

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 26, 2015

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wills, Bateman, Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, King, Rudolph, Wintrow

**ABSENT/
EXCUSED:** Vice Chairman Shepherd, Representative(s) Hixon, Wintrow

GUESTS: The sign-in sheet will be retained 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 1:33 p.m.

H 129: **Rep. Gestrin** presented **H 129** regarding off-highway vehicles. This legislation will allow travel on a state highway within city limits for all terrain vehicles, utility type vehicles, and motorbikes. Each city may restrict this by holding a public meeting.

Jim Kulm, Idaho Recreation Council; **Jim Lowe**, Food Producers of Idaho; **David Claiborne**, Idaho State ATV Association, testified **in support** of the bill.

MOTION: **Rep. Harris** made a motion to send **H 129** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

H 143: **Jason Kreizenbeck**, President for Lobby Idaho, presented **H 143**. The purpose of this bill is to provide a specific exemption under the Idaho Employment Security Law regarding owner-operators in the trucking industry in the state. It puts into the Idaho Code the principles from a recent Idaho Supreme Court decision on the matter, providing a clearer policy line for use by Idaho trucking companies that employ independent owner-operators. Owner-operators in the trucking industry are in the independent business of leasing trucks to a motor carrier and supplying drivers to operate the leased trucks. Recent court cases that have advanced to the Idaho Supreme Court have demonstrated the potential misapplication and/or misinterpretation of the current general exemption language in statute when it applies to owner-operators. This legislation would hopefully reduce future litigation by providing a clear and concise exemption that can be administered and enforced by the Idaho Department of Labor and reasonably relied upon by motor carriers in the state.

Ryan Meikle, from ITA has had several years experience representing large trucking companies. He gave the committee the specifics on the bill and testified **in support** of the bill.

David Leroy, Attorney representing Western Transport Company; **Brandy Barleman**, CEO of Giltner; **Jason Andrus** of Idaho Falls; **Julie Pipal**, President and CEO of the Idaho Trucking Association; testified **in support** of the bill.

Bob Fick from the Idaho Department of Labor testified **in opposition** to the bill and stated this legislation goes way beyond what is necessary. **Aaron White**, Idaho AFL-CIO testified **in opposition** to the bill.

MOTION: **Rep. Wills** made a motion to send **H 143** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

Don Ebert, Chairman, Local Highway Technical Assistance Council (LHTAC), gave a brief summary of LHTAC. They represent 288 local jurisdictions and have been in existence for a successful 20 years. The council is made of nine voting members, three each from county cities and highway districts. The council approves all full time positions, approves the acceptance of programs from ITD, and rank construction projects to make recommendations to the ITD Board. They made a decision to hire an outside consultant for a nominal fee to gauge how they are perceived by those they work with and those they serve.

Jeff Miles, PE Interim Administrator, Local Highway Technical Assistance Council (LHTAC), gave an annual report. LHTAC was formed by the legislature in 1994 to elevate the importance of local highway issues and to provide assistance to the local entity. Before LHTAC only 60% of local highway projects made it to the construction phase. There were years where no city projects made it to construction. After LHTAC accepted federal aid in 2001, all eligible projects have made it to construction. The base funding of LHTAC is about one third of 1% of the local share of the HDA account. In 2014 they received \$391,000 from the HDA account. Their goal is to advocate, support, and train, and also provide the best and most efficient assistance to every local highway jurisdiction in Idaho. Currently there are 22 full time positions, which are all at will. They make sure federal aid requirements are met as delegated thru the stewardship agreement with the Idaho Transportation Department.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:09 p.m.

Representative Palmer
Chair

Amber Duke
Secretary