

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 02, 2017

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Den Hartog, Lodge, and Harris

ABSENT/ EXCUSED: Senator Buckner-Webb

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 1:33 p.m.

MINUTES APPROVAL: **Senator Hagedorn** moved that the Minutes of January 24, 2017 be approved. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

RS 25078: **Authorizes equipment dealers to move implements of husbandry during daylight hours without a permit. Chairman Brackett** invited Roger Batt, representing the Western Equipment Dealers Association, to present **RS 25078**.

Mr. Batt stated that this legislation amends the definition of "implements of husbandry" by eliminating the words "when being incidentally operated," meaning when the equipment is being transported from one farm operation to another. That language limited the equipment's performance; equipment is considered as such whether it's being transported or not.

Mr. Batt continued that the main issue of the legislation is to allow equipment dealers the same permit exemption as farmers when moving equipment during daylight hours for repairs and maintenance. For dealers, the exemption would also include leases and rentals of "implements of husbandry". The dealers' association held two meetings with the Idaho Transportation Department (ITD) on this issue. **Mr. Batt** concluded by asking the Committee to support this legislation by sending it to print.

Senator Winder was concerned about the Fiscal Note on the Statement of Purpose (SOP) accompanying the legislation. He commented that Fiscal Notes are being handled differently this year, when "no fiscal impact" is stated on a Fiscal Note, a reason must be stated as to why there is no impact. **Mr. Batt** was unaware of this new requirement and would visit with ITD to determine the impact and update the Fiscal Note.

Senator Harris reflected on a section of the legislation that seemed to suggest that tractors were only considered "implements of husbandry" when they were hitched to another piece of farm equipment. He wanted to know if a tractor by itself was considered an "implement of husbandry". **Mr. Batt** replied that as he understood it, the term would apply to a stand alone tractor.

MOTION: **Senator Lodge** moved to send **RS 25078** to print. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

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

RS 25122: Provides a practical inspection method for the enforcement of the illegal use of dyed diesel fuel. Vice Chairman Nonini invited Chairman Brackett to present **RS 25122**.

Chairman Brackett said that this was follow-up legislation to H 312a (2015) and was also the result of significant input on the use and illegal use of dyed diesel. Many of the issues brought forth last year by the Idaho Farm Bureau and other organizations are addressed in this legislation.

Chairman Brackett continued that the purpose of this legislation is to provide a practical inspection method to ensure compliance with current Idaho motor fuels tax law at a minimum of disruption to the public. Farm and government vehicles are exempt from paying fuels taxes on diesel, which is why dyed diesel exists. All other vehicles must pay the 24.4 cents per gallon of diesel fuel in federal tax and 32 cents per gallon in State tax. He concluded by pointing out the Fiscal Impact of this legislation is positive, but no one knows the extent to which dyed diesel is illegally used.

Senator Winder commented that he believed this legislation would likely raise a lot of public comment.

MOTION: **Senator Winder** moved to send **RS 25122** to print. **Senator Hagedorn** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Nonini passed the gavel back to Chairman Brackett

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:45 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary