

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 26, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Henderson

GUESTS: Tom Cole, ITD, Lynn Rhodes, ITD, Daniel Lutzer, ITLA, Norm Semanko, Idaho Water Users, Dave Carlson, AAA Idaho, Mike Kane, AAA, Camille Wills, SDE, Jerry Deckard, ACHD, Roger Seiber, ACHD, Steve Price, ACHD, Angela Richards, All State, State Farm, Farm Bureau, Raeleen Weiton, Westerberg & Assoc., Kerry Elliott, IAC, Woody Richards, Attorney/Lobbyist

Chairman Palmer called the meeting to order at 1:33 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the February 20, 2013 meeting. **Motion carried by voice vote.**

H 170: **Steve Price**, ACHD, said this bill will allow Real Estate Appraisers to allow local highway jurisdictions to perform value estimates in the same manner as the Idaho Transportation Department.

MOTION: **Rep. Wood(35)** made a motion to send **H 170** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

H 171: **Steve Price**, ACHD, said this bill would provide that the county or highway district shall not be liable for any injury or damage caused by or arising from a unauthorized encroachment or failure to remove the unauthorized encroachment upon a highway.

MOTION: **Rep. Kauffman** made a motion to send **H 171** to the floor with a **DO PASS** recommendation.

Daniel Luker, ITLA, spoke against this bill saying that it falls under the Idaho Tort Act; Title 9 Chapter 6. This act shields liability for counties and highways from responsibility of unauthorized encroachments. Where the Tort Act is already in place there is no need for the duplication of **H 171**.

Norm Semanko, Water Users Association, testified against this bill referring to **S 1383** that was passed last year. He said if **H 171** is passed the wording in Section 6 of **H 171** needs to be clarified or an amendment needs to be made for clarification.

Rep. Kauffman invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.

Rep. Youngblood invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.

SUBSTITUTE MOTION: **Rep. Hixon** made a substitute motion to **HOLD H 171** in Committee. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Palmer** called for a vote on the original motion to send **H 171** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. King, Gannon and Ringo** requested to be recorded as voting **NAY.** **Rep. Kauffman** will sponsor the bill on the floor.

H 155: **Dave Carlson**, AAA, said this bill will provide that the use of a cell phone or wireless device for the purpose of calling, texting or communicating during the operation of a motor vehicle would be prohibited by teen drivers during the six-month supervised instruction permit process following successful completion of driver training. Mr. Carlson referred to this bill as an education bill. He said this bill is designed to minimize distractions of teen drivers between the ages of 15 and 17 years of age. This bill would give law enforcement an extra tool to send a message to teens.

Mike Kane, AAA, emphasized that this bill is an educational tool. He further said if a teen is cited for using a cell phone, or texting for outside communication he or she will be required to retake the driver's education course again.

MOTION: **Rep. Shepherd** made a motion to **HOLD H 155** in committee.

During further discussion the committee pointed out that this would be an added responsibility for law enforcement. It becomes somewhat difficult to determine the age of a teenage driver. They felt that it was the responsibility of the parent or responsible person in the passenger seat to make sure that there is no calling, texting or outside communication of the teenage driver while operating the motor vehicle.

SUBSTITUTE MOTION: **Rep. Bateman** made a substitute motion to send **H 155** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: Roll call vote was requested. **Substitute motion carried by a vote of 9 AYE, 7 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Wills, Bateman, Gibbs, Kauffman, Packer, Youngblood, Ringo, King, Gannon. Voting in opposition to the motion: Reps. Palmer, Shepherd, Wood(35), Denney, Gestrin, Hixon, Patterson. Rep. Henderson was absent/excused. Rep. Bateman** will sponsor the bill on the floor.

S 1006aa: **Tom Cole**, ITD, said that portions of Sections 40-310 and 40-203B, are inconsistent in how they relate to relinquishing state routes to local jurisdictions. Mr. Cole said this proposal would delete a portion of Subsection 40-310(1)(a) through (1)(d), which contain requirements for notification, public hearing and appeal which do not apply when a highway can only be relinquished by consent of the recipient.

MOTION: **Rep. Wood(35)** made a motion to send **S 1006aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:10 p.m.

Representative Palmer
Chair

Leah Kent
Secretary