

MINUTES  
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE**

**DATE:** Tuesday, February 14, 2017

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Palmer, Vice Chairman Shepherd, Representatives Gestrin, Hixon, Kauffman, Packer, Youngblood, McDonald, Dixon, Harris, Holtzclaw, Monks, DeMordaunt, Syme, King, Wintrow, Gannon

**ABSENT/  
EXCUSED:** None

**GUESTS:** Ramon Hobdey-Sanchez, Government Affairs Specialist, Idaho Transportation Department; Kelli Brassfield, Idaho Association of Counties; Jonathan Parker, Idaho Association of Highway Districts; Roger Seiber, Capitol West; Representative Patrick McDonald, Idaho House of Representatives; Kendrick Wills, Deputy Director, Idaho State Police; Wayne Hammon, CEO, Idaho Association of General Contractors; Dave Carlson, AAA; Miguel Legarreta, Associated Taxpayers; Ceci Thunes, Idaho Walk Bike Alliance; Jeremy Chou, Givens Pursley LLP; Suzanne Budge, SBS Associates LLC

**Chairman Palmer** called the meeting to order at 1:31 PM.

**H 132:** **Rep. Clow** presented **H 132**. The purpose of this legislation is to increase the speed limit by 15 MPH when passing in designated areas, specifically when passing on the left in passing zones on two-lane highways with a posted speed limit of 55 MPH or above. The legislation is meant to improve the safety and efficiency of passing other vehicles.

In response to committee questions, **Rep. Clow** stated the legislation would allow a driver to pass at 70 MPH in a 55 MPH zone, 80 MPH in a 65 MPH zone, and 85 MPH in a 70 MPH zone, although there are very few highways in Idaho with a posted speed limit in excess of 65 MPH.

In response to committee questions, **Rep. Clow** stated a driver passing another vehicle would only be allowed to go 15 MPH over the posted speed limit, not any other speed, including that of the car being passed.

In response to committee questions, **Rep. Clow** stated the Boise Police Department supported the legislation, along with various sheriffs and the representative for the Sheriff's Association. These individuals and associations were in favor because the legislation outlines strict parameters for driver behavior when passing that stay within the other defined factors for a safe and legal pass on state highways.

In response to committee questions, **Rep. Clow** stated this legislation applies to all motor vehicles as defined in Idaho Code.

**Dave Carlson** of AAA Idaho spoke **in opposition** to **H 132**, stating there were lingering safety and enforcement concerns posed by the legislation that were unanswered. Mr. Carlson used Highway 55 as an example of dangerous conditions for passing, and hypothesized about an "authorized speed bubble" that would be interpreted differently by different drivers, and provided them with a blanket authorization to speed.

**Rep. Clow** spoke in support of **H 132**, stating the legislation provides specific parameters for passing which will still depend on if the zone, weather conditions, visibility, and other factors will permit a pass to be made. It is the responsibility of the driver to use their best judgment to make a pass in a zone legal to do so, but the legislation will provide guidance to law enforcement on how to judge driver speed.

**MOTION:** **Rep. Hixon** made a motion to send **H 132** to the floor with a **DO PASS** recommendation.

**Rep. Hixon** spoke to the motion, stating the issue the legislation addresses is a real one, and the legislation is a prudent solution to the problem.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Rep. Packer** requested to be recorded as voting **NAY.** **Rep. Clow** will sponsor the bill on the floor.

**Chairman Palmer** turned the gavel over to **Vice Chairman Shepherd.**

**H 157:** **Chairman Palmer** presented **H 157.** The purpose of this legislation is to transition Idaho State Police's funding component that they receive from gas tax to the General Fund. Currently the portion of funds the Idaho State Police receives from the gas tax can only be used for specific purposes and requires significant effort from the Idaho State Police to ensure those funds are spent appropriately. By transitioning these funds from a dedicated source to the General Fund, the Idaho State Police will be unencumbered in how they choose to allocate all of their funds. Instead of 5% of the gas tax going to ISP, the 5% would go towards transportation, where it would be split equally between the Idaho Transportation Department and the local units of transportation government. This legislation would impact next year's budget and spread over 5 years, taking roughly \$3,000,000 per year. This legislation does not intend to take money from the Idaho State Police, but to aid in transportation costs that are not currently paid for by general funds.

In response to committee questions, **Chairman Palmer** stated that in comparison to the former distribution pattern of 60/40, 38% will be local and 57% will be for the state, with 5% equally split between the two, giving more funds to local units of transportation government than to ITD.

In response to committee questions, **Chairman Palmer** stated the gas tax is \$17,000,000 this year, not \$33,000,000, and will be spread out over five years, equating to roughly \$3,000,000 per year. There are other dedicated funds besides this, but this legislation only deals with the gas tax.

In response to committee questions, **Rep. Youngblood** stated the figure of \$17,000,000 was correct and equated to 26.5% of the Idaho State Police's total budget, but it specifically affects their patrol budget by 42%.

**Rep. Youngblood** spoke in opposition to **H 157**, stating the funds must come from another source. The need for highway funds is real, but the state should be looking elsewhere for this money outside of ISP's dedicated patrol funds.

**MOTION:** **Rep. Harris** made a motion to send **H 157** to the floor with a **DO PASS** recommendation.

**Rep. Packer** spoke to the motion, stating the state's growth this year has made this legislation more palatable, and keeping ISP whole is critical. But the infrastructure needs of the state must be met, and the legislation is a thoughtful approach to taking care of the roads and bridges of the state.

**Rep. Kauffman** spoke in opposition to **H 157**, stating that while the legislation is more palatable than it has been previously, support for ISP is more important.

**Rep. Wintrow** spoke to the motion, stating the Idaho Constitution states that gas tax must go towards the roads, so ISP has used their dedicated gas tax funds for patrolling the roads.

**Rep. McDonald** spoke in opposition to H 157, stating there is no guarantee the funding will be there. There may be more winters to come that destroy the roads, and that's why there have been increases in the gas taxes and registration taxes. There are not enough patrol officers on the roads, and those that remain are forced to patrol areas too large. With less patrol officers, the roads and their drivers are less safe. To take up to 42% of the patrol budget is unheard of, as they are already just getting by with what little they have. While road repairs are an unquestionable priority, traffic safety must come first.

**Kendrick Wills**, Deputy Director, Idaho State Police spoke in opposition to H 157, stating it may be difficult to see this legislation from the prospective of his agency. Oregon State Police, once they moved from the highway distribution account to general funding, lost half of their patrol operation. The Section of the Idaho Constitution that has been referenced throughout today's meeting is Article 7, Section 17. While times are tough, general funds are hard to come by even in surplus. The state doesn't need more roadways, but safer roadways.

In response to committee questions, **Deputy Director Wills** stated the affected 42% of the patrol budget is dedicated funding, and it is the most core function ISP has. ISP would need to borrow from other programs to retain the lost dedicated funding.

**Rep. Youngblood** spoke to the motion, stating ISP stopped asking for 20 to 30 more officers each year for a reason. If their dedicated funding cannot be replaced, ISP may be in a hole that they cannot get out of. They would need to keep asking for money.

**Wayne Hammon**, CEO of the Idaho Association of General Contractors, spoke in support of H 157, stating there has been attempts over the last five years to get general funds for the roads, but every time they have died in the Senate. The money is already in the system, and it is already in transportation. Phasing in over the next five years will allow the parties to plan and compromise to benefit the state.

**Jeremy Chou**, Partner, Givens Pursley LLP, spoke in support of H 157, representing the American Council of Civil Engineers. Mr. Chou stated the American Council of Civil Engineers appreciates the five year transition from dedicated to general funds, and believes ISP must be appropriated as the other essential services are.

**Chairman Palmer** spoke to the motion, stating not one penny was guaranteed.

**Rep. Packer** spoke to the motion, stating this may provide even more security for ISP going forward, regardless of whether they are sustained by general or dedicated funding.

**Rep. Gannon** spoke to the motion, stating the committee needs to approach this issue by asking who will do the repairs and at what cost, how long will it take, and for how many years will it take to make the repairs. Meanwhile, ISP needs to retain their dedicated funding so that patrol can continue.

**Rep. Wintrow** spoke to the motion, stating the committee should support the dedicated funding, as they could have decided to raise taxes, but did not.

**Rep. Youngblood** spoke in opposition to H 157, stating the committee won't disappoint ISP regardless of the outcome of the vote, but the funds should still stay where they are and encouraged the committee to support ISP.

**Rep. Monks** spoke in support of **H 157**, stating the committee is clearly in agreement that more funding is needed for roads, although there are different ways of getting that funding. He supported the original motion, stating this is not a criticism of ISP, and he is optimistic funding for them will be found.

**Rep. Syme** spoke in opposition to **H 157**, stating in Canyon County, replacing one culvert on I-84 costs \$5,000,000. Getting \$3,000,000 per year is not enough, and is not worth the risk of taking funding from ISP.

**Rep. Hixon** spoke to the motion, stating he was in support.

**Rep. Wintrow** spoke to the motion, stating the committee hasn't explored all the available options, including mileage usage fees. The committee needs to discuss the entire puzzle, not just one piece.

**ROLL CALL  
VOTE:**

**Chairman Palmer** requested a roll call vote. The motion carried by a vote of **10 AYE, 7 NAY**. Voting in favor of the motion: **Chairman Palmer, Vice Chairman Shepherd, Rep. Gestrin, Hixon, Packer, Dixon, Harris, Holtzclaw, Monks, and DeMordaunt**. Voting in opposition to the motion: **Rep. Kauffman, Youngblood, McDonald, Syme, King, Wintrow, and Gannon**. **Chairman Palmer** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the Committees, the meeting was adjourned at 2:41 PM.

---

Representative Palmer  
Chair

---

Jasmine Platt  
Secretary