comply to this section."

The committee asked if insurance infraction is a primary offense. **Mr. Kane** said yes, having no insurance is a primary offense, so the vehicle can be pulled over for no other reason.

ORIGINAL MOTION:

Rep. Bateman made a motion to send **H 540** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION:

Rep. Hart made a substitute motion to send **H 540** to General Orders.

VOTE ON SUBSTITUTE MOTION:

Chairman Palmer called for a vote on the substitute motion to send **H 540** to General Orders. **Motion carried by voice vote.** **Rep. Thompson** will sponsor the bill on the floor.

H 472:

Rep. Nessett presented **H 472** which creates a new special license plate, the Idaho Sesquicentennial License plate. It is believed that many communities will participate in this celebration of Idaho becoming a territory. There is a slight issue on what agency would make payments to the historical societies of each county.

MOTION:

Rep. King made a motion to send **H 472** to the floor with a **DO PASS** recommendation. **Motion carried by a voice vote.** **Rep. Smith (24)** and **Rep. Wood (35)** asked to be recorded as **NAY**.

Eddy Goldsmith, Program Manager for IECC, presented the Annual Report. In 2011 the Legislature passed Enhanced Grant Fee Awards to provide funding for 911-Center upgrades in 2012. This allowed for all of the 46 Public Safety Answering Points (PSAP) to be operating with 911 or migrating to E911. (E911 Enhanced 911). ECC has 36 counties participating. The revenue source is \$1.7 million a year. There are four phases to 911. The basic phase is only able to receive calls; the next phase is able to get a phone number, address, name of person and/or agency responsible to respond; the third phase has ability to locate a cell phone tower; and the fourth phase has the ability to locate the caller. By the end of their grant fee period, which will sunset in 2014, all 911 centers should have the third phase.

ECC's next goal is to have a new generation of 911 for a statewide solution. The biggest issue will be addressing city master-street guides which must be 99% accurate. The Commission will identify cyber security in those systems. Congress approved a bill for 911 funding of \$115 million nationwide. Idaho's share will be \$1 million.

David Doeringsfeld, Manager, Port of Lewiston, presented an update from the Port. Mr. Doeringsfeld said in this difficult economy the Port has been fortunate. Conoco cargo and Exxon cargo had an impact, which benefited the economy in north central Idaho. However, there has been a significant decrease in container volume for the port. Intermodal transportation in Lewiston includes river, rail and roads. The river issue is dock expansion, the Port has been working on the permitting process for eighteen months, and construction should begin in July 2013. Another issue has been the transporting of over-legal loads. Exxon had to cut their modules in half horizontally to transport them to Canada. There would have been thirty-six loads, but the number increased to 102. This was five times the volume, which created a traffic safety problem. ITD did a great job in following the law and planning this project. As to rail issues, north central Idaho is geographically challenged. This area is a box canyon with no rail from Potlatch to Boise. The road issue will be to keep the roads open for commerce. The economic benefit for the Port expansion is not just the cargo, but the newly created jobs such as welding, pipe fitting and local vendors.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 4:20 P.M.

Representative Palmer
Chair

Jane Clark
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 PM or Upon Adjournment of the House
Room EW40
Tuesday, February 28, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>H 570</u>	Peace Officer Temporary Disability Act	Paul Jagosh, Idaho Fraternal Order of Police
<u>H 577</u>	Firefighting and EMS Medal of Honor	Rep. Crane
<u>S 1312</u>	Motor Vehicle Fee Exemption	Suzanne Budge
<u>S 1274</u>	Texting and Driving	Sen. Hammond Sen. Lodge

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Hagedorn
Vice Chairman Ellsworth	Rep Bateman
Rep Wood(35)	Rep Henderson
Rep Smith(24)	Rep Nasset
Rep Bedke	Rep Ringo
Rep Wills	Rep King
Rep Hart	Rep Killen
Rep Nonini	

COMMITTEE SECRETARY

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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, Nessel, 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

AMENDED #2 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
Upon Adjournment of the House
Room EW40
Tuesday, March 06, 2012

SUBJECT	DESCRIPTION	PRESENTER
H 583	Access Easement for Property Owners	Sen. Chuck Winder Rep. JoAn Wood
S 1313	Hazardous Waste Fee	Senator Bert Brackett Rep. Rich Wills

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer

Vice Chairman Ellsworth

Rep Wood(35)

Rep Smith(24)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, March 06, 2012

TIME: 1:30 P.M. or Upon Adjournment of the House

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 Hart

GUESTS: Greg Laragan, Jim Coleman, Mollie McCarty, Lee Gagner, and Chris Kronberg, Idaho Transportation Department (ITD); Duane Sessions, Dillon Limited Partnership; Heather Cunningham, and E. Don Copple, Davison and Copple; Max Greenlee, Risch Pisca; Colby Cameron, Sullivan Reberger Eiguren; Kerry Ellen Elliott, Idaho Association of Counties, (IAC)

Chairman Palmer called the meeting to order at 10:35 A.M.

MOTION: **Rep. Ringo** made a motion to approve the minutes of February 28, 2012. **Motion carried by voice vote.**

H 583: **Senator Winder** presented **H 583**. He said that the bill is about fairness and private property rights. It centers on Idaho Transportation Department (ITD) negotiating for the acquisition of right-of-way, as property transitions from, e.g., agriculture land to commercial land. He noted that owners apply to the State for right-of-way access, but in many cases are being denied. He said the bill remedies that by compensating the property owner with the fair market value for their easement. **Senator Winder** said **H 583** does not take away ITD's right to condemn the property, but the Department needs to compensate the property owner.

Senator Winder said there have been many cases along Eagle and Fairview Roads in which farm property has transitioned to commercial. Many businesses have gone to court to obtain easements rights. ITD is losing millions of dollars in litigation because the courts have ruled in favor of the businesses.

Duane Sessions, Dillon Limited Partnership, **Heather Cunningham** and **E. Don Copple**, Davison and Copple spoke in favor of **H 583**. They gave examples of individuals that had deeded rights extinguished by the State because of entrance safety concerns. In the past if a person lived on a State highway, ITD gave deeded access rights instead of paying the property owner. The property owner believed that this language would give access to the highway or road in the future. ITD later decided not to recognize the deeds. Proponents of this bill also stated that since deeds are supported by law a private citizen should not have to go to court to have the deeds recognized. Another example given concerned a land owner on Highway 69. He had seven deeded access easements, one every 660 feet on his property. In 2002, ITD changed access standards to one access easement every mile, on property located on a median four-lane highway.

Mr. Copple, responding to a question about when deeds were first issued, stated the State began issuing deeds in the 1930's and the 1940's and were given authority by the Legislature.

Jim Coleman, ITD, spoke in **opposition** to **H 583**. Mr. Coleman said ITD has set up an Access Task Force to develop a strategic plan for safety, mobility and economic opportunity. Mr. Coleman believes ITD should not be able to extinguish access easements, but the property owners should not have unlimited access based on the original deed. Mr. Coleman presented an amendment to **H 583** which would strike the word "not" from the statement: "use of easements is not limited to its historical use and any other use legally permitted at the time the owner of the access easement applies for permission to encroach upon a public highway or public right-of-way." He argued that when farm land becomes residential or commercial and the number of vehicles entering the property changes from a few to several hundred a day, the Department should recognize owner's access rights but not unlimited historical access rights.

The committee asked **Mr. Coleman** for an example of the State abusing access rights. He told about a property owner on Highway 95 who had 3 access deeds to his land. When U.S. 95 was expanded to four lanes, the State extinguished those access rights without due compensation. The property owner asked Mr. Coleman's consulting firm for help. The firm could not get those rights back, however, at the beginning of 2012, the owner achieved success. The land became a nine-lot subdivision and access was granted but the property owner paid \$3000.

Senator Winder commended the ITD Board for the new access standards which were a product of the task force. He stated that the bill dealt with the issue of terminated deeds not considered by ITD. He also said this is not about the definition of unlimited access, but is about property owners not being penalized and benefitting from the increased value of property.

The committee asked if there has been any consideration for middle ground evaluation of property to be fair to the Idaho Department of Transportation as well as property owners. **Senator Winder** said acquisition is done with Federal funds and appraisals are done with fairness for both parties.

MOTION: **Rep. Bedke** made a motion to send **H 583** to the floor with a **DO PASS** recommendation. He commented that we respect the public treasury but they cannot wield to power with impunity. **Motion carried by voice vote.** **Rep. Ellsworth** will sponsor the bill on the floor.

ADJOURN: There being no further business before the committee the meeting was adjourned at 11:50 A.M.

Representative Palmer
Chair

Jane Clark
Secretary

AMENDED #1 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 or Upon Adjournment of the House
Room EW40
Thursday, March 08, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>H 619</u>	Speed Limits in city limits, returns authority to ITD	Rep. Leon Smith
<u>H 628</u>	Highway Width Exception	Heather Cunningham
		Don Copple
<u>S 1319</u>	Provide proof of auto insurance by electronic means	Mike Kane
<u>S 1313</u>	Hazardous Waste Fee	Rep. Rich Wills
<u>S 1231</u>	Motor vehicle inspection maintenance program	Sen. Curt McKenzie

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer

Vice Chairman Ellsworth

Rep Wood(35)

Rep Smith(24)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

- DATE:** Thursday, March 08, 2012
- TIME:** 1:30 P.M. or Upon Adjournment of the House
- 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 Killen
- GUESTS:** E. Don Copple and Heather Cunningham, Davison and Copple; Terry Geis, U.S. Ecology; Colby Cameron, Sullivan, Reberger Eiguren; Chris Kronberg and Greg Laragan, Idaho Transportation Department, (ITD); Zach Hauge, Capitol West; Elizabeth Criner, Northwest Food Processors Association, (NWFPA), Mike Kane, Property Casualty Insurers, (PCI); Curt Fransen and Martin Bauer, Idaho Department Environmental Quality, (DEQ); Roger Seiber, Ada County Highway District, (ACHD); Kerry Ellen Elliott, Idaho Association of Counties, (IAC); Al Freeman, citizen
- Chairman Palmer** called the meeting to order at 1:31 P.M.
- H 619:** **Rep. Leon Smith (24)** presented **H 619**. Rep. Smith said this bill eliminates the provision giving local communities the right to prevail over the highway districts in setting speed limits. There has been abuse as small towns have made the speed limit on the main highway through the town 25 mph. This becomes a revenue source for the city. This bill returns that function to ITD who have the engineering staff to do safety studies on speeds. A municipality has the right to contest the speed limit set by ITD. Cities first go to the Highway District to convince them to post a different speed. If there is still a dispute the cities can go to the ITD Board and appeal the decision of the district engineers. The proposed amendment to this bill provides that any alteration of speed limits must be based upon a traffic engineering study approved by the Department. In the event of disagreement between the Department and local authorities, the ITD traffic plan shall be adopted.
- The committee asked for examples of cities where the speed limit is too slow. **Rep. Smith (24)** said Highway 95 traffic is slowed down to 25 mph in the Bellevue city limits. There is no justification for that speed on a five lane highway with few pedestrians and no schools. The constable said, in a hearing six or seven years ago, that it would eliminate one-third of city revenue if the speed did not stay at 25 mph.
- The committee asked about low speed limits in school zones. **Greg Laragan** Idaho Transportation Department, ITD, replied that school zones are handled by a separate entity and will not be changed by ITD. In answer to how long it would take for a municipality to get an appeal through ITD, **Rep. Smith (24)** said he believed 30 days. The city would notify ITD and then ask to be on the next Board agenda. The committee asked what entity receives the money from ticketing. Rep. Smith (24) replied, if the city police make the stop, the city gets the largest portion. In answer to what streets ITD has authority over, Rep. Smith (24) referenced the section in the bill which gives local authority complete dominion over all city streets but not the main highway.
- MOTION:** **Rep. Hart** made a motion to send **H 619** to General Orders. **Motion carried by voice vote.** **Rep. Ellsworth** seconded the motion. **Rep Smith (24)** will carry the bill on the floor.

H 628: **Heather Cunningham**, Davison and Copple, presented **H 628**. This bill concerns private property rights. Essentially in the beginning, interpretation of Idaho Code was that highway width outside of cities could be less than 50 feet, if a citizen could establish the road was not maintained by the Highway District and had prescriptive use. However the Halvorson Case decision in 2011, has created a mandatory 50 feet width for all roads in Idaho. Historically the law has been that prescriptive easements are limited to the width actually used. There is no basis to allow governments to take 50 feet of personal property when they have not paid any compensation for that taking and have not used the ground for a roadway. The law says the government has the right to what they have used or maintained in the past, but because of the Halvorson Case, government entities claim they have 50 feet without compensation to the property owner.. The committee inquired if this bill includes service roads next to ditches, and **Ms. Cunningham** said no it does not. **Don Copple**, Davison and Copple, explained there are different kinds of prescriptive roads; this is about public descriptive roads outside of cities. The committee noted that this bill will have a big impact on counties and Highway Districts.

Kerry Ellen Elliott, Idaho Association of Cities (IAC) spoke **in opposition** to **H 628**. Ms. Elliott said the bill would reverse the Halvorson decision. Fifty feet-wide roads should be a minimum standard for maintenance and safety of roads which include rights-of-way. This long-standing width should not be reversed. Ms. Elliott noted that some counties and cities have the ability to enact ordinances for greater rights of way. She said since the State requires counties to improve those roads and funds are limited for counties to buy roads, the taxpayer will bear the burden. Ms. Elliott stated there is a process to determine whether the road is public, and if it does not meet the test, it will not be required to be 50 feet wide.

Rep. Loertscher spoke **in favor** of **H 628**. Rep Loertscher invoked **Rule 38** because he personally has been involved in a dispute on a road through his property. It began with a phone call saying the road had been made public even though historically no money had been spent by the State or county to maintain to road for public use. The Board of County Commissioners tried to validate this road claiming no prescriptive use. There were sections of this road that could not be 50 feet wide because of the terrain. This case took 18 months, the Loertschers won the case, and the road is no longer in question.

MOTION: **Vice Chairman Ellsworth** made a motion to send **H 628** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. King, Smith, Ringo, and Henderson** requested to be recorded as voting **NAY**. **Rep. Bedke** will sponsor the bill on the floor.

S 1313: **Mike Kane**, Property Casualty Insurers Association of America (PCI), presented **S 1313**. Mr. Kane explained the purpose of this bill is to allow an individual to produce proof of automobile insurance by electronic means in appropriate situations in lieu of printed material. This bill gives people the opportunity to prove insurance with an acceptable electronic format as well as paper. There is no fiscal impact to the General Fund.

MOTION: **Rep. Ellsworth** made a motion to send **H 1313** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ellsworth** will sponsor the bill on the floor.

S 1319: **Senator Brackett** presented **S 1319** and explained that Idaho Hazardous Waste Act requires facilities to charge a fee for hauling wastes and this money goes into the State General Fund. SIMCO Road near Mountain Home was designed for hazardous waste travel going to their facility. Unfortunately 129,000 pound trucks using the road has required enormous maintenance. This bill remits 5% of those fees to the State Highway District for repairs. A few years ago J.R. Simplot Co. and U.S. Ecology partnered and paved the road, at a cost of \$1.8 million.

Terry Geis, U.S. Ecology of Idaho, spoke in favor of **S 1319**. Mr. Geis explained that U.S. Ecology owns 29% of the hazardous waste market. We bring in waste by rail and gondola cars and then truck it using SIMCO Road to U.S. Ecology. Over the last eight years \$2.5 million has been given to Idaho in fees. Of that amount, 97% has gone to the General Fund and some of the money is for county emergency services. Since SIMCO Road was improved more business have moved to this area.

The committee asked what kind of waste is brought into Idaho. **Mr. Geis** said waste is from Army Corp of Engineers, Bureau of Land Management, Department of Defense and U.S. Government. Beyond that it is from clean up of contaminated soils such as the Hudson River in New York, which has PCP contamination. Committee asked if U.S. Ecology charges the clients. Mr. Geis said the State actually charges the codified fee. There is a tax on every ton of material, depending on the type of material. The committee asked if U.S. Ecology has had Department of Environmental Quality (DEQ) look at the nuclear wastes. Mr. Geis said the tipping fees are used for real scrutiny of the environment by the Hazardous Waste Division of Idaho DEQ. The committee suggested an increase of fees, however Mr. Geis explained the market is competitive and in order to maintain 29% of the market, raising fees is not the best option. The committee also noted that the improved SIMCO Road has been a huge benefit for the State for those traveling to Strike Dam for camping and recreation as well as improving the business economy.

Rep. Nonini made a motion to send **S 1313** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wills** will sponsor the bill on the floor.

S 1231: **Senator Curt McKenzie** presented **S 1231**, which comes from Canyon County Emission Testing and allows for repair waivers or hardship waivers when a vehicle does not pass inspection and must be repaired. If vehicle owner pays at least \$200 on repair and the vehicle still does not pass, the owner has one year waiver. This bill limits the financial burden on individual Idahoans as a result of mandatory emission testing and repair. This bill would cap the cost of repair to \$250.00 each year.

The committee asked about the number of cars that will get waived which could shift the burden on other areas that might go into emission non-compliance. **Senator McKenzie** replied that it is a very small number. The hardship waiver and cost waiver are currently DEQ Rules, established and set up by the Environmental Protection Agency. This bill places the Rules in Idaho Code.

MOTION: **Rep. Bedke** made a motion to send **S 1231a** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. King** made a substitute motion to hold **S 1231** in committee.

AMENDED SUBSTITUTE MOTION: **Rep. Hagedorn** made an amended substitute motion to send **S 1231** to General Orders. **Rep. King** seconded the motion.

Committee suggested this be put into statute but have a maximum limit on waivers per vehicle which fall into this category.

**ROLL CALL
VOTE ON
AMENDED
SUBSTITUTE
MOTION:**

Chairman Palmer called for a vote on the substitute motion to send **S 1231** to General Orders. Role Call vote was requested. **Amended substitute motion failed by a vote of 2 AYE, 9 NAY. 4 Absent/Excused. Voting in favor of the motion: Rep. King and Rep. Ellsworth. Voting in opposition to the motion: Reps. Palmer, Smith (24), Bedke, Wills, Nonini, Hagedorn, Bateman, Henderson, and Nettet. Reps. Wood (35), Hart, Ringo and Killen were absent/excused.**

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Palmer called for a vote on the substitute motion to hold **S 1231** in committee. **The Substitute Motion failed by voice vote. Reps. King and Ellsworth** requested to be recorded as voting **NAY**.

**VOTE ON
ORIGINAL
MOTION:**

Chairman Palmer called for a vote on the original motion to send **S 1231** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Crane** will sponsor the bill on the floor.

ADJOURN:

There being no further business before the committee the meeting adjourned at 3:40 P.M.

Representative Palmer
Chair

Jane Clark
Secretary

AMENDED #1 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 PM or Upon Adjournment of the House
Room EW40
Monday, March 12, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1356</u>	Disposing of Highway District Property	Stuart Davis
<u>H 623</u>	Crosswalk Violations	Rep. Jeff Thompson
<u>H 586</u>	Bicycles Rules of the Road	Rep. Lacey

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Hagedorn
Vice Chairman Ellsworth	Rep Bateman
Rep Wood(35)	Rep Henderson
Rep Smith(24)	Rep Nessel
Rep Bedke	Rep Ringo
Rep Wills	Rep King
Rep Hart	Rep Killen
Rep Nonini	

COMMITTEE SECRETARY

Jane Clark
Room: EW60
Phone: (208) 332-1146
email: jclark@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, March 12, 2012

TIME: 1:30 P.M. or Upon Adjournment of the House

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:** Rep. Killen

GUESTS: Guy Bliesner, Idaho School District #93; Laura Lantz, and Stuart Davis, Idaho Association of Highway Districts (IAHD); Kurt Holzer, Attorney; Mike Munger, Boise School District; Pete Ritter, Boise Police; Dave Goins, Idaho News Service; Roger Seiber, Ada County Highway District (ACHD); Jerry Deckard, (ACHD) and Association of Logging Contractors; Rep. Erik Simpson, District 32; Jess Harrison, Idaho School Boards Association (ISBA); Janet Orndorff, Boise Public Schools; Josephine O'Connor and Maureen Gresham, Idaho Transportation Department (ITD); Holly Koole, Idaho Prosecuting Attorney

Chairman Palmer called the meeting to order at 2:45 P.M.

S 1356: **Mr. Stuart Davis**, Executive Director, of Idaho Association of Highway Districts, presented **S 1356**. He said this bill seeks to bridge the gap between large and small highway districts. When smaller districts have a surplus, disposal is simple. In large districts, such as Ada County, there are land parcels of real and personal property that must be surplus. Mr. Davis said existing code outlines the requirements for surplus property. The district must set sale time, publish a notice and set the agenda. All interested parties have the opportunity to testify. If the property is declared surplus and someone has testified against that ruling, the person can appeal the decision in District Court.

The committee asked if an adjacent property owner has first option for right of refusal in order to buy the property. **Mr. Davis** said that is the current process and is Idaho Code.

Rep. Nonini made a motion to send **H 1356** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ringo** asked to be recorded as voting **NAY**. **Rep. Nonini** will sponsor the bill on the floor.

H 623: **Rep. Thompson** presented **H 623**. Statute 49 Idaho Code gives school bus drivers the right to report vehicles that violate the school bus stop sign. This bill extends that same authority to school crossing guards. The guards have 72 hours to give the report to a peace officer. The report includes license plate number and a description of the vehicle. Rep. Thompson also noted that once the report is turned in, the officer has 72 hours to follow through with an investigation. The crossing guards must be 21 years of age or older. The fines for violation are not less than \$100 and not more than \$500.

Guy Bliesner, School District 93, and **Mike Munger**, Boise School District Safety and Security Specialist, spoke **in favor** of **H 623**. Idaho Code 49-1424 delineates a bus stop sign violation. Bus legislation was put into statute as a deterrent. The infraction does not go against a violator's driver's license. There have been 64 bus stop violations in the past year in Idaho.

The committee noted that Idaho already has a law in place for these kinds of traffic violations. The committee also asked about training requirements for the crossing guards in order for them to be able to care for the children while also noting license plate numbers and descriptions of vehicles. **Mr. Bliesner** said there are no training requirements but the school districts do train crossing guards. **Mr. Munger** noted they can be employees, contract personnel and volunteers. He said the school is liable in all cases. The committee said there was a difference between a bus driver who operates the door and can control the children, and the crossing guard who has less control over the children and who could run out when a car is going through the cross walk. The committee asked what the infraction could entail for the violator. **Holly Koole**, Idaho Prosecuting Attorney, said the police would call for an investigation; if an infraction is issued and the violator did not pay, there could be a court trial. The committee noted that if the statute does not specifically indicate the violation is an infraction, there is the possibility of it being a misdemeanor, in which case, six months jail time could result. The committee believed that this bill would place large responsibilities on the crossing guards.

MOTION: **Rep. Nonini** made a motion to **HOLD H 623** in committee. **Motion carried by voice vote.** **Rep. Bateman** asked to be recorded as a **NAY**.

H 586: **Rep. Lacey** presented **H 586**, which he said ensures safety of non motorized bikes, pedestrians, wheel chairs, and horses. It provides that cars allow three feet as they pass a non-motorized mode of transportation. Most of the issues are on rural roads where the road is not as wide nor well marked. There is a requirement for non-motorized modi to stay as far right as possible. This bill puts some of the responsibility onto the runners, horses and bikes. **Rep. Lacey** said when a car passes another car the requirement is to leave six feet. **Rep. Lacey** said, today, 12% of traffic is bike traffic.

The committee asked about the requirement for bikes to be as far right as possible. This regulation was found in Idaho Code 49-717, which states non-motorized modes shall ride as close as practical to the right side. The committee asked about the statement, "when overtaking a person shall not make a right turn." **Rep. Lacey** said the intent is, if it is safe, you can turn right in front of the non-motorized vehicle.

Kurt Holzer and **Rep. Simpson** spoke in favor of **H 586**. **Mr. Holzer** is a representative to Idaho from USA Cycling. He spoke as an attorney and as a cyclist. He believes this is the most balanced approach for regulating rules of the road, as there has been misunderstanding between cyclists, runners and cars. He explained the bill has three basic parts: first, a requirement for a car to give the non-motorized person, three feet to pass; second, a step-aside requirement. This means that a cyclist, if he is obstructing the road and there are three or more cars behind him, must step aside. As it is today, the cyclist can stay in the road and impede traffic. And third, this bill makes it legal for cars to pass that runner or cyclist as long as it is safe. This helps the trucker on rural roads who can see way ahead and can legally cross the double yellow line to pass. **Mr. Holzer** said this bill balances both obligations and rights for users of the road. **Rep. Simpson** said he has biked across the United States and once had a car intentionally brush past him. **Rep. Simpson** believes the existing statute is not clear on what is reasonable and prudent, but motorists will be able to understand a three foot regulation.

The committee asked about the current regulations for riding two or three abreast. **Mr. Holzer** said riders can ride two abreast if it does not impede the flow of traffic. For clarification of this, **Officer Ritter**, Deputy Chief of Operations, Boise Police, stated that two years ago, after three cyclist fatalities, Boise organized a committee to propose an ordinance clarifying the two abreast rule. Since then Boise has not had any fatalities. The total accident rate is down 10% from three years ago.

Jerry Deckard, Association of Logging Contractors, spoke **in opposition** to **H 586**. Mr. Deckard said the bill assumes a trucker is able to give a biker or equestrian three feet of space. Loggers operate on rural roads that are very narrow with barely enough room to pass another truck, let alone a truck and a non-motorized vehicle. Mr. Deckard said truck drivers are careful but drive at 50 mph on rural roads.

ORIGINAL MOTION:

Rep. Smith made a motion to send **H 586** to the floor with a **DO PASS** recommendation.

Discussion on the motion ensued. The committee said this bill educates the public on what is safe. The committee stated there are good parts to this bill, but some clarification is needed.

SUBSTITUTE MOTION:

Rep. Hagedorn made a substitute motion to send **H 586** to General Orders. **Rep. Bedke** seconded the motion.

ROLL CALL VOTE ON SUBSTITUTE MOTION;

Chairman Palmer called for a roll call vote sending **H 586** to General Orders. **Motion carried by a vote of 8 AYE and 4 NAY, 3 Absent/Excused. Voting in favor of the motion: Reps. Palmer, Ellsworth, Bedke, Hart, Nonini, Hagedorn, Henderson, and Nessel. Voting in opposition to the motion: Reps. Smith (24), Bateman, Ringo, and King. Rep. Killen, Rep. Wills, and Rep. Wood (35) were absent/excused. Rep. Lacey** will sponsor the bill on the floor.

ADJOURN:

There being no further business before the committee, the meeting was adjourned at 4:25 P.M.

Representative Palmer
Chair

Jane Clark
Secretary

AMENDED #1 AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, March 14, 2012

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1317</u>	Highways and Bridges	Rep. Hagedorn
<u>H 414</u>	State Rail Intermodi Fac. System	Rep. Bedke
<u>SCR 130</u>	Union Pacific Railroad Recognition	Mike Brassey Union Pacific Railroad

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer

Vice Chairman Ellsworth

Rep Wood(35)

Rep Smith(24)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Henderson

Rep Nessel

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

Jane Clark

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, March 14, 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 Wills

GUESTS: Mike Brassey, Union Pacific Railroad (UPR); Laura Johnson, Idaho State Department of Agriculture (ISDA); John Watts, Veritas Advisor; Dennis Johnson, United Heritage; Ken Burgess, Community Planning Association of Southwest Idaho, (COMPASS); Maureen Gresham, Randy Krause, and Mollie McCarty, Idaho Transportation Department (ITD); Pat Maranda and Tom Nicholson, Roaring Springs/Wahooz Water Park; Tammy de Weerd, City of Meridian; Ann Little Roberts, Meridian Chamber of Commerce; Adam Bartelmay, Boise Metro Chamber of Commerce; Colby Cameron, Sullivan Reberger Eiguren

Chairman Palmer called the meeting to order at 1:33 P.M.

Rep. Bateman made a motion to approve the March 6, 2012 and the March 8, 2012 minutes. **Motion carried by voice vote.**

S 1317: **Rep. Hagedorn** presented **S 1317**, which modifies the specified list of eligible highway projects on which the Idaho Transportation Board is authorized to use federal aid highway funds to pay the principal, interest and other debt service costs incurred from bonds issued by the State. There will be no new bonding authority in this bill, but any unused bonding would now be eligible for use on the Statewide Bridge Program. There are nineteen bridges that are on ITD's high priority list but are not on ITD's five-year plan, because there is no funding source. ITD considers factors such as condition, average daily traffic, route, and bridge age when considering replacement. All of the GARVEE projects were estimated to cost \$855 million, however, with better pricing on those projects and other savings, ITD may see \$25 to \$50 million not used. With the language in this bill, ITD Board would have the option of using that bonded money for bridge projects. The ITD Board will have to make the decision, but this gives them the choice and gives them a tool to put bridges into the planning document.

The committee members said if ITD did not use all of the bonded money the left-over funds should be used to retire the debt. When asked about the Meridian overpass, **Rep. Hagedorn** said the Meridian project is listed as number five on the priority list but there are four other bridges that have higher priority. The ITD Board would make the decision. Rep. Hagedorn said there are bridges being repaired today, but these nineteen bridges cannot be put on the planning document. The committee questioned whether or not there would be money left over after Highway 16 is completed. Noting that ITD is not sponsoring this bill, the committee asked to hear from **Mollie McCarty**, ITD Governmental Affairs Program Manager. She said this is a Board level consideration. She said, however, anytime the Legislature brings a tool for the Department it is appreciated. The committee asked if this bonding would keep ITD's debt service under the 30% of Federal Funding. Mollie McCarty said ITD is now at 19% debt service. This is a borrowing tool not money in hand.

Dennis Johnson, CEO of United Heritage Co. spoke **in favor** of **S 1317**. His company bought property in 2001 and built next to the Meridian interchange. He said in the past there were three lanes going north and south on Meridian Road. This road has been expanded to four lanes on each side of the overpass. The overpass has become a bottleneck. There were 60,000 cars in 2001 and now there are 80,000 cars using that overpass. His company is interested in keeping clear access for their employees. Mr. Johnson also mentioned another reason for improvement is that there is no pedestrian walk way and children use the road to get to the Roaring Springs Water Park which is dangerous.

The committee members suggested another mechanism to raise funds for a new bridge would be to add a surcharge of up to \$20 per person. It was also noted that 64% of GARVEE funds were spent on the area near Meridian and every vehicle in Idaho pays for those improvements.

MOTION: **Rep. Bateman** made a motion to send **S 1317** to the floor with a **DO PASS** recommendation.

More discussion ensued and the committee was reminded that Idaho is \$583 million a year short of funds to maintain Idaho's infrastructure. This bridge will cost \$28 million, and though the committee appreciates the leverage option of being able to bond at 2% over 17 years, they said there is more serious work to do.

ROLL CALL VOTE ON THE MOTION: **Rep. Palmer** requested a roll call vote on the motion to send **S 1317** to the floor with a **DO PASS** recommendation. **Motion failed by a vote of 3 AYE, 11 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Hagedorn, Bateman, and Nettet; Voting in opposition to the motion: Reps. Palmer, Ellsworth, Wood (35), Smith (24), Bedke, Hart, Nonini, Henderson, Ringo, King, and Killen. Rep. Wills** was absent/excused.

H 414: **John Watts**, Veritas Advisor, representing Watco Railroad Companies, presented **H 414**, beginning with the four purposes for this proposal. The first purpose is to create a way for railroad, trucks and private shippers to receive loans from the Department of Agriculture. The loans are on a sliding scale. The second purpose is to provide a grant program. The third purpose is to finance the Rural Economic Development and Integrated Freight Transportation (REDIFIT) account in the State Treasury. The fourth purpose is to use a portion of the fund for rail and trains. This bill requests funds to be transferred to ITD to prepare and periodically update Idaho's rail plan. The annual amount to be transferred to ITD shall not exceed 1% of all funds contained within the REDIFIT account. This comes to \$18,000 a year, and ITD is authorized to accumulate funds not to exceed \$75,000. This money would accumulate so ITD could renew the rail plan every five years. Mr. Watts said Idaho Code Section 49-2905 states that ITD shall prepare a rail plan and the REDIFIT fund shall be used. The plan stalled in 2010 because of a review and analysis from ITD's legal counsel. However on January 20, 2012 ITD reviewed this legislation and reported no concerns with the intent of the proposal and the ITD Board accepted the staff's review.

MOTION: **Rep. Ellsworth** made a motion to send **H 414** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Wood (35)** make a substitute motion to **HOLD H 414** in committee.

Rep. Wood (35) spoke in opposition to **H 414**, stating that the REDIFIT account was originally a revolving loan fund to help cities and counties get their commodities for sale out of state. Rep. Wood (35) believes the rail plan has nothing to do with the loan fund. ITD has not had cooperation from the railroads for funding the rail plan. She talked with Union Pacific Railroad who would work with ITD to do the rail plan, and they have the budget to help with this. Rep. Wood believes there is discrepancy between what this bill was planned for and what this bill proposes to do with the fund. Rep. Wood (35) said Clark County is submitting a request for a loan and so this fund should remain a loan fund to pay for turn lanes, stop lights and decks over the railroad in order to help get goods to market.

The committee asked for the current amount in the fund. **Mr. Watts** yielded to **Laura Johnson**, Idaho State Department of Agriculture, who stated she believes there is \$1.82 million in the REDIFIT account. The committee asked Mr. Watts if his clients are in favor of the plan and if any of the railroad entities will contribute to the rail plan. Mr. Watts said Watco has to provide funding for up to 3% of the administrative costs. He does not know of any railroads planning to participate.

Rep. Bedke spoke in favor of **H 414** original motion to send to the floor with a Do Pass recommendation.. He said this bill was created for a revolving loan fund, but it has been used for grants. This money is not General Fund money, so this is a non-tax way for revolving loans. However, when the banks or loan officers see that Idaho does not have a rail plan, they refuse to give loans. He believes that counties, like Clark County, are going to need Idaho's rail plan in order to get the loan. Rep. Bedke said that revolving loans are coming back and Idaho can put some of the money into these loans, but first we need a new railroad plan.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Palmer called for a vote on the substitute motion. **Substitute motion failed by voice vote.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Palmer called for a vote on original motion to send **H 414** to the floor with a **DO PASS** recommendation.. **Motion carried by voice vote.** **Rep. Wood** requested that she be recorded as voting **NAY**. **Rep. Bedke** will sponsor the bill on the floor.

SCR 130:

Mike Brassey, representing Union Pacific Railroad, presented **SCR 130**. Mr. Brassey said the purpose of this Concurrent Resolution is to recognize the achievements and service of Union Pacific Railroad on their 150th Anniversary.

Rep. Nonini remembered the Union Pacific Railroad in his days in Wallace, Idaho where he and his friends would jump on the train. **Rep. Bateman** spoke in favor of this recognition of Union Pacific Railroad as he remembered swinging a hammer to hit spikes into the ties back in 1959. He said it was called being a Gandy Dancer. He noted that President Lincoln set up the Rail Act in 1862 which helped unite this country.

MOTION:

Rep. Nonini made a motion to send **SCR 130** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bateman** will sponsor the bill on the floor.

ADJOURN:

There being no further business before the committee, the meeting was adjourned at 3:05 P.M.

Representative Palmer
Chair

Jane Clark
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 PM or Upon Adjournment
Room EW40
Tuesday, March 20, 2012

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes for March 12, 2012 and March 14, 2012	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer

Vice Chairman Ellsworth

Rep Wood(35)

Rep Smith(24)

Rep Bedke

Rep Wills

Rep Hart

Rep Nonini

Rep Hagedorn

Rep Bateman

Rep Henderson

Rep Nasset

Rep Ringo

Rep King

Rep Killen

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, March 20, 2012
TIME: 1:30 P.M. or Upon Adjournment
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:** Rep.(s): Bedke, Wood (35) Hagedorn, Smith (240), and King
GUESTS: None
Chairman Palmer called the meeting to order at 1:30 P.M.
MOTION **Rep. Ringo** made a motion to approve the minutes of Monday, March 12, 2012. **Motion carried by voice vote.**
MOTION **Rep. Bateman** made a motion to approve the minutes of Wednesday, March 14, 2012. **Motion carried by voice vote.**
ADJOURN There being no further business before the committee, the meeting was adjourned at 1:40 P.M.

Representative Palmer
Chair

Jane Clark
Secretary