

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 07, 2017

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Vice Chairman Nonini, Senators Keough and Hagedorn

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 1:30 p.m.

RS 25143 **Removes the dyed fuels exemption from the motor fuels tax and does away with dyed diesel fuel keeping clear diesel fuel in the marketplace for all users. Chairman Brackett** invited Jerry Deckard, CapitolWest Public Policy Group, to present **RS 25143**.

Mr. Deckard said this legislation simply eliminates red dyed diesel fuel that is not currently taxed. All diesel fuel users will purchase clear diesel fuel, which is taxed, and at the end of each quarter, those who qualify for the fuel tax exemption can file for reimbursement.

MOTION: **Senator Winder** moved to send **RS 25143** to print. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**. **Senator Harris** asked to be recorded as voting nay.

RS 25126 **Provides additional duties to the Idaho Transportation Board to develop a highway access management system. Chairman Brackett** asked Senator Winder to present **RS 25126**.

Senator Winder said this legislation is part of an industry effort to deal with highway management and access issues. As communities grow, there is a need to establish a comprehensive development plan when dealing with these issues.

CONFLICT OF INTEREST: **Senator Winder** declared that because of his professional business dealings with planning and zoning commissions there could be a potential conflict of interest under Senate Rule 39(H).

MOTION: **Senator Den Hartog** moved to send **RS 25126** to print. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

RS 25127 **Revises eminent domain proceedings. Chairman Brackett** asked Senator Winder to present **RS 25127**.

Senator Winder reminded the Committee that this is his third attempt at introducing similar legislation in prior sessions. This is an attempt to get agreeable legislative language from all the stakeholders involved. The subject needs to be discussed as it is an issue of fairness for property rights in Idaho.

CONFLICT OF INTEREST: **Senator Winder** declared that because of his professional business dealings he could have a potential conflict of interest under Senate Rule 39(H).

MOTION: **Senator Lodge** moved to send **RS 25127** to print. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

S 1043 **Authorizes equipment dealers to move 'implements of husbandry' during daylight hours without a permit.** **Chairman Brackett** asked Roger Batt, representing the Western Equipment Dealers Association, to present **S 1043**.

Mr. Batt said that currently in Idaho Code, 'implements of husbandry' are defined as such when they are being transported from one farm to another. In the agricultural community, equipment being transported, used in the field, or sitting idle in the yard are all considered 'implements of husbandry'. Striking the language "when being incidentally operated" clarifies the definition of 'implements of husbandry'.

In 2011, the Legislature exempted farmers or their designated agents from having to have a permit to transport equipment from one farm to another, to or from a farm to a repair or maintenance facility, and to and from a farm to a dealership, auction house or other facility during daylight hours. Equipment dealers were not added to this exemption, so **S 1043** exempts them as well. This legislation also includes that any lease or rental equipment be exempt.

Mr. Batt stated that after a meeting with the Idaho Transportation Department (ITD) following the Committee's print hearing on this legislation, it was determined there would be a \$54,250 negative fiscal impact to ITD if this bill becomes law.

In conclusion, **Mr. Batt** said he had provided inaccurate information to a question raised by Senator Harris at the Committee's print hearing. The question was whether a stand-alone tractor not pulling other farm equipment was consider an 'implement of husbandry'. **Mr. Batt** said that tractors have to be attached to a piece of equipment to be consider an 'implement of husbandry'. However, tractors without an attachment are exempt on page 3 of this legislation.

TESTIMONY: **Lance Giles**, representing Catepillar, Inc., said this bill was good for the agriculture industry and Catepillar strongly supports its passage.

Suzanne Budge, representing John Deere, offered support for the legislation.

MOTION: **Senator Lodge** moved to send **S 1043** to the Senate floor with a **do-pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** assigned Senator Den Hartog to be the floor sponsor of the bill.

ADJOURNMENT: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:49 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary