

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, March 07, 2013

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and Buckner-Webb

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the Senate Transportation Committee (Committee) office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENE:** **Chairman Brackett** called the meeting to order at 1:35 p.m. and asked the secretary to take a silent role. With a quorum present, the **Chairman** called for a motion on the Committee minutes of February 5.

**MOTION:** **Senator Rice** moved that the Committee approve the minutes of the Tuesday, February 5, 2013 meeting. **Vice Chairman Johnson** seconded the motion. The motion carried by unanimous **voice vote**.

**H 118** With Chairman Palmer unavailable to present **HCR 8**, **Chairman Brackett** went to the next item on the agenda and welcomed Mike Pape, Idaho Transportation Department's (ITD) Administrator of the Division of Aeronautics, to the Committee and asked him to present **H 118**.

**Mr. Pape** began by stating that ITD supports **H 118**. The bill increases aircraft registration fees. As background he said that there had not been an increase in these fees since 1990; the fee increase would go from one-cent to three-cents per pound of aircraft weight and would generate about \$167,000 annually. Funding has been strained over the past five years and this will help recoup some of that lost revenue. **Mr. Pape** explained that ITD's aeronautics division has had to make many cuts to meet lower budgets. The revenue generated by this bill would be used to fund those aeronautics programs strained because of revenue shortfalls, e.g. pilot safety programs, search and rescue training, backcountry airport maintenance, and agricultural and weed abatement programs. He discussed Idaho airport maintenance needs, especially the 31 operating backcountry airports that are frequently used by recreation, firefighting, and private aircraft. **Mr. Pape** stood for questions.

**Senator Hagedorn** asked if an owner has to be a resident of Idaho to register their airplane in Idaho and how that fared with other states. **Mr. Pape** said that if an airplane is hangered in Idaho, it is registered in Idaho. One does not have to be a resident of Idaho to have an airplane hangered here. He explained the differences among states and said Idaho was at the lower end.

**Senator Bock** asked how we might be able to get more aircrafts registered in Idaho and if there were federal rules that hindered such an effort. **Mr. Pape** said that airlines are exempt from requiring an Idaho license, however, their participation use rate is high. Private owners must register their aircraft or be charged with personal property tax, which is higher.

**Vice Chairman Johnson** wanted to know if the state owned the backcountry airstrips. **Mr. Pape** said that some are owned by the Division of Aeronautics, some by the Department of Lands and some by communities. **Vice Chairman Johnson** asked if ITD charges the Forest Service to use backcountry airstrips for fighting fires. **Mr. Pape** said they are given permission to use the airstrips at no charge, but if they cause damage to the airstrips, they pay for the repairs. **Vice Chairman Johnson** asked if community airstrips charge the Forest Service. **Mr. Pape** said he was not aware of a landing fee for the Forest Service. **Vice Chairman Johnson** said he was trying to find possible sources of revenue for the aeronautics division and asked about the charter fee for state-owned aircraft. **Mr. Pape** said that ITD owns and operates three aircrafts (one was a gift from the military). There is a scheduled fee increase for the hourly charter rate that will bring the rate closer to private charter rates.

**Senator Winder** asked if the federal government charged for use of airports located on their land. **Mr. Pape** said they did not. There were no further questions for Mr. Pape.

**TESTIMONY:** **Bill Miller**, former Administrator of ITD's Division of Aeronautics (from 1988 to 1992), said that he now works in the government affairs office of the Idaho Aviation Association and is testifying on behalf of the association's 1,000 members in support of **H 118**. His board unanimously supports both **H 118** and **H 117**; maintaining the airstrips will be of great benefit to pilots and to communities. There were no questions for Mr. Miller.

**Mary Cordova**, Administrator of the city of Payette, testified on behalf of their small airport in support of **H 118**. As their community grows, they look to ITD's Division of Aeronautics to help maintain their airport. This is the first year the city of Payette has had to use property taxes to maintain their airport. There are potentially new industries interested in the region around Payette and their airport is receiving more use. There were no questions for Ms. Cordova.

**MOTION:** **Chairman Brackett** called for a motion. **Senator Hagedorn** moved that **H 118** be sent to the Senate floor with a **do pass** recommendation. **Senator Bock** seconded the motion.

**Senator Winder** applauds the tradition and history of backcountry airports that are important to hunting, fishing and firefighting. Outside of Alaska, Idaho has the best backcountry airstrips in the country. He also commended the flying community for their support.

The motion carried by unanimous **voice vote**. **Senator Winder** will carry the bill on the Senate floor.

**H 117** **Mr. Pape** returned to the podium to present **H 117**, and said that this bill repeals the requirement in Idaho Code (section 21-114) that pilots register with ITD. It is an administrative burden to ITD because the Federal Aviation Administration (FAA) currently maintains the main source of information about Idaho pilots. The \$6 per year registration fee is not worth the cost to ITD. This change will reduce ITD's budget by approximately \$13,500 annually. This is a housekeeping bill and helps in ITD's efforts to cleanup Idaho statutes. **Mr. Pape** stood for questions.

**Senator Keough** directed Mr. Pape to page 3, lines 21 through 24, and asked how this section on aerial search falls under "housekeeping." **Mr. Pape** said it is "housekeeping" because this requirement falls under the Department of Homeland Security. It has been moved out of this section and moved into another area. There were no further questions for Mr. Pape.

**TESTIMONY:** **Bill Miller** stated that **H 117** was approved when his association's board met in January and they support the bill. There were no questions for Mr. Miller.

**MOTION:** **Senator Bock** moved to send **H 117** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by unanimous **voice vote**. **Senator Hagedorn** will carry the bill on the Senate floor.

**HCR 8** In Chairman Palmer's absence because of the House schedule, **Senator Winder** presented **HCR 8** which praises and acknowledges the great strides that ITD has accomplished over the past three years in getting out of a difficult situation. There were no questions for Senator Winder.

**MOTION:** **Senator Winder** moved that **HCR 8** be sent to the Senate floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by unanimous **voice vote**. **Chairman Brackett** will carry **HCR 8** on the Senate floor.

**H 41** **Chairman Brackett** began the discussion by recapping the history of **H 41** which had previously been in Committee on February 13 and, at that meeting, was sent to the Senate floor with a do pass recommendation. On February 20 the Senate sent the bill to the 14th Order for amendment and by unanimous consent it was returned to Committee. Today we will rehear the bill for further consideration. Vice Chairman Johnson carried the bill on the Senate floor, so **Chairman Brackett** asked the Vice Chairman to present **H 41** and any new developments.

**Vice Chairman Johnson** relayed the discussions and meetings he had participated in to prepare for today's Committee meeting. He and the stakeholders are better informed. The first bioptic device drivers were in California in 1971; bioptic device drivers have been in Idaho for twenty years and we currently have about 400 statewide. He had asked for data on vehicle accident rates of bioptic device users, but it is not tracked. The primary issue is the presumptive clause that affects those claiming a tax deduction while carrying a valid driver's license; an inconsistency in the law. The presumptive clause makes it more difficult to police this situation and should be removed. The **Vice Chairman** said that if bioptic device users are required to choose between the tax exemption or driving, they far prefer to be able to drive. Driving allows them to lead independent, productive lives and provide for their families. There were no questions for Vice Chairman Johnson.

**Chairman Brackett** thanked the Vice Chairman and said there were a number of individuals who had come to testify on this bill. Because of a time constraint, the **Chairman** said he would limit testimony to two minutes per person. However, he wanted Angela Jones, the Administrator of the Idaho Commission for the Blind and Visually Impaired, who presented the bill the first time the Committee heard it, to have extra time for her remarks.

**Ms. Jones** went through the packets she had prepared and distributed to each member of the Committee. Those packets are on file as part of the permanent record in the Committee office. She said that in 2020, one-in-twenty people over the age of 65 will be diagnosed with the eye disease, macular degeneration. These bioptic devices will be needed by those afflicted individuals. The Idaho Commission for the Blind and Visually Impaired worked with ITD in developing **H 41** and the commission supports the bill. **Ms. Jones** stood for questions.

**Senator Keough** thanked Ms. Jones for the packets and asked her to briefly summarize the information. **Ms. Jones** said that there are 40 states where individuals use bioptic devices to drive; Idaho's restrictions rank in the middle of those states.

**Senator Bock** asked why ITD was neutral on this issue. **Ms. Jones** read a letter from Alan Frew, ITD's Administrator of their Motor Vehicles Division, that she had placed in the Committee member's packets. It states that ITD would prepare agency sponsored legislation with an emergency clause effective upon the Governor's signature; ITD indicated they would be supportive. She continued that the commission and ITD agreed on this legislation. **Senator Bock** commented that he would be more comfortable if ITD had taken a position on **H 41**.

**TESTIMONY:**

There were individuals from around southern Idaho who came to the Capitol to offer testimony in support of **H 41**. Most had personal knowledge, use or had used bioptic devices to qualify for an Idaho driver's license. They stated how the ability to drive offered them and their families economic security. Without the ability to utilize these devices, many would have to leave their jobs and rely on financial assistance to support their families. Most were very passionate about the freedom these devices gave them and their families; they felt they were less of a burden to their friends, neighbors and families. They expressed that if given a choice between a tax deduction and the ability to drive, they would choose having the ability to drive. Many had vision conditions that would not always allow them to qualify for driving, but they wanted to be able to continue driving for as long as they passed the annual required visual examination. All stood for questions when their testimony was complete.

Those testifying in support of **H 41** were: **Candy Harris** of Caldwell; **Travis Beck** and his wife **Amber Beck** of Eastern Idaho; **Craig Fredericksen** and his wife **Betty Fredericksen** of Gooding; **Tyler Williams** and his wife **Katy Williams** of Pocatello; and **Tony Bridges** who has lived in Idaho for 30 years.

**Senator Hagedorn, Senator Bock, Senator Rice** and **Vice Chairman Johnson** asked questions of the individuals testifying that included issues of public safety; the annual vision testing requirements and how much the bioptic device corrects their vision; what being able to drive meant to their daily lives; and what economic hardships they might incur if they were no longer able to drive.

**Greg Berry**, retired law enforcement, is a former state-certified skills test provider. He stated that of those he certified, there was never an accident where bioptic devices were implicated. Personally, he was a bioptic device driver for two years.

In conclusion, **Ms. Jones** stated that these drivers received a letter from ITD indicating that their driver's licenses would be revoked, which is why this bill was drafted. She stated that the optometrist who had testified in the previous hearing was in the Committee and ready to answer more questions; Mr. Berry is a former police officer who is here to respond to the Committee's questions. The bottom line is that these individuals need to continue to work and be productive citizens and not lose their driver's licenses. There was no further testimony or questions.

For clarification, **Senator Hagedorn** said that the Idaho State Tax Commission brought to the attention of ITD the issue of individuals who were claiming a tax credit for being blind also had valid driver's licenses, which is why ITD sent the notification letters to bioptic device users. He said that **H 41** needs an amendment to allow the continuation of the system through July 30, 2014 in order to give the stakeholders one year to work out corrective language. That way no one will lose their license.

**MOTION:**

**Senator Hagedorn** moved to send **H 41** to the 14th Order for amendment. **Senator Bock** seconded the motion.

**SUBSTITUTE MOTION:**

**Senator Bock** then offered a substitute motion to hold **H 41** over until the next meeting of the Committee on Tuesday, March 12. **Senator Buckner-Webb** seconded the substitute motion.

**Senator Bock** said that this would offer the Committee members time to further discuss the issues and do some wordsmithing.

The substitute motion carried by majority **voice vote**, thereby killing the original motion.

**ADJOURNED:** With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 3:05 p.m.

---

Senator Brackett  
Chairman

---

Gaye Bennett  
Secretary