

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 13, 2018

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: None

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 Senate Transportation Committee (Committee) meeting at 1:32 p.m. **Chairman Brackett** welcomed Representative Moon to the Committee and asked her to present **H 387**.

H 387 **Representative Moon** said a constituent from Salmon, Idaho — who is a disabled veteran and a Purple Heart recipient — wanted a Purple Heart plate, but the cost was prohibitive. Disabled veterans in Idaho receive one free license plate per year. He wondered if his free license plate could be a Disabled Veteran Purple Heart license plate. **Representative Moon** consulted with the Idaho Transportation Department (ITD) and it turns out there are only about 35 veterans Statewide who would qualify for this Disabled Veteran Purple Heart license plate. ITD assured her there would be no cost to make this change. **Representative Moon** asked for the Committee's support and stood for questions.

Senator Den Hartog thought most of the fees collected for specialty license plates supported various causes. **Senator Den Hartog** stated her understanding was the Purple Heart plates and other military designation plates do not allocate funds in that way. **Representative Moon** said there would be no cost to ITD or loss of funds to charitable organizations.

Senator Hagedorn asked for clarification as to who would be eligible for the plates given there were more than 35 Purple Heart recipients in Idaho. **Representative Moon** said ITD estimated that there were 35 disabled veterans in Idaho who also received a Purple Heart. **Senator Hagedorn** wondered if this legislation would attract more interest in the Purple Heart license plate which could impact the cost to ITD. **Representative Moon** said this would only apply to disabled veterans. There were no further questions.

Chairman Brackett called on ITD staff to clarify Senator Hagedorn's question.

Mollie McCarty, Governmental Affairs Manager at ITD, emphasized those who would be interested in or qualify for this license plate likely already have a disabled military license plate. If this bill becomes law, qualified veterans would have an opportunity to trade their current license plate for a Disabled Veteran Purple Heart license plate. There is such a small group of individuals that qualify; there would be no cost to ITD.

Senator Hagedorn thanked Ms. McCarty for the clarification. He had confused the standard Purple Heart plate with the Disabled Veteran Purple Heart plate.

MOTION: **Senator Hagedorn** moved to send **H 387** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. **Senator Hagedorn** offered to carry the bill on the Senate floor.

PAGE GRADUATION: **Chairman Brackett** announced the Committee would break from the agenda to offer a special presentation to recognize the service of the Committee's Senate Page, Abigail Hunter, whose service would end at the conclusion of the week. **Chairman Brackett** asked Ms. Hunter if she would share her experience as a Senate Page with the Committee and remind the Committee of her future plans.

Ms. Hunter thanked the Chairman and the Committee for the opportunity to serve as a Senate Page. She stated she learned much about the legislative process. She plans to return to Coeur d'Alene, Idaho, where she will graduate from high school in June. In the fall, she plans to attend Northwest Nazarene University (NNU) in Nampa, Idaho. **Ms. Hunter** said she would stand for questions.

Vice Chairman Nonini inquired whether she would be starting violin lessons again now that her service to the Legislature is ending. **Ms. Hunter** said she would.

Chairman Brackett inquired as to how long she had been studying the violin. **Ms. Hunter** responded she has studied for 12 years.

With no further questions for Ms. Hunter, **Chairman Brackett** presented her with letters of recommendation and gifts of appreciation from the Committee.

S 1264 **Chairman Brackett** welcomed **Senator Siddoway** to the Committee and asked him to present **S 1264**.

Senator Siddoway said there is a problem facing Idaho's Rangeland Fire Protection Associations (RFPAs). He explained he spoke with the Idaho Department of Lands (IDL) regional manager in Idaho Falls, Pat Brown, and learned that IDL receives used military trucks and equipment that could be used by RFPAs to fight fires. Mr. Brown shared that the problem with giving the equipment to RFPAs was IDL was unable to license the vehicles for this type of use. That was the genesis of **S 1264**.

Senator Siddoway continued, **S 1264** creates a new section stating that former military vehicles that do not meet federal vehicle safety inspections can be registered in Idaho for the purpose of suppressing fires if they are being used by IDL, its political subdivisions, a nonprofit subscription fire protection unit, or an organization with a written agreement with IDL. The second section pertains to titling requirements and exemptions. **Senator Siddoway** said he would stand for questions.

Chairman Brackett referred to the emergency clause in section three and wondered why it was included. **Senator Siddoway** said there has already been a fire this year that burned 600 acres. These vehicles have to travel on Idaho's highways to access fires which make them susceptible to being stopped by authorities. It appears this year will have a challenging fire season. **Chairman Brackett** asked if the intent of **S 1264** was to become effective as soon as the Governor signs the bill in order to be ready for this coming fire season. Additionally, the bill is written so no rulemaking will be required. **Senator Siddoway** confirmed that Chairman Brackett was correct.

Senator Buckner-Webb asked if the military equipment is in an "as is" condition. **Senator Siddoway** said the used military equipment comes in groups and can be considered in "as is" condition. **Senator Buckner-Webb** asked about liability to the State for the equipment. **Senator Siddoway** stated his understanding there would not be a liability issue.

Senator Hagedorn thought the Legislature already created a specialty off-highway vehicle classification to which a restricted license plate could be issued. It was in the Utility Task Vehicle (UTV), All Terrain Vehicle (ATV), snowmobile classification. He wondered why the military equipment could not be classified under this definition for the purpose of licensing. **Senator Siddoway** suggested the list of vehicles in the legislation is comprehensive, but the vehicles he mentioned still have to meet the federal safety standards. **Senator Hagedorn** said the classification of "other" vehicles were not for use on the highway that did not fall into a UTV, ATV, snowmobile, motor bike, or motor vehicle classification. **Senator Siddoway** said he met with ITD and they went through those classifications.

Chairman Brackett said it was discussed during the drafting of **S 1264**, but asked if ITD could offer clarification. **Brendan Floyd**, Department of Motor Vehicles (DMV) Policy Section for ITD, said UTVs and ATVs can get a restricted license plate for primarily off-road use. Specialty off-highway vehicles are a catch-all category that receives a sticker to permit off-road use but no license plate.

Senator Hagedorn asked if these military vehicles could register to get a sticker as an off-highway vehicle; he wondered whether a license plate was needed. **Mr. Floyd** responded there is a difference between an off-highway vehicle sticker and an actual registration. **S 1264** addresses the operation of vehicles for fire suppression on the public highways; a specialty off-highway sticker would not permit such use. There were no further questions from the Committee.

TESTIMONY:

Chairman Brackett said there were a number of people signed-up to testify; he welcomed David Groeschl, Director of IDL, and asked him to testify.

Mr. Groeschl said IDL acquires surplus military equipment through the United States (U.S.) Department of Defense firefighter program and the federal excess personal property program. The equipment includes transport trucks, water tenders, fire engines, trailers, pumps, hose reels, etc. While IDL retains some of the equipment to use in wildland fire suppression activities, the majority of the equipment passes through IDL to local fire service organizations. The principal users are small, rural fire districts; volunteer fire departments; and RFPAs who receive little or no funding to operate. The surplus equipment pipeline is a critical resource for Idaho's fire service organizations. From 2015 to 2017, IDL acquired 352 pieces of equipment. Of that equipment, 17 pieces went to RFPAs, 23 went to IDL forest protection districts, 34 to two timber protection associations, and 278 to all the other fire service organizations in Idaho, or 80 percent of the equipment. The original acquisition value of this equipment, when new, was over \$36 million; the book value is about 25 percent of that, or \$8 million. Most equipment is of a high quality, usable standard, requiring little to no refurbishment. This allows it to be passed along to the fire service organizations. For the equipment requiring refurbishment, IDL restores it to certain standards and passes it on to fire service organizations.

Mr. Groeschl said that the equipment at issue are vehicles that do not meet federal motor vehicle safety standards. Titling and registering vehicles that do not meet these standards has been a concern of ITD. **S 1264** addresses ITD's concerns by clarifying that former military vehicles acquired by IDL for transfer to a qualified entity may be registered for fire suppression or other related purposes. It allows IDL to continue to acquire surplus military vehicles to fill the need of fire service organizations across the State. IDL believes this legislation is a benefit for ITD, fire service organizations, IDL's cooperative fire suppression efforts, and Idaho because additional fire suppression equipment will help improve the effectiveness of wildland fire response time across the State. **Mr. Groeschl** thanked the Committee and stood for questions. There were no questions.

TESTIMONY:

Chairman Brackett welcomed Michael Guerry of Castleford, Idaho, to the Committee and asked him to testify.

Mr. Guerry, a third-generation rancher in the Castleford and Three Creek area and also the chairman of the Three Creek Rangeland Fire Protection Association, said he would be speaking in favor of **S 1264**.

Mr. Guerry presented a document from the U.S. Department of Defense entitled "Military Standard: Safety Standards for Military Ground Vehicles." He continued that the RFPAs are not taxing districts, but they are 501(c)(3) tax exempt, volunteer associations entirely staffed by volunteers and funded by those same volunteers through dues, grants, and equipment donations such as those provided by IDL. Equipment brought to suppress fires by RFPAs comes from the ranching or farming groups that are involved in the RFPAs. There is a consequential commitment made by volunteers on the ground in many aspects.

Mr. Guerry shared he has an older type-four engine truck, an older water tender, and three tractors and disks that he provides for use by the Three Creek RFPAs. The handout (on-file in the Legislative Services Library) he provided helps address the situation and the concern for those military vehicles that do not meet the federal motor vehicle safety standards. U.S. military equipment is exempt from those standards while in use by the military. Though exempt, the U.S. military attempts to meet all federal standards, unless it would jeopardize the mission of any vehicle during its service to the military.

Ultimately, the equipment from IDL is well-equipped; he could not speculate what safety standards they may lack. The equipment Three Creek RFPAs use has less than 3,000 miles of use and were rebuilt in 2012 with automatic transmissions. He wanted the Committee to know that the vehicles they receive through this process are safe, especially for highway uses. When the vehicles are operated to fight fires, they are not on maintained roads, but are operating on challenging terrains. When responding to fires, the vehicles have to travel on maintained highways. The problem is the vehicles need to be registered and licensed or risk being stopped when travelling on maintained highways, which delays fire response time.

The epicenter for fires in the Three Creek area is the Jarbridge Resource Area. In 12 years, 1.4 million acres have burned in a 1.3 million acre resource area. The key to success in suppressing fires is response time; the objective is to arrive when the fire is small and catch the fires with good equipment that keep firefighters safe. Safety is the primary concern for Three Creek RFPAs; improving their response time with good equipment will help keep the volunteer firefighters safe.

Mr. Guerry reiterated the importance of qualifying for exempt license plates because RFPAs are volunteer organizations with limited financial resources. He would like clarification on whether RFPAs will qualify for these less expensive, exempt license plates. In closing, **Mr. Guerry** said the RFPA maintains liability and, in most cases, full coverage insurance on the vehicles they receive from IDL because of the value of the vehicles. **Mr. Guerry** thanked the Committee and stood for questions. There were no questions.

TESTIMONY: **Chairman Brackett** recognized Charles Lyons of Mountain Home RFPA, the first RFPA in Idaho. **Mr. Lyons** said he fully supported the legislation.

TESTIMONY: **Chairman Brackett** recognized **Senator Lee** who added her support to this critical legislation for Idaho's rural fire districts. She stated it provides opportunities to address those front line responders when no one else is there.

In closing, **Senator Siddoway** thanked the Committee and said he hopes Mr. Guerry impressed upon the Committee how important **S 1264** is to rural communities. When the ground is dry and the lightning flashes, fires develop quickly. If those fires can be rapidly suppressed, it can be done at very little cost and keep Idaho from facing those multi-million dollar fires that have happened in the past. He hoped that titling and exemption issues would be considered by ITD.

Chairman Brackett thanked Senator Siddoway for his presentation and all those who offered testimony. He asked the Committee for a motion.

MOTION: **Senator Keough** moved to send **S 1264** to the floor with a **do pass** recommendation. **Vice Chairman Nonini** seconded the motion. The motion passed by **voice vote**. **Senator Siddoway** said he would carry the bill on the Senate floor.

ADJOURNED: There being no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:14 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary