

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 03, 2020

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

ABSENT/ EXCUSED: Senator Den Hartog

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: With a quorum present, **Chairman Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:33 p.m.

S 1379 **Jason Kreizenbeck**, Lobby Idaho, LLC, presented **S 1379** on behalf of the Idaho Trucking Association (ITA), and added that Allen Hodges, ITA's Executive Director and President, would be available to answer technical questions.

S 1379 provides a practical method to inspect commercial vehicles for tax-free dyed fuel by using existing law enforcement and Idaho Transportation Department (ITD) resources under specific circumstances as outlined in the bill. The proposal also defines and sets violation penalties, and provides a specific set of exemptions. Currently under Idaho Code § 63-2425, the use of dyed and other untaxed fuels is prohibited on Idaho highways, but code lacks a system of state-based enforcement. Enforcement that does take place in Idaho is done by the federal government through the Internal Revenue Service. **S 1379** sets up a simple state-based inspection and enforcement system for commercial vehicles operating on Idaho highways. ITA worked with ITD and Idaho State Police to develop a way to conduct a sight inspection of commercial vehicle gas tanks for dyed fuel use at weigh stations, ports of entry, safety inspections, or if pulled over for other offenses. **Mr. Kreizenbeck** concluded by going through the bill, section by section, and asking the Committee for a do pass recommendation.

DISCUSSION: **Senator Rice** suggested the bill be amended to insert the following language: in excess of 26,000 pounds. **Mr. Kreizenbeck** concurred with the clarifying language and found it favorable to the proposal.

Senator Burtenshaw wanted to talk about the penalties listed on page 3, line 40 with regard to when a violation becomes a felony. **Mr. Kreizenbeck** said that language is in existing statute and was not altered for this legislation.

Senator Nelson described a scenario in which a farm combine fueled by dyed diesel needed to get to another field, and asked if it would be legal for the combine to drive on the highway to get to the other field. **Mr. Kreizenbeck** confirmed it would be legal, because incidental use is incorporated into this legislation.

MOTION: **Senator Rice** moved to send **S 1379** to the 14th Order of Business for possible amendment. **Senator Winder** seconded the motion. The motion passed by **voice vote**. **Senator Rice** offered to carry the bill on the Senate floor.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:46 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary