

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 04, 2016

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Keough, Winder, Vick, Den Hartog, Buckner-Webb and Lacey

ABSENT/ EXCUSED: Senator Nonini

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:31 p.m.

PASSED THE GAVEL: Chairman Brackett passed the gavel to Vice Chairman Hagedorn.

RS 24308 **Vice Chairman Hagedorn** invited Chairman Brackett to present **RS 24308**.
Chairman Brackett said that this legislation implements the surface transportation portion of the federal Fixing America's Surface Transportation (FAST) Act. It provides legal authority for the State of Idaho to allow a stinger-steered automobile transporter a vehicle length limitation of 80 feet. It also imposes a front overhang of less than 4 feet and a rear overhang of less than 6 feet. Currently, Idaho Code § 49-1010 allows a stinger-steered automobile transporter a vehicle length limitation of 75 feet and a combined front and rear overhang of 7 feet. This legislation will provide more continuity with changes in the industry. **Chairman Brackett** said he would stand for questions.

MOTION: **Senator Winder** moved to print **RS 24308**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Hagedorn returned the gavel to Chairman Brackett.

RS 24180C1 **Chairman Brackett** thanked Vice Chairman Hagedorn and asked Senator Winder to present **RS 24180C1**.
Senator Winder said he brought this legislation as a way to finance certain rights-of-way for already vetted highway projects around the State by utilizing the bonding authority of the federal Grant Anticipation Revenue Vehicle (GARVEE) program for up to \$100 million. The funds can only be used to finance acquisition of right-of-way property for future projects and not for actual construction. The projects would be selected at the discretion of the Idaho Transportation Board (ITB). **Senator Winder** said he would stand for questions.

Senator Lacey wanted to know what amount of funding was still available to Idaho in GARVEE bonds. **Senator Winder** estimated it was somewhere between \$150 million and \$190 million. **Senator Lacey** asked why Senator Winder had limited the RS to \$100 million. **Senator Winder** said that he would like to see it all used for Idaho's highways, but it has not been the rule of the legislature. This is a way to keep some of it for rights-of-way and to be able to authorize bonds at the right time as directed by ITB. Because of the use of GARVEE bonds in the past, some believe there is GARVEE fatigue in the Legislature. He personally believes the outcomes from their use have been extremely beneficial to the transportation system in Idaho. Part of the reason there is so much money still available is because of the efficiency the Idaho Transportation Department (ITD) has demonstrated in their use in the past. **Senator Winder** agrees with Senator Lacey's sentiments but does not believe increasing the amount of GARVEE funds for use would be acceptable to the Legislature.

MOTION:

Vice Chairman Hagedorn moved to print **RS 24180C1**. **Senator Keough** seconded the motion.

Senator Vick asked that before the Committee vote he wanted to know the process for determining projects for consideration. **Senator Winder** said he would ask ITD to testify at the hearing of the bill on the process they would go through to advance a project for consideration. **Chairman Brackett** agreed that the Committee would expect ITD to provide that information.

The motion passed by **voice vote**.

RS 24284

Chairman Brackett thanked Senator Winder and welcomed Roy Eiguren to the Committee to present **RS 24284**.

Mr. Eiguren, of Eiguren Ellis Public Policy Firm, said he was before the Committee representing his client, Reimbursement Services Company, that has business operations in all 50 states. They provide commercial motor vehicle fleet management and reimbursement services to clients throughout the United States, including Idaho. This legislation amends the Idaho Motor Vehicle Services Contract Act to clarify that incidental repairs and maintenance made within a service contract can be an agreement between an employer and their employee(s) and should not necessarily be regulated. **Mr. Eiguren** asked the Committee to print this RS and he stood for questions.

MOTION:

Senator Lacey moved to print **RS 24284**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

S 1230

Chairman Brackett thanked Mr. Eiguren and asked Senator Den Hartog to present **S 1230**.

Senator Den Hartog said that even with last year's passage of the upkeep and maintenance legislation 2015 H 312aaS,aaS there was still a short fall of \$155 million in transportation funding. **S 1230** removes the 5 percent distribution that the Idaho State Police (ISP) receives from the Highway Distribution Account (HDA) formula as part of their dedicated annual funding. This totals approximately \$16.7 million. The funds were originally to be used by ISP when they administered licensing and vehicle registration. That function now falls under the Department of Motor Vehicles (DMV), which is part of ITD, and has for many years. The HDA collects and distributes highway users' revenue from taxes, fees and registrations according to the provisions set forth in Idaho Code § 40-701. The net revenue in the HDA is then distributed accordingly to the State Highway Fund, the Local Highway Distribution Fund and ISP. **Senator Den Hartog** said she would stand for questions.

Senator Lacey commented that the \$16.7 million represents 21 percent of ISP's budget. At this late date there would be no guarantee that the reduction of funds could be found in the General Fund this fiscal year. **Senator Lacey** asked if Senator Den Hartog had considered where this budget shortfall might come from. **Senator Den Hartog** said she is aware of the facts; if this legislation passes it would impact the Governor's recommendation for ISP's budget, but she was not certain his budget would be fulfilled with or without this legislation. She also speculated that the Idaho House of Representatives may be sending some tax relief bills. **Senator Den Hartog** said she does not support a 21 percent decrease in ISP's budget and hopes that the Joint Finance and Appropriations Committee (JFAC) will find a way to fill the gap.

Vice Chairman Hagedorn offered that this is policy-setting legislation. If the Committee decides this is the appropriate use of the HDA funds, then it is JFAC's responsibility to follow that decision. He concurs with Senator Den Hartog and JFAC should decide how to shift funds to abide by this new policy.

Chairman Brackett agreed that this is a policy-making Committee, but he made the point that not all policy is funded, especially in the first year.

Senator Lacey asked if the Co-Chairman of JFAC, who sits on this Committee, would comment on this subject.

Senator Keough said she agreed with Vice Chairman Hagedorn that this is a policy-making Committee and agrees with Chairman Brackett that many policies are not funded. There would be no guarantee that the ISP would receive all or even part of the funds they would lose this next fiscal year. There could be an argument made that safety issues may move them up higher on the priority list, but the Governor has already given his priorities to JFAC and that is a long list of priorities.

With no further questions from the Committee, **Chairman Brackett** invited others from the audience to testify.

Senator Lacey suggested that the Committee might benefit from hearing from ISP if there was anyone in the audience who could offer insight on the impact this bill would have on ISP's workforce and budget.

TESTIMONY:

Chairman Brackett asked if Colonel Ralph Powell of ISP would offer comments on the bill. **Colonel Powell** responded to the two-part question: (1) their Police Allocation Manual (PAM) study indicates they need 90 troopers before they could get 24-hour coverage on each of the highways in each of the six districts in the State; and (2) losing the 21 percent of their budget from HDA funds that are dedicated to the Patrol Division means at least three-quarters or more of that division would not be funded. There were no further questions for Colonel Powell.

MOTION:

Senator Vick moved to send **S 1230** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

Senator Winder said he does not want ISP to lose that amount of funding. If this bill passes the Senate and gets sent to the House, they are currently sitting on funding bills and would not act on this bill until funding decisions on education and other issues are agreed upon. Then they would deal with a bill that cuts ISP's budget. ISP needs more and better funding, and more officers on the roads. ISP funding has needed changing since HDA was first created.

Vice Chairman Hagedorn said he supports the bill and has confidence in the process. He had commitments last year to education and they were able to find the funding; he is confident that will happen this year with ISP. They have given up a lot and were the first to say they would do more with less. We need to allow the priorities to bubble up and let the process work.

Senator Buckner-Webb sees an alternative and agrees with Vice Chairman Hagedorn. ISP needs more funding and she does not support the motion.

The motion passed by **voice vote**. **Senators Keough, Buckner-Webb and Lacey** asked to be recorded as voting against the motion.

ADJOURNED:

Before adjourning, **Chairman Brackett** directed the Committee to a flyer in their Committee packet from the Community Planning Association of Southwest Idaho (COMPASS) regarding a meeting that evening at which special guest speaker, Mayor Mick Cornett of Oklahoma City, Oklahoma, was going to discuss local option sales tax and how it can affect infrastructure planning. With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:10 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary