

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 10, 2016

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:** None

GUESTS: Ben Wolfinger, Kootenai County Sheriff; Sandra Mitchell, Idaho Recreation Council; Jim Kulm, Idaho Recreation Council; Amy Smith, Idaho Transportation Department; Susan Cook, IDPR; Bill Jones, Idaho ATV Association; Johnnie Harris, Idaho UTV Club; Earl Gofford, Idaho UTC Club; Paul Turcke, Blue Ribbon Coalition; Dave Carlson, Ada Idaho; Frank Axtell, North Idaho ATV; Charles Faircloth, Mountain Home ATV Club; David Claiborne, Idaho State ATV Association, Tom Crimmins, IDPR; Dan Blocksom, Idaho Association Counties; Susan Baxton, IDPR Board; Andy Brunelle, US Forest Service

Chairman Palmer called the meeting to order at 1:34 p.m.

RS 24418: **Rep. Gestrin** introduced **David Claiborne** to the podium. David Claiborne, Idaho ATV Association, stated there are two provisions for this proposed legislation that deals with snowmobiles only and all off-highway vehicles including snowmobiles. This proposed legislation will consolidate the code in the one section. In addition, this proposed legislation will modify the deposit section of the motorbike recreation account or off-road motor vehicle account to acquire used licenses and recreational easements to be used to secure long-term rights of private and public lands.

In answer to committee questions, **Mr. Claiborne** defined user licenses saying it relates to an easement but licenses can be revoked in the future but easement would be permanent in time. He stated Code section 67-7129 will be merged into Code Section 67-7113 and the fine amount will be adjusted to \$100. Mr. Claiborne stated Code Section 67-7102 and 67-7112 will be repealed pertaining to snowmobiles and in a result, the section will state if anyone violates any provision of this chapter plus any provisions of Chapter 71 that deal with motorcycles, ATV and UTV.

MOTION: **Rep. Youngblood** made a motion to introduce **RS 24418. Motion carried by voice vote.**

RS 24423: **Rep. Troy** stated the purpose of this proposed legislation is to have the Idaho Transportation Department (ITD) offer the owner of a commercial vehicle an option to either keep their current license plate number or request a new license plate number. She stated Idaho Transportation Department has agreed with this proposal.

MOTION: **Rep. King** made a motion to introduce **RS 24423. Motion carried by voice vote.**

RS 24440C1: **Rep. Kauffman** said this proposed legislation will remove the 30 days requirement of active duty or active member of the Air or Army National Guard who are called or ordered by the Governor of the State other than for training or ordered by a federal authority. He explained the proposed legislation had to be changed to reflect a United States Code revision under the Uniform Services Employment and Reemployment (USER) Act of 1994. He summarized the U.S. code. He emphasized that most who serve are called out for flood control or forest fires.

MOTION: **Rep. McDonald** made a motion to introduce **RS 24440C1**. **Motion carried by voice vote.**

H 437: **Rep. Sims** presented **H 437** which amends Section 67-7127 and provides funds to counties. The amendment to this bill allows the counties to distribute funds up to law enforcement once approved by the OHV Advisory Committee. This legislation will shift the distribution of Off-Highway Vehicle (OHV) registration fees. The registration fees will be distributed 85% to individual counties of the owners choice and 15% will go to Idaho Parks and Recreation for administrative fees. She compared the distribution process between the snowmobiles and boat stickers. She went on to say this bill is similar to the boats stickers.

Rep. Sims emphasized the funds are distributed according to Idaho Parks and Recreation. She discussed the economical importance study by the University of Idaho. As a result of this study, she emphasized that this is a profit business. She said that U.S. Forest Service is requesting assistance from OHV Clubs and the users. Furthermore, United States Forest Service, suggested a partnership program to assist with trail maintenance. She stated the limitations and disadvantages of Idaho Parks and Recreation to continue to manager the program. She said owners and purchases have requested this bill.

In respond to committee question, **Rep. Sims** She stated she isn't sure about their labor numbers; however, she is aware of one part-time employee. She stated the county can decide to partner with IDPR.

Sandra Mitchell, Idaho Recreation Council (ICU), spoke in opposition to **H 437**. Currently, the Off-Highway Vehicle and snowmobile vehicle programs are designed by the users with support of the Governor and Legislature. As a result, the administration and the management of those programs were directed to IDPR. All funds are dedicated funds and not General Funds.

Ms. Mitchell said the IRC administers the IDPR to ensure the funds and the programs are up to standards. In fact, this program is an example of economy of scale and demonstrates the cost advantage due to size, output and scale of operation. She said the fixed costs are distributed throughout the counties and the sticker account allocates funds to education, grants, trail maintenance and advocacy. She stated the IDPR works closely with the counties and U.S. Forest Service for the OHV program.

In addition, Ms. Mitchell said she contracts the snowmobile program with the boat program. She summarized the fund distribution by counties and said according to the numbers, having some of the counties administer the Off-Highway Vehicle management program just isn't feasible. As a result, the approval of this bill would mean the trails wouldn't be maintained and fees will need to increase.

Ms. Mitchell said the 2005 Travel Management Plan requires all Off-Highway Vehicle be restricted to designated routes and trails. In conclusion, the current OHV program managed by IDPR gives the most effective and efficient way to manage the trails. On behalf of the statewide membership of IRC, they urge the committee to vote against **H 437**.

In answer to committee questions, Ms. Mitchell stated there are hundreds of clubs across the state. As a result, there are limited reports to show county distributions. She emphasized there are representatives from Kootenai County serving on the Recreation Council. In addition, she stated that small counties have limited funds available in their budget to manage the OHV Program.

Jim Kulm, President of the Idaho Recreation Council, in opposition of the bill. Currently, the OHV program was developed by the user. The IDPR department was tasked to keep trails open, maintain the trails, manage our funds, operate the grant system and manage projects in the interest of the public. He discussed the disadvantages of this legislation. In conclusion, he stated the current system is in the best interest of "All Users".

Susan Cook, IDPR, spoke in opposition to the bill saying it eliminates trails, trail maintenance and the OHV program in Idaho. She discussed the benefits of having the state provide the OHV program.

Bill Jones, Idahoan and retired law enforcement, discussed his prior service in law enforcement. He thanked the committee you for the opportunity to present today and gave his work history. In 1994, he started the Idaho ATV Association, during this time, there weren't any trails and now, there are trails for the users. He stated the IDPR provides the funds for this service to the community. In addition, the IDPR provides funds for equipment and training. On the other hand, the counties need to organize and plan for the transition of this legislation. He discussed the labor pertaining to maintaining these trails, and provided club feedback to the committee members.

Paul Turcke, Blue Ribbon Coalition, stated the purpose of the coalition. The coalition has about 500 members in Idaho. The coalition is opposed to this bill. He agreed with statements made by other presenters. In addition to those, he stated the counties need to be prepared to manage the OHV program. Furthermore, our federal land managers and trail management agencies do a better job at maintaining the trail system. However, this bill won't encourage this to be performed. The blue ribbon stands in opposition of this bill.

Frank Axtell, North Idaho ATV Association, stated his work history and said he was born in Kootenai county. He contacted the other clubs in the area. He said this bill wouldn't benefit their county. He expressed his concern pertaining to safety classes. He said the safety education classes benefit the whole community. He stated the distribution of funds will benefit both small and large counties. He also stated the county would have to contribute an additional 15 percent not the OHV program.

David Claiborne, Idaho State ATV Association, requests this bill be held in the committee. He described the purpose of the group along with the members and he stated that other clubs have expressed their concern for this bill. He stated the present system for the OHV program is efficient and functioning well. He stated the funds need to be spent in the recreation counties that provide the trails. He specified the services given by IDPR along with grant funds for local projects.

Tom Crimmins, Idaho State Parks Board, stated guiding principles is to listen to the users. As a result, the money in the suggested bill will eliminate the grant program. Currently, the IDPR is providing a great service to the community. He emphasized the functionality of the current program.

Dan Blocksom, Idaho Association of Counties, requested that modifications be made to the legislation to be similar with the snowmobile and boat models with a couple of exceptions. He summarized the fund distribution of the current bill. However, there are concerns pertaining to the recreation aligning with the registration. In addition, the counties should have an option to participate or opt out of the OHV program. He requested the committee consider these two modifications; recreational aligning with registration and county options.

In response to committee questions, **Dan Blocksom** informed the committee members that both ISC and Idaho Sheriffs Association has **opposed** this legislation.

Susan Baxton, Idaho Parks and Recreation Board, appreciated this opportunity to speak with the committee about this bill. She responded to **Dan Blocksom's** statement about a possible potential amendment. She mentioned an opposition of a potential amendment to this bill.

Ben Wolfinger, Kootenai County Sheriff's Association, reviewed the geographical area of the kootenai county area along with the positive economical impact due to tourist and recreation. He said the legislation stated each county with an OHV program will be entitle to receive the funds. He gave the history of the current IDPR program along with the fund distribution pertaining to Off-Highway Vehicles and Off-Snowmobile Vehicles programs. He reviewed the disadvantages of the current program and the advantages of the legislation. He expressed the need for the maximum of 15% to be distributed to law enforcement. He said currently, the deputies provide education in OHV operations and safety, first responders for accidents, search and rescues and public lands. This 15% would help pay for this program without having to compete for grant money. In closing, he said it has worked for boats and snowmobiles. "It should work for OHV."

In answer to committee question. **Mr. Wolfinger** stated the Sheriff's department provides OHV education and enforcement on trails.

Rep. Sims was recognized to close testimony on **H 437**. Rep. Sims informed the committee members how the OHV program has evolved over the centuries. She reviewed the benefits of the legislation and stated the demand to utilize these trails has increase dramatically over the years. As a result, this bill would allow for local counties to maintain and administer the OHV program. She stated the primary concern is to continue to maintain the trails. The club maintains as many trails if not more trails than Parks and Recreation. Said there there are counties that want to get involved in the OHV program and there are 149,000 riders today.

MOTION: **Rep. Rudolph** made a motion to **HOLD H 437** in committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:53 p.m.

Representative Palmer
Chair

Vicky Davies
Secretary