

MINUTES
HOUSE WAYS & MEANS COMMITTEE

- DATE:** Tuesday, March 19, 2013
- TIME:** 12 noon or Upon Adjournment of the House
- PLACE:** Room C310 JFAC
- MEMBERS:** Chairman Anderson(1), Representatives Moyle, Crane, Vander Woude, Rusche, Burgoyne, Pence
- ABSENT/
EXCUSED:** None
- GUESTS:** Jane Wittmeyer, Clearwater Paper; Mike Kane, Idaho Association of Counties; Jerry Deckard, Associated Logging Contractors of Idaho; Brent Olmstead, Milk Producers of Idaho
- Chairman Anderson(1)** called the meeting to order at 12:14 p.m.
- MOTION:** **Rep. Burgoyne** made a motion to approve the minutes of March 18th, 2013. **Motion carried by voice vote.**
- RS 22305:** **Chairman Anderson(1)** removed **RS 22305** from the agenda for a later date.
- RS 22073C1:** **Rep. Monks** presented **RS 22073C1**. He stated the purpose is to require the parents of a minor to be notified that an autopsy has been performed and to provide a general description of that autopsy. He said this proposed legislation does nothing to prevent the coroner from performing their duties as needed. The notification can take place before or after the autopsy is complete. The proposed legislation also states, if the parents can not be found, the notification does not have to take place.
- In response to questions regarding the reason for this proposed legislation, **Rep. Monks** referenced a case where an autopsy was performed on a child and the parents were not notified or prepared as to what to expect when viewing the body.
- MOTION:** **Rep. Moyle** made a motion to introduce **RS 22073C1**. **Motion carried by voice vote.**
- RS 22299:** **Rep. Loertscher** presented **RS 22299**. He declared Rule 38, stating he has property that may or may not be affected by this legislation. He explained last year there was discussion about road width legislation, creating an interim task force which researched this issue. He said this proposed legislation reflects some of the task force's work that also expands into other areas dealing with width in Idaho Code. He indicated everyone that was involved supports this legislation, including; the highway districts, counties, irrigation districts and utilities.
- In response to questions regarding the task force possibly coming forth with similar legislation, **Rep. Loertscher** said he believes they have not done so at this time. He said the highway districts came together and brought forward ideas that were used in this proposed legislation.
- MOTION:** **Rep. Rusche** made a motion to introduce **RS 22299**. **Motion carried by voice vote.**

RS 22308: **Ken McClure**, Givens Pursley LLP, presented **RS 22308** as a trailer bill to **S 1117**. He explained **S 1117** was heard in the House Transportation and Defense Committee, receiving a **DO PASS** recommendation. He said this proposed legislation deals with 129,000 pound trucks. It allows local government entities and the State Department of Transportation to authorize the use of trucks up to 129,000 pounds on routes within their jurisdictions that they believe to be appropriate from safety and engineering standpoints. He explained there was concern expressed in the committee by the counties and highway districts associations. He said they felt the language was not sufficiently clear, that it would be a discretionary act on their part. He explained they also had concern regarding the requirement of utilizing Idaho Department of Transportation criteria. **S 1117** states they may use this criteria or other criteria as they deem appropriate. He explained the concerns were such that they drafted **RS 22308** to clear up the language. He explained this proposed legislation makes it clear that the choice to designate a route is a discretionary act of the jurisdiction and that jurisdiction can designate and place limitations, if needed. Mr. McClure thought it was the intention to send **RS 22308** to the House Transportation and Defense Committee and the Second Reading Calendar.

MOTION: **Rep. Moyle** made a motion to introduce **RS 22308**.

Rep. Moyle clarified the Committee does not have the ability to assign proposed legislation to other committees or the Second Reading Calendar and suggested he speak with the Chairman of the Transportation and Defense Committee and the Speaker of the House.

Rep. Rusche expressed concern, stating this proposed legislation is an issue in his legislative district and a proper committee hearing may be warranted.

Mr. McClure clarified the difference between the 'authority have jurisdiction' and 'local authority' by stating those terms are fragments from the other portions of this code. He said authority having jurisdiction is not a defined term but used within Idaho Code. He clarified the language regarding a local highway authority was not the Idaho Transportation Department. He explained Subsection 3 only pertains to the designation of weights between 105,500 and 129,000 pounds.

VOTE ON MOTION: **Chairman Anderson(1)** called for a vote on the motion to introduce **RS 22308**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 12:29 p.m.

Representative Anderson(1)
Chair

Jackie Wright
Secretary