

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, January 16, 2018

SUBJECT	DESCRIPTION	PRESENTER
Gubernatorial Appointment	Re-appointment of Charles Kemper of Idaho Falls to the <u>Aeronautics Advisory Board</u> from January 31, 2018 to January 31, 2023.	Introduction by Mike Pape , Idaho Division of Aeronautics Administrator
Introduction	Introduction of Abigail Hunter of Coeur d'Alene as the Senate Transportation Committee Page for the first half of the Legislative Session.	Chairman Brackett
Administrative Rules	Distribution of the Senate Transportation Committee's Administrative Rules book.	Vice Chairman Nonini

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett
Vice Chairman Nonini
Sen Keough
Sen Winder
Sen Hagedorn

Sen Den Hartog
Sen Lodge
Sen Harris
Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 16, 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 1:30 p.m. He welcomed all members and attendees to the Committee's first meeting of the Legislative Session.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** welcomed Mike Pape, Administrator of the Idaho Transportation Department's (ITD) Division of Aeronautics, to the Committee.

Mr. Pape said the mission of the Division of Aeronautics is to ensure that the aviation system in Idaho meets the needs of the state. In a mountainous state like Idaho, it is imperative to keep airports safe. There is a five-member Aeronautics Advisory Board (AAB) that gives advice on all aeronautics activities in Idaho. Today's re-appointment consideration is for current board member Charles "Chip" Kemper. Mr. Kemper is the owner and president of the Queen Bee Air Specialities and Aerial Agricultural Organization located in Idaho Falls. He is also a 38 year professional pilot. This is the third time he has come before the Committee for confirmation. Mr. Pape turned the podium over to Mr. Kemper.

Mr. Kemper thanked Mr. Pape and the Committee for scheduling his confirmation while he was in the Treasure Valley for an AAB meeting. **Mr. Kemper** said he lives in Idaho Falls where he has been involved in his company since 1977 and has been an owner since 1980. He has served on the AAB for eight years, and last came before the Committee five years ago. In conclusion, **Mr. Kemper** said he would stand for questions.

Senator Hagedorn thanked Mr. Kemper for offering to serve another term. He inquired as to the greatest challenges facing the AAB. **Mr. Kemper** said the pavement deficit with runways and ramps in the aviation sector is the greatest challenge. Fortunately, this year the AAB found the funds necessary to avoid a financial deficit. It is the only year in his eight year tenure where there has not been a half-million dollar deficit in order to pay for what he considers to be basic needs. However, the AAB is not keeping up with all the pavement requirements identified. He personally believes that fuel taxes need to be increased from their present tax rates of six-cents per gallon for jet fuel and seven-cents per gallon for aviation gasoline. **Mr. Kemper** contended that a tax increase of one-and-one-half cents per gallon would rectify the half-million dollar deficit. He stated, however, that the airline industry opposes a fuel tax increase.

Senator Hagedorn asked how the price of jet fuel in Idaho compares to that of surrounding states. He heard that aircraft come to Idaho to buy fuel because of the lower cost. **Mr. Kemper** stated it is a complex issue; corporate jets making interstate flights buy fuel as needed. However, airlines have large fuel purchasing contracts. The Salt Lake City Airport handles such large quantities of fuel for companies such as Delta Airlines that fuel cost — and tax — are relevant factors. Airlines only load the gallon or pound amount of fuel needed to return to their hub airport. Corporate jets are in a different category, and in that regard Idaho is in the lower cost ranks.

Senator Keough asked Mr. Kemper to share his perspective on and the status of the request to replace some of the state-owned aircraft. **Mr. Kemper** said the State of Idaho owns two single-engine Cessnas. He personally owns that type of aircraft. He, like the State, is in the process of replacing his piston engine fleet with turbine powered aircraft that are similar to ITD's twin-engine Beech King Air. When replacement is done in a sensible way, transitioning toward turbine powered aircraft makes fiscal sense in the long-term. In the short-term, it will be a significant financial expenditure. ITD will issue a request for proposal to buy an aircraft that will offer greater mission capability, improved safety, and better reliability than the single-engine Cessnas. He thinks there will likely be a candidate that makes sense for the State. If so, ITD can then sell the two Cessnas.

Senator Keough asked, based on his response, if he thought it was appropriate to sell the other state-owned aircraft. **Mr. Kemper** said his remarks represent the task of the AAB. He does not think the airplanes stated are outmoded; they have value and new owners would be able to fly them for many years. The presently-owned aircraft are incapable of conducting certain search missions in certain weather. Replacement aircraft would increase capabilities in those situations. New aircraft would likely have a Pratt Whitney PT6A engine, the most reliable aircraft engine available. **Mr. Kemper's** company owns eight PT6A engines and they are transitioning their entire fleet to this engine. Cost will be a consideration for the State, as the PT6A engines are not inexpensive.

Senator Hagedorn asked if the new aircraft will have the same backcountry capabilities as the smaller Cessnas currently owned? **Mr. Kemper** replied it was his understanding the new aircraft would replace the two single-engine Cessnas and would pick up nearly 25 percent of the Beech King Air's capacity on some of its missions. The new aircraft would be able to access every backcountry airstrip where either of the Cessnas can, and safely handle more winter weather icing in flight. It would be able to assist in missions when routine maintenance is scheduled on the other aircraft.

Senator Buckner-Webb asked if this new aircraft would require more runway length and be able to access the shorter runways at some of Idaho's backcountry airstrips. **Mr. Kemper** said the runway length requirements would be much less with the new airplane. It will have a more favorable power-to-weight ratio, reverse thrust, and may not need a runway in certain situations. The Cessna 206 could do some of those things, but it does not have reverse thrust or a comparable power-to-weight ratio. The new airplane will be capable of going everywhere the Cessnas can and more.

Chairman Brackett asked Mr. Kemper to describe the maintenance deficit. **Mr. Kemper** said he spoke previously of a pavement deficit of about a half-million dollars. These deficits are drawn on aeronautics and matching funds sources. If the AAB could rely on the half-million dollars each fiscal year, they could fully service what has already been invested. Mr. Kemper stated that he is determined to find the funds to remove this annual deficit; it may require legislation.

Chairman Brackett commented that the financial deficit may become a safety issue and asked if it is currently. **Mr. Kemper** responded that some small communities in the Midwest that do not have money to maintain pavement tear up the pavement and return it to a dirt or gravel strip. That digression negatively effects the use of the airport, the value of the airport, and the ability of life-flight aircraft to carry injured individuals. Idaho is close to meeting our needs but is falling short; he wants to fix that and he thinks the AAB can. There were no further questions.

Chairman Brackett thanked Mr. Kemper and reminded him that the vote on his re-appointment would take place at the next Committee meeting.

**COMMITTEE
PAGE
INTRODUCTION:**

Chairman Brackett welcomed Committee Page Abigail Hunter of Coeur d'Alene, Idaho, sponsored by Vice Chairman Nonini, and asked her to introduce herself to the Committee.

Ms. Hunter thanked the Chairman. She stated that she attends Coeur d'Alene High School, where she is a pole vaulter on the track team. She plays the oboe in the school band and takes violin lessons from Mrs. Nonini. She plans to attend Northwest Nazarene University (NNU) in Nampa, Idaho in the fall. She was awarded scholarships from NNU to play the oboe and the violin. She wants to double major in Counseling and Ministries so she can become a Christian counselor. **Ms. Hunter** said she would stand for questions.

Vice Chairman Nonini said he was pleased to be able to sponsor Ms. Hunter. She has been a violin student of Mrs. Nonini for over 12 years; he knows her and her family very well. She is quite an accomplished violin player. She is a very good student at Coeur d'Alene High School and works at an ice cream store in downtown Coeur d'Alene called Abby's. He is hoping there will be an opportunity for her to play the violin for the Senate before her service as a Page is over.

Chairman Brackett thanked Ms. Hunter and stated that he was pleased to have her as the Committee Page.

**ADMINISTRATIVE
RULES:**

Chairman Brackett asked Vice Chairman Nonini to describe the process for reviewing 2018 Administrative Rules.

Vice Chairman Nonini said this year the Committee has six dockets in the Administrative Rules book distributed to each Committee member. Two of the dockets are from the Idaho State Tax Commission (ISTC) and four are from ITD. Inside their notebook is a clean, easy-to-read copy of the first of the ISTC dockets that had extensive deletions and insertions of new language.

Vice Chairman Nonini stated that as there are only six dockets, there is no need for a subcommittee to review them first. Therefore, the next Committee meeting will include the two dockets from ISTC. The last four ITD dockets will be heard at the following meeting. By next week the Committee should be done with the Administrative Rules review for this Legislative Session. There were no questions from the Committee members regarding the Administrative Rules process.

ADJOURNED:

There being no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:55 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, January 18, 2018

SUBJECT	DESCRIPTION	PRESENTER
VOTE on Gubernatorial Appointment	Vote on the re-appointment of Charles Kemper of Idaho Falls to the <u>Aeronautics Advisory Board</u> .	Chairman Brackett
Gubernatorial Appointment	Re-appointment of Jim Kempton of Albion to the <u>Idaho Transportation Board</u> from January 31, 2018 to January 31, 2024.	Introduction by Jerry Whitehead , Chairman of the Idaho Transportation Board
Administrative Rules	Transportation Administrative Rules from the Idaho State Tax Commission	Vice Chairman Nonini
Docket No. 35-0105-1701	Idaho Motor Fuels Tax Administrative Rules	Cynthia Adrian , Tax Policy Specialist
Docket No. 35-0105-1702	Idaho Motor Fuels Tax Administrative Rules	Cynthia Adrian , Tax Policy Specialist
	<i>(...Please bring your Transportation Administrative Rules book to Committee...)</i>	
Presentation	Pacific NorthWest Economic Region (PNWER) update of U.S./Canadian regional initiatives in infrastructure funding, innovations in driverless transport, efficiencies in intermodal hubs, and regional streamlining of weights and dimensions.	Gloria Totoricaguena , PNWER Idaho Council Coordinator

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb
Sen Hagedorn	

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MINUTES
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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) at 1:35 p.m.

VOTE ON GUBERNATORIAL APPOINTMENT: Having heard from Charles Kemper at the previous Committee meeting on his reappointed to the Aeronautics Advisory Board, **Chairman Brackett** told the Committee he would welcome a motion on the reappointment. **Chairman Brackett** said that he was very impressed by Mr. Kemper, especially with his knowledge and expertise of the state's current fleet and the purchase of a new aircraft.

MOTION: **Senator Winder** moved that the reappointment of Charles Kemper to the Aeronautics Advisory Board to serve a term beginning January 31, 2018 and expiring on January 31, 2023, be confirmed. The motion was seconded by **Senator Harris**. The motion passed by **voice vote**. **Senator Harris** agreed to carry the reappointment on the Senate floor.

GUBERNATORIAL APPOINTMENT: **Chairman Brackett** welcomed Jerry Whitehead, Chairman of the Idaho Transportation Board (ITB), to the Committee to introduce Jim Kempton of Albion, Idaho who is being re-appointed to the ITB.

Mr. Whitehead said that he was before the Committee to reintroduce Jim Kempton for reappointment to the ITB. In the last six years, Mr. Kempton took on two important chairmanships for the ITB: (1) updating board policies since the ITB was created; and (2) implementation of trucks capable of carrying 129,000 pound loads on Idaho's highways. **Mr. Whitehead** asked the Committee to reappoint Mr. Kempton. Mr. Whitehead turned the podium over to Mr. Kempton.

Mr. Kempton introduced himself as an ITB member from District 4 in Central Idaho. He continued that ITB focuses on maintaining and updating the infrastructure of the State. The role of ITB is to support the Idaho Transportation Department (ITD). Under the leadership of ITD Director Brian Ness, the image of ITD has successfully turned around, especially since the time Mr. Kempton served as a member of the legislature and chairman of the House Transportation and Defense Committee. ITB's move towards horizontal pathways for ITD employees has increased productivity and motivation which has resulted in national award recognitions for ITD. **Mr. Kempton** concluded that it was a pleasure to be on the ITB. He stated that it is unique in its makeup, it is easy to work with, it is multi-dimensional in the background of each of the board members, and its apolitical. His objective is to move the transportation system and infrastructure of Idaho forward. **Mr. Kempton** said he would stand for questions.

Senator Hagedorn thanked Mr. Kempton for his service. In the committees where they served together, **Senator Hagedorn** said that Mr. Kempton brings logic, knowledge and thought to ITB. **Senator Hagedorn** stated he could not think of a better representative from District 4.

Chairman Brackett noted that Mr. Kempton served on the Governor's Task Force on Modernizing Transportation. The Task Force produced a report that has stood the test of time and has been invaluable going forward with the challenges in transportation funding. **Chairman Brackett** asked what Mr. Kempton thought were the greatest challenges the ITB will face in the next five years. **Mr. Kempton** said the most significant challenge is funding. He thanked the Committee for the funding they have already brought when they raised the fuel tax last year. The problem is the ITB has not found a self-sustaining revenue source that will provide the amount of income needed for the future. There are studies in Washington on mileage-recorded data that may reveal options. This is not an easy question: Where is the closest nexus to transportation costs and transportation use in all of the tools used to collect revenue? The two options are mileage, that can be converted to fuel use, and the sale of vehicles, which the Legislature may want to consider. Otherwise the funding situation would be to force action onto local highway jurisdictions whose property tax option becomes more troublesome as time passes.

Senator Hagedorn said there was a bill about ten years ago that allowed license plates on tractor-trailers, the North America plate. Without any advertising at all, it brought in over \$1 million to ITD. We're advertising our red-star drivers license but not the North America plate. Indiana and one other state emulated Idaho's plate and were able to secure UPS, FedEx and some other large trucking companies. That market resulted in significant funding for those states. **Senator Hagedorn** asked why ITB or ITD haven't taken advantage of the authorization they have to advertise and sell those plates in order to increase the funding coming into Idaho for transportation. **Mr. Kempton** said that in the six years he's been a member of the ITB it has never been brought to the board as a proposal. He will inquire and respond to the question after he speaks with Director Ness and staff. There were no further questions or comments.

Chairman Brackett thanked Mr. Kempton for appearing before the Committee. The vote on his reappointment will take place at the next Committee meeting.

**PASSED THE
GAVEL:**

Chairman Brackett passed the gavel to Vice Chairman Nonini.

**ADMINISTRATIVE
RULES:**

Vice Chairman Nonini thanked the Chairman. He welcomed Cynthia Adrian, Tax Policy Specialist for the Idaho State Tax Commission (ISTC), and asked her to present the two ISTC dockets before the Committee for review.

**DOCKET NO.
35-0105-1701:**

IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES: **Ms. Adrian** said there are three rules in this docket that were all negotiated. ISTC asked the Department of Administration if they could simply delete the existing rules and start over with updated and clarifying language. That was not possible; therefore, the docket contains blue strike-through old language and red underlined new language. **Vice Chairman Nonini** pointed out that a clean copy of the resulting text was provided in their notebook. **Ms. Adrian** said Rule 270 outlines the documentation that the taxpayer must maintain to support his refund claim. The changes simply clarify those documentation requirements. Rule 290 outlines the procedure for the refund claims for non-taxable miles. Nothing was added or deleted, just clarifying language. Rule 292 gives directions for refund claims for paid time off (PTO) and auxiliary engines. The proposed revisions simply reformat and clarify. **Ms. Adrian** said she would stand for questions.

Senator Harris thanked Mr. Adrian for the simplified and clarifying language.

Senator Den Hartog asked who the primary users of this docket were and the annual number of refund claims with the amount refunded. She also wanted to know the scope of whom this rule impacts. **Ms. Adrian** deferred to Don Williams, Tax Policy Specialist for ISTC. **Mr. Williams** said the people who would be affected by this docket are any taxpayer who uses fuel in a non-taxable manner, whether gasoline or diesel. Idaho has a large number of claims from around the state. They can file a claim with their income tax return or separately. For specific numbers, he would have to follow-up at a later time. There were no further questions or comments.

MOTION: **Senator Harris** moved to adopt **Docket No. 35-0105-1701**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 35-0105-1702: **IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES:** **Ms. Adrian** said there is one rule in this docket that was not negotiated because it represents an International Fuel Tax Agreement (IFTA) rewrite. The change was adopted in the 2017 Legislative Session. The rule only adds those changes to IFTA. **Ms. Adrian** stood for questions. There were no questions.

MOTION: **Senator Lodge** moved to adopt **Docket No. 35-0105-1702**. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

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

PRESENTATION: **Chairman Brackett** welcomed Bruce Agnew, Director of the Cascadia Center in Seattle, Washington, a private, non-profit transportation policy center. He represents the Pacific NorthWest Economic Region (PNWER) and will present an overview of PNWER's regional transportation initiatives and issues.

Mr. Agnew thanked the Chairman and the Committee for this opportunity. He and Senator Winder co-chair PNWER's transportation committee. Matt Morrison, Executive Director of PNWER, regrets not being available to make this presentation.

Mr. Agnew said PNWER is a ten-member organization consisting of five Northwest states and five provinces and territories in Canada. The U.S. Ambassador considers PNWER the "gold standard" for North American relations. **Mr. Agnew** referred to Idaho as the "crossroads" state. From a transportation perspective, Idaho has three interstate highways, two robust class-one railroads, a short-haul rail line, and a Columbia/Snake river system with the Port of Lewiston and its barge traffic. Idaho is unique because of the private/public council established by the Governor that oversees PNWER affairs. There are four issues PNWER has focused on:

(1) PNWER provides access to international markets in rail. The genesis of this issue began in Alberta, Canada. A major producer of fertilizer and potash complained about getting their product from the interior of Alberta to the Asia/Pacific market, primarily by rail through crowded ports where their product experienced bottlenecks and delays. PNWER was able to address the infrastructure issues and regulatory policies. However, it is an ongoing issue for PNWER. In recent years, there have been challenges from the agricultural community with regard to oil trains bringing loads to refineries in Puget Sound which has resulted in reduced rail capacity for agricultural commodities. However, the oil market has softened making this concern not as high of a priority as it had been.

(2) Old oil tank storage rail cars are a safety issue for PNWER. To address this issue, PNWER brought together the class-one railroads, the regulatory agencies in the U.S. and Canada, and the emergency responders, particularly in rural communities. The resulting intense session focused on improving training, improving access, and the placing of clean-up materials. The railroads appreciated an independent and fair venue to talk about safety.

(3) Technology and transportation include: autonomous vehicles that operate in the freight area and in personal transportation; vehicles connected to the cloud; electric vehicles; and shared vehicles like Uber in urban areas.

(4) Infrastructure Finance; especially with regard to the interface between the federal government and the states, and similarly for Canada. Congress passed the Fixing America's Surface Transportation (FAST) Act in 2015 and the new Administration is proposing a major infrastructure investment program for the country — about \$200 billion of federal money to match non-federal money (that could include state funds, port funds, and private equity) to reach \$1 trillion of infrastructure investment. A major challenge with this proposal is how rural states will be able to access these funds.

Mr. Agnew continued that a unique aspect of PNWER is it brings U.S. and Canadian entities to each others territories to see how they do business. Canada has made a \$6 billion investment in trade-related infrastructure from Manitoba to Vancouver, British Columbia. Canada has figured out a way to expedite permitting for important security and transportation projects by putting them on a fast-track.

Section 1441 of the FAST Act authorized \$12 million for a competitive grant program to accelerate transportation projects. Congress is working on providing the funding. If funded, PNWER would provide expertise to local governments, beyond what the states can do, in applying for and accessing federal funds.

Mr. Agnew concluded his remarks with a discussion of the July Annual Summit Conference in Spokane, Washington. Discussions are in the works with Burlington Northern Santa Fe (BNSF) Railway Company about providing a train trip from Spokane to Sandpoint, Idaho. Two specific sections will be the focus of the conference: (1) Infrastructure Finance issues; and (2) Autonomous Connect for Electric Vehicles and what that would mean to states. **Mr. Agnew** thanked the Committee and stood for questions.

Chairman Brackett stated that the BNSF had initiated an additional rail crossing bridge across Lake Pend Oreille at Sandpoint, which should relieve the bottleneck in east/west rail travel. He asked if there has been any changes in oil rail traffic; he wondered if it was holding steady given the pipelines that the U.S. is building. **Mr. Agnew** replied that he heard from the agricultural community that the rail capacity crunch has eased in the last two years. This is a result of a continuing lower world market price for oil. The other issue that affects Idaho and Montana in particular is that there has been major battles in the Puget Sound regarding the development of new terminals for transporting energy. Prognosis for oil in the future is steady or slowing. Without the export market, no increase in oil traffic is expected.

Senator Hagedorn asked how Vancouver, British Columbia funded the 17 newly constructed overpasses. **Mr. Agnew** answered that they launched because of a major investment from the Canadian government in 2006; it was called the Asia/Pacific Gateway. The Province of British Columbia invested a great deal of money, the port and the local government put funding in, and the private sector levied a premium on their members to come up with several hundred million dollars. The private sector piece was what made the project work. There was a crisis in Vancouver and a solution was needed. They also decided to partly use private funds to build their rail transit line between downtown Vancouver and the airport in advance of the 2010 Olympic Games. Not only did they mix private and public funds, they were able to work out a labor agreement with the unions. Canada has many good examples of the private and public sectors working together.

Senator Winder said it is a pleasure to work with Mr. Agnew who is knowledgeable and brings invaluable experience to PNWER's transportation committee. One of the biggest challenges is how to get private sector money into our transportation system to meet the growth needs of Idaho. **Senator Winder** thanked Mr. Agnew for his presentation.

ADJOURNED: There being no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:25 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, January 23, 2018

SUBJECT	DESCRIPTION	PRESENTER
VOTE on Gubernatorial Appointment	Vote on the re-appointment of Jim Kempton of Albion to the <u>Idaho Transportation Board</u> .	Chairman Brackett
Administrative Rules	Transportation Administrative Rules from the Idaho Transportation Department (ITD).	Vice Chairman Nonini
Docket No. 39-0202-1701	Rules Governing Vehicle and Vessel Dealer License Requirements — Motor Vehicles.	Ramon Hobdey-Sanchez, ITD's Governmental Affairs Program Specialist
Docket No. 39-0271-1701	Rules Governing Driver's License Violation Point System.	Ramon Hobdey-Sanchez, ITD's Governmental Affairs Program Specialist
Docket No. 39-0310-1701	Rules Governing When An Overlegal Permit Is Required.	Ramon Hobdey-Sanchez, ITD's Governmental Affairs Program Specialist
Docket No. 39-0316-1701	Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads.	Ramon Hobdey-Sanchez, ITD's Governmental Affairs Program Specialist

(...Please bring your Transportation Administrative Rules book to Committee...)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

Sen Hagedorn

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, January 23, 2018

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 Senate Transportation Committee (Committee) at 1:32 p.m. and announced that Senator Buckner-Webb was excused from the meeting.

VOTE ON GUBERNATORIAL APPOINTMENT: Having heard from Jim Kempton at the previous Committee meeting on his re-appointment to the Idaho Transportation Board, **Chairman Brackett** asked if there were comments on the appointment. With no comments, **Chairman Brackett** asked the Committee for a motion.

MOTION: **Senator Hagedorn** moved that the re-appointment of Jim Kempton to the Idaho Transportation Board to serve for a term beginning January 31, 2018 and expiring January 31, 2024, be confirmed. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** said he would carry the re-appointment on the Senate floor.

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

ADMINISTRATIVE RULES: **Vice Chairman Nonini** said the Committee would review the four Administrative Rules dockets from the Idaho Transportation Department (ITD) and welcomed Ramon Hobdey-Sanchez, ITD's Governmental Affairs Program Specialist, to present the dockets.

Mr. Hobdey-Sanchez thanked Vice Chairman Nonini and said he would present all four pending Administrative Rules dockets and stand for questions before moving to the next docket. All four of ITD's Administrative Rules went through the proposed temporary rulemaking process. None of them were negotiated because each change was based on legislation passed during the 2017 Legislative Session. They are proposed to ensure that the rules are in alignment with Idaho Code. They involve three subject matter areas: (1) automobile dealers; (2) school safety patrols; and (3) the movement of implements of husbandry.

DOCKET NO. 39-0202-1701: **RULES GOVERNING VEHICLE AND VESSEL DEALER LICENSE REQUIREMENTS — MOTOR VEHICLES**: **Mr. Hobdey-Sanchez** said the proposed changes to this rule were made to ensure congruency with Idaho Code §49-1602, which was modified in 2017's H 131aaH. With the passage of H 131aaH, the specific penalties for auto dealers who commit a felony in the course of business are now in Idaho statute. To avoid confusion, ITD proposed removing the previously employed penalties referenced in the Administrative code. **Mr. Hobdey-Sanchez** said he would stand for questions. There were no questions.

MOTION: **Senator Harris** moved to adopt **Docket No. 39-0202-1701**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0271-1701: **RULES GOVERNING DRIVER'S LICENSE VIOLATION POINT SYSTEM:** **Mr. Hobdey-Sanchez** said the change to this rule is proposed to ensure congruency with Idaho Code §49-652, which is a new section of Idaho Code based on the passage of 2017's S 1019. The new traffic infraction of failure to obey a school safety patrol is added to the list of moving traffic convictions and/or violations point count table. **Mr. Hobdey-Sanchez** said he would stand for questions. There were no questions.

MOTION: **Senator Hagedorn** moved to adopt **Docket No. 39-0271-1701**. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0310-1701: **RULES GOVERNING WHEN AN OVERLEGAL PERMIT IS REQUIRED:** **Mr. Hobdey-Sanchez** said the changes to this rule are proposed to ensure congruency with Idaho Code §49-1010, which was modified based on 2017's S 1043aaH. S 1043aaH made the movement of over-width implements of husbandry permissible, specifically to and from an equipment dealer. The change also allows for the emergency movements of farm implements, regardless of height, length, and weight restrictions. Further, the movement may occur based on verbal approval from ITD without the requirement that the party obtain an overlegal permit. **Mr. Hobdey-Sanchez** said he would stand for questions. There were no questions.

MOTION: **Senator Den Hartog** moved to adopt **Docket No. 39-0310-1701**. **Senator Harris** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 39-0316-1701: **RULES GOVERNING OVERSIZE PERMITS FOR NON-REDUCIBLE VEHICLES AND/OR LOADS:** **Mr. Hobdey-Sanchez** said the changes to this rule are proposed to ensure congruency with Idaho Code §49-1010 based on 2017's S 1043aaH. Aside from permitting the movement of over-width implements of husbandry, S 1043aaH exempted equipment dealers from moving implements of husbandry larger than legal width to and from a farm, and to a dealer for repair, rental, lease, or purchase. This rule reflects the statute's modifications from last session. **Mr. Hobdey-Sanchez** said he would stand for questions. There were no questions.

MOTION: **Senator Hagedorn** moved to adopt **Docket No. 39-0316-1701**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

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

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

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, February 01, 2018

SUBJECT	DESCRIPTION	PRESENTER
Minutes Approval	Committee meeting on Tuesday, January 16, 2018	Senator Harris and Senator Buckner-Webb
	Committee meeting on Tuesday, January 23, 2018	Senator Den Hartog and Senator Lodge
<u>RS26013</u>	Under certain circumstances, former military vehicles may be registered for fire suppression or related purposes if the vehicle is acquired by the Idaho Department of Lands for transfer to a qualified entity.	Chairman Brackett

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb
Sen Hagedorn	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 01, 2018

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senators Hagedorn and Lodge

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** called the meeting of the Senate Transportation Committee (Committee) to order at 1:39 p.m. He told the Committee that Senator Hagedorn was excused from the meeting.

MINUTES APPROVAL: **Chairman Brackett** asked for a motion on the two sets of Minutes on the agenda.

MOTION: **Senator Harris** moved to approve the Minutes of January 16, 2018. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

MOTION: **Senator Den Hartog** moved to approve the Minutes of January 23, 2018. **Senator Keough** seconded the motion. The motion passed by **voice vote**.

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

RS 26013: **Vice Chairman Nonini** said that Chairman Brackett's RS 26013 was before the Committee for consideration.

MOTION: **Senator Winder** moved to send **RS 26013** to be printed. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

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

ADJOURNED: **Chairman Brackett** thanked the Committee and, with no further business before the Committee, adjourned the meeting at 1:42 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, February 08, 2018

SUBJECT	DESCRIPTION	PRESENTER
<u>RS26091</u>	Legislation to permit booting as an alternative to towing vehicles.	Senator Hill
<u>RS25712C2</u>	Legislation amends Idaho Code to remove references to "sheriff's department" and replace them with "sheriff's office."	Senator Crabtree
<u>RS26071</u>	Sets guidelines regarding the use of electronic devices while driving.	Michael Kane, Property and Casualty Insurance Assoc.
<u>RS26117</u>	Concurrent Resolution to encourage ITD to initiate negotiated rulemaking to consolidate and streamline truck permits.	Roy Eiguren, Eiguren Ellis Public Policy Firm
Minutes Approval	Minutes of Thursday, January 18, 2018.	Senator Keough and Senator Hagedorn
	Minutes of Thursday, February 1, 2018.	Vice Chairman Nonini and Senator Winder
<u>H 364</u>	Will allow overlegal permits to be carried in either hard copy or digital format.	Mollie McCarty, ITD Governmental Affairs Manager

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb
Sen Hagedorn	

COMMITTEE SECRETARY

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MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 08, 2018

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senators Winder, Hagedorn, and Harris

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. He recognized a group of seventh-and-eighth-grade students in the audience from Desert View Christian School in Mountain Home, Idaho, and welcomed them to the Committee.

UNANIMOUS CONSENT REQUEST: **Vice Chairman Nonini** asked for unanimous consent to send **RS 26091**, **RS 25712C2**, **RS 26071**, and **RS 26117** to print. There were no objections. **Chairman Brackett** said he would carry the Concurrent Resolution, **RS 26117**, on the Senate floor.

MINUTES APPROVAL: **Chairman Brackett** called for motions for the two sets of Minutes on the agenda.

MOTION: **Senator Keough** moved to approve the Minutes of January 18, 2018. **Vice Chairman Nonini** seconded the motion. The motion passed by **voice vote**.

MOTION: **Vice Chairman Nonini** moved to approve the Minutes of February 1, 2018. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

H 364 **Chairman Brackett** welcomed Mollie McCarty, Governmental Affairs Manager for the Idaho Transportation Department (ITD), to the Committee and asked her to present **H 364**.

Ms. McCarty said that, currently, Idaho Code § 49-1004 requires overlegal permits to be in writing, carried in hard copy in the vehicle, and presented to any law enforcement officer or authorized agent upon request. ITD issues nearly 71,000 overlegal permits each year.

ITD proposes to modify Idaho Code to allow overlegal permits to be either in hard copy or stored in electronic form, such as in a smart phone, tablet, or laptop computer. Some permittees lose their hard copy permit, or the permit becomes worn out and damaged; when such an event occurs it requires a time-consuming administrative process to obtain a duplicate permit. This legislation would minimize that possibility. **Ms. McCarty** stood for questions.

Senator Keough asked if a permittee would be able to carry either a hard copy permit or a permit that is electronic. **Ms. McCarty** responded that Senator Keough was correct and the language of the bill makes that clear.

MOTION: **Vice Chairman Nonini** moved to send **H 364** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** said that Senator Harris would carry the bill on the Senate floor.

ADJOURNED: There being no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:40 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
4:00 P.M.
Room WW53
Monday, February 12, 2018

SPECIAL MEETING TIME

SUBJECT	DESCRIPTION	PRESENTER
<u>RS26166</u>	Joint Resolution that would exempt Idaho livestock and agriculture commodities transporters from the USDOT-FMCSA Electronic Logging Device mandate.	Senator Harris
<u>RS26175</u>	Concurrent Resolution reauthorizing the Commercial Vehicles Interim Committee.	Chairman Brackett

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Nonini

Sen Keough

Sen Winder

Sen Hagedorn

Sen Den Hartog

Sen Lodge

Sen Harris

Sen Buckner-Webb

COMMITTEE SECRETARY

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MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Monday, February 12, 2018

TIME: 4:00 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Keough

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 special meeting of the Senate Transportation Committee (Committee) at 4:00 p.m. He explained that the deadline for printing legislation from standing committees was today and the Committee was called to consider two RSs.

UNANIMOUS CONSENT REQUEST: **Vice Chairman Nonini** asked for unanimous consent to send **RS 26166** and **RS 26175** to print. There were no objections. **Chairman Brackett** said he would carry the Concurrent Resolution, **RS 26175**, and that Senator Harris would carry the Joint Memorial, **RS 26166**, on the Senate floor.

ADJOURNED: There being no further business before the Committee, **Chairman Brackett** adjourned the meeting at 4:01 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 13, 2018

SUBJECT	DESCRIPTION	PRESENTER
<u>H 387</u>	Exempts veterans from paying license plate or registration fees when purchasing a Purple Heart license plate.	Representative Moon
<u>S 1264</u>	Allows former military vehicles to be registered for fire suppression if the vehicles are acquired by the Idaho Department of Lands.	Senator Siddoway

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb
Sen Hagedorn	

COMMITTEE SECRETARY

Gaye Bennett
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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

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 20, 2018

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1284</u>	Legislation to permit booting as an alternative to towing vehicles	Senator Hill
<u>S 1282</u>	Legislation amends Idaho Code to remove references to "sheriff's department" and replace them with "sheriff's office," among other changes.	Senator Crabtree
Page Introduction	Welcome to Megan Rauvola of Rathdrum, Idaho, who is a senior at Lakeland Senior High School.	Chairman Brackett
Minutes Approval	Minutes of Thursday, February 8, 2018.	Senator Keough and Senator Buckner-Webb
	Minutes of the special meeting held on Monday, February 12, 2018.	Vice Chairman Nonini and Senator Hagedorn
<u>S 1283</u>	Sets guidelines regarding the use of electronic devices while driving.	Michael Kane, Property and Casualty Insurance Assoc.

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb
Sen Hagedorn	

COMMITTEE SECRETARY

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MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 20, 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 meeting of the Senate Transportation Committee (Committee) at 1:31 p.m. He welcomed Senator Hill to the Committee and asked him to present **S 1284**.

S 1284 **Senator Hill** said this bill pertains to booting a vehicle's tire. As background, he told the Committee that on the south side of Rexburg, Idaho is Brigham Young University Idaho, which has nearly 19,000 students. There are privately-owned, five-story apartment complexes that surround the campus. When a student rents an apartment they also rent a parking space, but because of the proximity to the campus it is a convenient place for nonresident students to illegally park.

For many years, some apartment complexes have hired booting companies to boot violators who are parked illegally. He showed a picture of a tire boot and explained it is placed outside the wheel and around the tire so that the vehicle cannot be driven. A note is left on the vehicle explaining the process to get the boot removed. Other cities, generally through city ordinances, have copied this practice for their communities.

In Idaho Code, there is only a reference to towing and none to booting. **Senator Hill** was approached about adding booting to Idaho Code, which is what **S 1284** proposes to do. When the Rexburg City Attorney instructed city police not to enforce booting, boots in place on vehicles had to be removed. Word spread that booting would no longer be enforced.

Senator Hill explored the legislation. The main point of the bill is that only a parking enforcement company would have the authority to boot a vehicle. This would permit local municipalities to allow booting. The option for booting will be at the private property owner's discretion. In addition to towing, booting would be an option to control parking on an owner's private property. **Senator Hill** said he would stand for questions.

DISCUSSION: **Senator Hagedorn** said he could not find where booting is prohibited in Idaho Code. **Senator Hill** agreed with Senator Hagedorn, however, the city attorney interpreted the statute to read that, because towing was specifically mentioned in code, booting also needed to be specifically mentioned in code before the city could allow booting. Other cities agreed with the interpretation and, consequently, booting companies are being forced out of business. There were no further questions.

TESTIMONY: **Chairman Brackett** welcomed Nathan Nuno, owner of Kase Parking Enforcement in Boise, to the Committee and invited him to testify.

Mr. Nuno said he has been in parking enforcement for 17 years; he started towing vehicles and then moved into booting vehicles. For the owner of an illegally parked vehicle, booting is less expensive than towing. Towing involved a minimum fee in Boise of \$150 to release a vehicle, but depending on circumstances, it could cost up to \$250. Other fees include mileage, storage per day, and a lien fee after a certain number of days. There is also the high possibility of the owner losing his vehicle if he cannot pay these fees. The economic impact on an individual can even put their employment in jeopardy because they cannot get to and from work. When a vehicle is booted, it stays on the property and can be released from the boot when the owner calls to remove the boot. **Mr. Nuno** stated the city attorney's decision had an impact on his livelihood. He concluded by stating that passing this bill will solidify his company's future.

Senator Nonini asked what the fee was to have the boot removed. **Mr. Nuno** said it was between \$85 and \$95.

Senator Harris asked what the price of a boot was and how many **Mr. Nuno's** business has in stock. **Mr. Nuno** said the cost depends on the style of boot. He said they can cost up to \$1,000, but because he operates a small business his average cost is \$100. There were no further questions.

TESTIMONY:

Chairman Brackett welcomed Ryan Cobar, owner of RC Booting in Rexburg, Idaho, to the Committee and invited him to testify.

Mr. Cobar testified in support of **S 1284**. He and **Mr. Nuno** have been in communication since the Rexburg city attorney's decision on booting. It has been devastating to their businesses. He was surprised at the quickness of the effects of the decision; he was notified if he placed a boot on a vehicle he would receive a misdemeanor for his action which would put him out of business.

TESTIMONY:

Chairman Brackett welcomed Kerry Meredith to the Committee and invited her to testify.

Ms. Meredith said she was a student at the College of Western Idaho where she was an intern for a property management company and had worked with **Mr. Nuno**. She supported **S 1284**. There are many responsibilities involved with property management, but illegally parking in a tenant's parking spot is a constant complaint. Property managers depend on businesses like those offered by **Mr. Nuno** and **Mr. Cobar** to alleviate the problem and address the issue.

Chairman Brackett thanked **Ms. Meredith** and asked **Senator Hill** if he had closing remarks. **Senator Hill** said the bill has an emergency clause to make sure these businesses can begin operating again as soon as the Governor has signed the bill.

Senator Hagedorn expressed confusion with the conclusion drawn by the Rexburg City Attorney asserting if something is not in statute it is illegal. Booting is not referred to at all in Idaho Code, so he did not understand why it would be deemed illegal to boot rather than tow a vehicle in violation of parking rules. He would have preferred the matter be left to the ruling of a judge, but he supports the bill.

MOTION:

Senator Harris moved to send **S 1284** to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion passed by **voice vote**. **Senator Hill** said he would carry the bill on the Senate floor.

S 1282

Chairman Brackett welcomed **Senator Crabtree** to the Committee and asked him to present **S 1282**.

Senator Crabtree said **S 1282** intends to correct terminology in Idaho Code by removing all references to a Sheriff's "department" and replacing it with a Sheriff's "office." The corrections in the bill serve to instruct sheriffs, their staff, and others to avoid using the term Sheriff's "Department" and instead encourage the use of the correct terminology of Sheriff's "Office" when referring to the office of sheriff within county government. Many years ago the Idaho Transportation Department (ITD) incorrectly, and likely inadvertently, designated the sheriff's license plates with the identifying letters "SD" not "SO." The sheriff's office is not a department of county government; it is an elected office just as county commissioners are elected. **Senator Crabtree** said he knew of four county sheriffs' offices who have corrected the problem by purchasing specialty license plates for their vehicles with the proper "SO" designation. **S 1282** proposes to revise Idaho Code correcting references to sheriff's department with the proper designation. **Senator Crabtree** concluded by stating sheriffs' offices support this bill.

Senator Hagedorn questioned how many vehicles would need new license plates based on the language of this bill; he was suggesting the Fiscal Note may need to be changed. **Senator Crabtree** said that on the list of license plate designations in the legislation, only those currently designated "SD" would need to update their plates to read "SO."

TESTIMONY:

Chairman Brackett welcomed Vaughn Killeen, Executive Director of the Idaho Sheriffs' Association, to the Committee and invited him to testify.

Mr. Killeen said he devoted several decades of his career to law enforcement, including as the elected sheriff of Ada County. **S 1282** is important to the sheriffs, and being referred to as the "sheriff's office" is also important to Idaho's sheriffs. He explained the history of the designation "sheriff" which began in England when sheriffs were tax collectors and keepers of the jails. The word "sheriff" is a derivation of the English land designation "shire" and the word "reeve" which also meant guardian. A sheriff's office rather than a sheriff's department is important because "departments" are subordinate to a governing body, and sheriffs are independently elected. Putting sheriff's office in statutory language and license plate designator is important.

TESTIMONY:

Chairman Brackett welcomed David Johnson from Idaho County to the Committee and invited him to testify.

Mr. Johnson was critical of the Idaho sheriffs allowing this miscommunication to continue for 25 years. He wanted to see Idaho sheriffs strengthened, but they cannot unless they get their name right. He commended the four sheriffs who spent the extra resources from their budgets to purchase specialty license plates for their vehicles in order to depict the correct designation. **Mr. Johnson** showed a photo of the current license plates with the "SD" designation.

Senator Crabtree said the new license plates would be valid for seven years, and ITD arranged for a reduced fee during the transition to the new plates.

MOTION:

Senator Keough moved to send **S 1282** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. **Senator Crabtree** said he would carry the bill on the Senate floor.

**PAGE
INTRODUCTION:**

Chairman Brackett welcomed the Committee's new page, Megan Rauvola of Rathdrum, Idaho, to the Committee and asked her to introduce herself.

Ms. Rauvola said she attends Lakeland Senior High School in Rathdrum, Idaho, where she is senior class president and a member of the varsity soccer team. She attended Girls State last year and, after graduating from high school, she will be attending the University of Providence in Great Falls, Montana, where she has received a soccer scholarship. **Ms. Rauvola** plans on majoring in biology with a minor in political science. She would like to attend medical school and become a pediatric anesthesiologist. She is being sponsored by Vice Chairman Nonini and is excited to be a page.

**MINUTES
APPROVAL:**

Senator Keough moved to approve the Minutes of February 8, 2018. **Vice Chairman Nonini** seconded the motion. The motion passed by **voice vote**.

Vice Chairman Nonini moved to approve the Minutes of February 12, 2018. **Senator Hagedorn** seconded the motion. The motion passed by **voice vote**.

S 1283

Chairman Brackett welcomed Michael Kane, representing the Property and Casualty Insurance Association, the American Insurance Association, and the Idaho Sheriffs' Association, among other groups, and asked him to present **S 1283**.

Mr. Kane said this legislation could literally save lives. Later he would explain that he needed to send **S 1283** to the amending order. First, he expressed his concern over the plethora of cell phones and laptop computers that are being used while driving. With the better engineering and safety features of vehicles, driving deaths and injuries had decreased, but over the past few years they have started spiking up again. He quoted studies indicating that auto crash fatalities have increased by 40 percent; over the last two years, an estimated 4.6 million people have been injured seriously enough that they needed medical attention. There have been spikes in accidents involving pedestrians and bicyclists as well.

Mr. Kane stated that when these activities happen or when a person is speaking on a cell phone by holding it to their ear, three things happen: (1) at the very least, one hand is off the steering wheel; (2) a driver's eyes are usually somewhere other than the road; and (3) the driver's mind is not focused on the task of driving. The results of a cell phone application test meant to detect motion on a phone in the car, showed that 71 percent of drivers are still texting.

Idaho experienced the fourth-highest increase in property vehicle damage claims over the past two years nationwide. The use of electronics while driving was up 25 percent since 2015. Based on findings by ITD, there were 65 fatalities in Idaho last year in which distracted driving played a major role. ITD determined that the cost of crashes involved in distracted driving were up 26 percent in the last two years, or \$1.1 billion. He said this is a significant public safety issue that needs addressing.

Mr. Kane acknowledged there were circumstances where cell phone use while driving might be necessary — such as calls to and/or from law enforcement, firefighters, EMTs, etc. He suggested hands-free calls with ear plugs, as long as only one plug is inserted in one ear, leaving the other ear free to hear emergency vehicles, would be an acceptable option. He concluded that **S 1283** is unique from legislation in other states as it addresses only vehicles in motion, which is in the language for the amendment he is proposing.

DISCUSSION:

Chairman Brackett said he has been contacted by people questioning why Idaho needs another law when texting is already covered. **Mr. Kane** said the law only addresses inattentive driving not distracted driving. He suggested this legislation will protect the public by adding that language into Idaho Code.

Senator Harris made a personal observation that when he is travelling home to Soda Springs, a five-hour drive from Boise, he calls his wife when he's feeling drowsy. He wanted to know if that would be in violation of this legislation. **Mr. Kane** said that it would only be in violation if the call is not hands-free.

Senator Keough asked if she did not have Bluetooth capability nor ear buds would she be in violation. **Mr. Kane** said she would be in violation.

Senator Hagedorn asked if a speakerphone would be an acceptable option. **Mr. Kane** said it would be acceptable.

Senator Keough wondered why there was a section of the bill that says no person under 21 years of age can drive while using an electronic device. **Mr. Kane** said that younger people are twice as likely to get involved in an accident.

Senator Den Hartog asked why the age was set at 21 and not 18. **Mr. Kane** said it was part of a model bill and the issue had not been discussed. There were no further questions for Mr. Kane.

TESTIMONY:

Chairman Brackett thanked Mr. Kane and said he would have an opportunity to close once testimony was completed. **Chairman Brackett** welcomed Matthew Conde, Public and Government Affairs Manager for AAA Idaho, and invited him to testify.

Mr. Conde said that AAA has a long history of supporting their members' safety. He stated that six-out-of-ten moderate to severe crashes were caused by common distracted driving, and added that driving demands the driver's complete attention. He concluded by stating that **S 1283** was a forward-thinking piece of legislation that AAA Idaho supported.

DISCUSSION:

Senator Harris asked what the percent of distracted driving violations is a result of eating while driving. **Mr. Conde** said he did not have that delineation.

Senator Den Hartog asked whether voice control, like having Siri make a call for the driver, would be allowed with this legislation. **Mr. Conde** said that voice control elevates the discussion and currently it is still in play. There is a cognitive and visual workload involved and voice control adds another element, but this bill is about reducing the element of holding a device. There were no further questions.

TESTIMONY:

Chairman Brackett welcomed Woody Richards, representing Farm Bureau Insurance Company, Allstate Insurance Company and American Family Insurance Company, and invited him to testify.

Mr. Richards said he was testifying in support of **S 1283**. Electronic devices are highly distractive to drivers, especially at high speeds. This bill offers an incremental improvement for distracted driving, and while it is a small step, it is going in the right direction. **Mr. Richards** thanked the Committee and stood for questions.

DISCUSSION:

Senator Winder asked if any insurance companies have tried to restrict the use of cell phones by cancelling a policy or not paying a claim, or if any are developing industry policies rather than asking the State to regulate the issue. **Mr. Richards** was not aware of company-initiated modifying solution, but American Family Insurance Company has offered installing an interior camera in vehicles.

Senator Keough referred to the section of the bill defining mobile electronic devices including devices capturing images or recording and/or transmitting video. She wanted to know if this language would preclude the devices Mr. Richards had just mentioned being offered by a specific insurance company from being installed in a vehicle. **Mr. Richards** said it would not.

Senator Keough had a question about whether and how the language regarding mobile electronic devices might impact semi-trucks.

Senator Hagedorn offered an answer by referring further in the bill where it stated that not only does it have to have the capability of capturing images, but it also has to be readily removable and can be able to write, send or read text and data, capture images and video through manual input. There were no further questions.

Chairman Brackett asked Mr. Kane if he had closing remarks

Mr. Kane began by addressing Senator Keough's concerns. The definition of "mobile electronic device" was any handheld or portable electronic device capable of writing wireless data or voice communication between two or more persons. **Mr. Kane** believes that electronic device use is distracting. As to Senator Harris' question about eating while driving, the State of Washington passed a law that a driver cannot eat while driving. **S 1283** does not address eating. Another factor not being addressed, but is becoming important especially as traffic increases from Idaho's western neighbor, is marijuana. It is now legal in some states, but it impairs driving. However, the biggest factor increasing driving fatalities with distracted driving is congested roadways. **S 1283** is a modest approach to addressing distracted driving, but it is a way forward.

Senator Keough asked for a definition of "motor vehicle" and whether it included both cars and semi-trucks. **Mr. Kane** said it definitely did.

Senator Den Hartog wanted to return to the topic of voice control and she asked if cell phone carriers have the ability to determine if a text or a phone call was initiated with a voice command as opposed to manual input. **Mr. Kane** said he would only be able to speculate an answer to that question.

Senator Harris said he understood the safety aspect of this bill, but expressed his belief that there are calls that need to be made while driving. He stated he would not be supporting **S 1283**.

Senator Winder said he would vote to amend **S 1283**, but he believes drivers need to take personal responsibility.

Senator Lodge said that it takes her one-hour-and-twenty-five-minutes to drive from her home to the Capitol. She faces distracted and aggressive drivers daily between Marsing and the Capitol along Highway 55 and Interstate-84. Younger drivers need to know they have to take driving as a very serious endeavor.

Senator Lodge said she would support sending **S 1283** to the amending order.

MOTION:

Senator Hagedorn moved to send **S 1283** to the **14th Order** for amendment. **Vice Chairman Nonini** seconded the motion. **Chairman Brackett** called for a **roll call** vote. The motion **passed** by a vote of 8 Yeas and 1 Nay (**Senator Harris**). **Senator Hagedorn** offered to carry the bill on the Senate floor.

ADJOURNED:

There being no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:58 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Tuesday, February 27, 2018

SUBJECT	DESCRIPTION	PRESENTER
<u>H 471</u>	Prohibits driving in the extreme left-hand lane for a period of time that impedes the flow of other traffic.	Representative Clow
<u>H 469</u>	Revises provisions regarding school safety patrols.	Representative Syme
<u>H 388</u>	Clarification of procedures when an emergency vehicle approaches.	Cpl. Ryan Jones, Boise City Police Department
<u>HJM 12</u>	Encourages Congress to revise regulations for certain trucks requiring a commercial driver's license to operate.	Representative Monks
<u>SJM 104</u>	Request of Congress to permanently exempt Idaho livestock and agriculture commodity transporters from the federal Electronic Logging Device (ELD) mandate.	Senator Harris
Minutes Approval	Minutes of Tuesday, February 13, 2018	Senator Den Hartog and Senator Harris

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb
Sen Hagedorn	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, February 27, 2018

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. He stated that Senator Keough and Senator Buckner-Webb were presenting bills in other committees and would arrive later.

H 471 **Chairman Brackett** welcomed Representative Clow and invited him to present **H 471**. This legislation would prohibit driving in the extreme left-hand lane for a period of time that impedes the flow of other traffic.

Representative Clow said this bill originated from the concerns of citizens about a safety issue on the interstate highway. This bill is designed for controlled access highways; Idaho's only controlled access highways are the Interstates. **H 471** identifies those individuals travelling in the left lane. They should not impede the flow of traffic travelling in that same lane at a lawful rate of speed behind them. He provided hypothetical examples of how this occurrence affects travel along interstate highways. Currently, there is no law that addresses the situation. This bill clarifies that slower vehicles can pass, but must return to the right lane so as not to impede other passing or faster travelling traffic.

Representative Clow offered questions about the bill that he had addressed during the hearing in the House committee; the fine for being stopped would be \$90. When a driver in a right lane is behind a slower driver, they have two choices: (1) stay in the right lane and be impeded and frustrated; or (2) move into the left lane and make the pass; cars behind a slower driver in the left lane have no choice. They can only be frustrated and slow down; they cannot go to the right lane because there is already a vehicle moving slower that blocks them. The section of Idaho Code chosen to amend in **H 471** was suggested by the Idaho State Police (ISP). Finally, **Representative Clow** said that local roadway signs always take precedence over whatever is in the code. This bill was brought to address drivers who remain in the left lane if they are not travelling at the higher speeds.

DISCUSSION: **Chairman Brackett** commented that Representative Clow has been involved with other speed limit legislation during his career as a legislator.

Senator Hagedorn asked if the objective of the legislation is to keep someone from driving slow enough to impede traffic behind them. **Representative Clow** said he was correct. Common sense dictates if a driver is not going the speed limit, they should not travel in the left lane. The situation occurs when someone is not travelling the speed limit and are trying to pass another vehicle, but they do not have the momentum to get around them in a timely manner.

Senator Hagedorn said existing law states: "If a vehicle is driving at such a slow speed to impede normal and reasonable movement of traffic." He wondered why the language in **H 471** would need to be added. **Representative Clow** said in his discussions with ISP, they noted the problem exists on controlled access highways. ISP felt this language would clarify the circumstances. **Senator Hagedorn** asked what the "period of time" that was included in the bill would be; he wondered how that would be measured by law enforcement or the driver. **Representative Clow** said he questioned that language as well; however, it is another judgment call that ISP officers make every day.

Senator Harris reminded Representative Clow that there is a split speed limit on interstate highways; cars travel at a higher limit than trucks. He wondered, if a truck is passing another truck, would the passing truck be cited because a truck legally cannot go at the higher speed. **Representative Clow** said it does not happen often. The problem is motor homes which technically can travel at the higher speed limit. The dual speed limit does create a challenging situation because many trucks have governors that can be set at a much lower speed limit. It is a message to truck drivers that, if they want to pass another truck, they need to plan ahead to pass when it is safe. **Senator Harris** asked if it would be a better solution to raise the speed limit for trucks to match that of cars. **Representative Clow** replied it was not part of this bill, but it might be a future consideration.

Senator Winder commented this was one of his greatest frustrations in driving on any two-lane road where the slowest lane is the left lane. This deals specifically with a problem on interstate highways; he does not believe changing the speed limits would make a difference. This is about the judgment of a driver as to whether he can safely and expeditiously overtake a vehicle without impeding other vehicles. The area in question, Hammett Hill, will receive a third lane in a few years which will help eliminate that problem, but there are other problem areas. He stated this gives an officer some discretion in how they administer the law.

MOTION: **Senator Winder** moved to send **H 471** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

SUBSTITUTE MOTION: **Senator Hagedorn** moved to hold **H 471** in Committee. **Senator Harris** seconded the motion.

DISCUSSION: **Senator Hagedorn** said the unchanged portion of Idaho Code § 49-655 does not specify the type of highway. He asserted this bill could cause confusion because it is only applicable to a controlled access highway. He stated the section about "period of time" is very discretionary on the part of the law enforcement officer, as is the first section. He said he does not see this changing anything as currently written, except to add more confusion. He asked for support to hold the bill in Committee.

ROLL CALL VOTE ON SUBSTITUTE MOTION: **Chairman Brackett** called for a **roll call** vote on the substitute motion. **Chairman Brackett, Vice Chairman Nonini, Senators Winder, Den Hartog, Lodge, and Harris** were recorded as voting **Nay**. **Senator Hagedorn** was recorded as voting **Aye**. The motion failed.

ROLL CALL VOTE ON ORIGINAL MOTION: **Chairman Brackett** called for a **roll call** vote on the original motion. **Chairman Brackett, Vice Chairman Nonini, Senators Winder, Den Hartog, and Lodge** were recorded as voting **Aye**. **Senators Hagedorn and Harris** were recorded as voting **Nay**. The motion passed. **Senator Winder** offered to carry the bill on the Senate floor.

H 469 **Chairman Brackett** welcomed Representative Syme and invited him to present **H 469**. The legislation proposes to revise provisions for school safety patrols.

Representative Syme said this legislation strikes the last sentence, or Idaho Code § 49-652(3), that was part of an education bill from the 2017 Legislative Session. House legislators did not think it appropriate to impart the responsibility of placing students on the school safety patrol in a law enforcement role. If a student safety patrol member becomes witness to a violation, the law enforcement officer first has to go to the patrol member's parents to make them aware that, if the violator chooses to go to court, the patrol member could be subpoenaed to appear in court. This legislation would not preclude any student from notifying a teacher or law enforcement officer of any school-related problems or concerns.

DISCUSSION: **Senator Winder** asked if schools are required to offer safety training. **Representative Syme** said he was unsure, but he added that issue was not the intent of this legislation.

MOTION: **Senator Lodge** moved to send **H 469** to the floor with a **do pass** recommendation. **Vice Chairman Nonini** seconded the motion. The motion passed by **voice vote**. **Senator Lodge** offered to carry the bill on the Senate floor.

H 388 **Chairman Brackett** welcomed Corporal Ryan Jones of the Boise Police Department and invited him to present **H 388**. This legislation proposes clarifications to the procedures to be taken by drivers when an emergency vehicle approaches.

Cpl. Jones said he was not representing the Boise Police Department, but has 24 years in law enforcement conducting traffic enforcement and responding to accidents. He observed drivers become confused when an emergency vehicle approached. Most drivers are taught to move their vehicle to the right-hand side of the lanes of traffic. In Boise, there are limited lawful parking places on many city streets. Therefore, the burden of determining where to pull over is placed on the public. The intent of this legislation to place in Idaho Code that, when a emergency vehicle approaches, drivers must move to the right; faster traffic would move to the left. **Cpl. Jones** shared examples he witnessed of variations of traffic movement in emergencies, including drivers who moved into oncoming traffic.

MOTION: **Senator Hagedorn** moved to send **H 388** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

DISCUSSION: **Senator Lodge** commented she was concerned that drivers do not know what to do when there is an emergency vehicle. She said even with pull-out lanes on Highway 55 to Banks, Idaho, drivers are reluctant to pull over to let faster traffic pass them. This reluctance creates dangerous situations. She wanted to know if **Cpl. Jones** thought questions on the driver's licensing test might be helpful. **Cpl. Jones** agreed with Senator Lodge's concerns, but he stated he was cautious about adding to the driver's licensing test.

Vice Chairman Nonini wondered how cars would move to the right when on an interstate highway of multiple lanes; they sometimes move to the left. **Cpl. Jones** said emergency vehicles move up the emergency lane, generally on the far left.

VOTE ON MOTION: The motion passed by **voice vote**. **Senator Den Hartog** offered to carry the bill on the Senate floor.

SJM 104 **Chairman Brackett** said Representative Monks has a scheduling conflict and the Committee would move to the next agenda item. He invited Senator Harris to present **SJM 104**, a Joint Memorial requesting Congress to permanently exempt Idaho livestock and agriculture commodity transporters from the federal Electronic Logging Device (ELD) mandate.

Senator Harris said ELDs are devices that hook to the Electronic Control Module (ECM) on the motor of a truck in order to sync with that motor. It is connected to the internet by cellular phone or satellite. ELDs track everything the truck does — hours of service, speed, distance travelled, hard braking, and evasive maneuvers. It creates two reports: (1) a report available to law enforcement; and (2) a safety report sent to the trucking company that owns the truck. ELDs replace paper logs that many truckers use to keep trace of their hours of service.

Larger trucking companies support the usage of ELDs. However, this mandate includes all trucks except those manufactured before 2000. Smaller trucking companies are not as supportive of their usage, especially those hauling livestock and perishable agriculture products. After the implementation date of December 18, 2017, the United States Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA) agreed to exempt agricultural products for a 90-day period. **SJM 104** seeks to make that exemption permanent.

DECLARATION OF CONFLICT OF INTEREST:

Chairman Brackett and **Senator Harris** declared potential conflicts of interest pursuant to Senate Rule 39(H) because **SJM 104** deals with the industry from which they make their living.

MOTION:

Vice Chairman Nonini moved to send **SJM 104** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion.

DISCUSSION:

Senator Winder said there are other trucking entities that do not like ELDs and wondered if this legislation was too limiting. **Senator Harris** stated he agreed with Senator Winder, but it would have been difficult to include all those with concerns. This is limited to perishable agricultural products, including livestock.

Senator Keough asked how Senator Harris would define "agriculture commodity," and where he got the definition for the legislation. **Senator Harris** said "agriculture commodities" are anything pertaining to agriculture. He offered potatoes as an example. They are an "agriculture commodity" until they are processed. **Senator Keough** added that forest products are sometimes defined as an "agriculture commodity," and sometimes they are not. **Senator Harris** agreed, but he did not know how the federal government defines forest products. **Senator Keough** asked what "heavy machinery" meant on line 33 of the memorial; she wondered if it was another way of saying "semi-truck." **Senator Harris** provided an example that clarified the meaning for Senator Keough.

VOTE ON MOTION:

The motion passed by **voice vote**. **Senator Harris** offered to carry the bill on the Senate floor.

HJM 12

Chairman Brackett welcomed Representative Monks and invited him to present **HJM 12**. The Joint Memorial encourages Congress to revise regulations that require a Commercial Driver's License (CDL) to operate certain vehicles.

Representative Monks said this legislation pertains to the enforcement of federal regulations solely on a vehicle manufacturer's rating and carrying weight-capacity determination. The federal regulations affect small businesses, like landscapers, who are being stopped by law enforcement. The small business owners are resorting to reloading their trailers and pick-up trucks in order to lower the vehicle's weight. If their truck, trailer, and cargo weigh 26,000 pounds or more, the operator is required to have a Commercial Driver's License (CDL). Recreational vehicles (RVs) are exempt because they are not commercial vehicles.

DISCUSSION: **Chairman Brackett** commented it is the contents of the trailer that cause the vehicle to require an operator have a CDL. **Representative Monks** said only if the vehicle is at full capacity. He does not believe that pick-up trucks should be regulated.

MOTION: **Senator Den Hartog** moved to send **HJM 12** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**. **Senator Den Hartog** offered to carry the bill on the Senate floor.

MINUTES APPROVAL: **Senator Den Hartog** moved to approve the Minutes of February 13, 2018. **Senator Harris** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:34 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, March 01, 2018

SUBJECT	DESCRIPTION	PRESENTER
<u>H 512</u>	Increases the application fees for Class D and Motorcycle Endorsement skills tests.	Representative Wood
<u>H 543</u>	Updates the State seat belt requirements for mail carriers.	Representative Erpelding
<u>H 497</u>	Clarifies and requires who should be notified when a vehicle is being towed.	Representative Monks
<u>H 506</u>	Directs the Idaho Transportation Department to title and register surplus military vehicles.	Senator Harris

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Nonini

Sen Keough

Sen Winder

Sen Hagedorn

Sen Den Hartog

Sen Lodge

Sen Harris

Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett

Room: WW33

Phone: 332-1332

email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 01, 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** called the meeting of the Senate Transportation Committee (Committee) to order at 1:37 p.m.

Chairman Brackett informed the Committee that Representative Wood had a scheduling conflict and there would be a delay in hearing the first agenda item, **H 512**. **Chairman Brackett** moved to the next item on the agenda, **H 543**; he welcomed Representative Erpelding and invited him to present the bill.

H 543 **Representative Erpelding** said this legislation, which proposes to update the state seatbelt requirements for mail carriers, comes from the Regional Safety Officers of the United States (U.S.) Postal Service. When Idaho implemented the safety belt restraint law it excluded mail carriers. In the process of employing new postal service employees the procedure is to have their new employees sign the employee handbook. An exclusive provision for mail carriers conflicted with Idaho Code § 49-673.

Representative Erpelding read from the Federal Employee Compensation Act on the subject of seatbelt requirements. Rules for operating a privately-owned, left-hand drive vehicle require that 95 percent of the time the carrier must be wearing a seatbelt. This bill endeavors to bring state law in alignment with the United States Postal Service's Handbook.

DISCUSSION: **Senator Winder** asked for clarification as to whether it is advisory or mandatory for a postal carrier to be belted behind the wheel. **Representative Erpelding** read, "When a privately owned left-hand drive vehicle is used on the mail route it is advisable that the rural carrier use seatbelts and be positioned behind the steering wheel when delivering and when collection activities do not unduly encumber or delay or fatigue the rural carrier."

MOTION: **Senator Hagedorn** moved to send **H 543** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**. **Senator Buckner-Webb** offered to carry the bill on the Senate floor.

H 497 **Chairman Brackett** said Representative Monks was unavailable to present. Ty Palmer, representing his employer, Capitol Auto Loan, would present **H 497**.

Mr. Palmer stated this legislation would clarify who is required to be notified when a vehicle is towed. When a vehicle is pulled over or is in a crash and the law enforcement officer orders the vehicle be towed, the officer that orders the tow has to produce a report to the registered owner. This legislation asks that the lienholder be notified as well. The lienholder would know that their asset has been impounded. This bill would allow the lienholder to retrieve the asset before the value is diminished by the towing and storage fees. The lienholder would then work with the registered owner to return the vehicle to them.

DISCUSSION: **Senator Hagedorn** asked how a towing company would be able to contact the lienholder. **Mr. Palmer** explained the arresting agency has access to the lienholder's information.

MOTION: **Vice Chairman Nonini** moved to send **H 497** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

DISCUSSION: **Chairman Brackett** said before he called for a vote, the Committee would hear testimony. He welcomed Major Sheldon Kelley, Deputy Director of the Idaho State Police (ISP), and invited him to testify.

TESTIMONY: **Major Kelley** spoke in opposition to **H 497**. He stated he believed this is a more complicated issue than depicted. ISP towed 6,700 vehicles in 2017. ISP tows vehicles for varied reasons. Reasons may include the vehicle is involved in a crash, an arrest, or it is abandoned. The ISP officer fills out a report on every vehicle towed. If the vehicle is involved in a crash, the ISP officer hands the report to the driver and the incident is considered complete. The ISP office staff reviews the vehicle reports daily and contacts owners who have not been notified by using the vehicle identification number to determine if there is a lienholder and registered owner. Notification is then mailed via certified mail to the registered owner.

A high amount of the towed vehicles are retrieved by the registered vehicle owner the next day. ISP office staff procedures are to review daily vehicle reports and contact the towing company to inquire if the vehicle is still in their possession. If the vehicle has been retrieved, no further notification is needed. Under this revised statute, ISP would still have to make the notification to the lienholder even though the vehicle was retrieved by the owner.

DISCUSSION: **Senator Winder** asked, of the 6,700 vehicles ISP tows each year, what percentage are stolen vehicles. **Major Kelley** did not know the number. **Senator Winder** asked how many of the vehicles are legally abandoned. **Major Kelley** replied he did not have an exact percentage. If a vehicle is abandoned, ISP directs a tow company to retrieve the vehicle. If it is designated as having a value of less than \$750, the tow company can dispose of the vehicle quickly. If the value is over \$750, the tow company is required to wait 60 days before they can dispose of the vehicle.

Senator Hagedorn wondered if all ISP's towed vehicles would need to be checked to see if there was a lienholder if **H 497** were law. He asked if ISP staff check tow vehicle information during the normal work week. **Major Kelley** explained when ISP tows a vehicle the officer requests from dispatch the information of the registered owner and if there is a lienholder. This information is included on the paperwork. **Senator Hagedorn** asked how many hours it would take ISP staff to process notifications under this bill, and at what cost. **Major Kelley** advised ISP estimates the notification process would take 10 minutes per vehicle; along with postage, it would cost approximately \$5 per vehicle.

Chairman Brackett noted the bill indicates under the fiscal note there would be no impact to the General Fund, but minimal increase to law enforcement. **Major Kelley** reaffirmed that the \$5 per vehicle amount is based on first class postage and staff processing time.

Vice Chairman Nonini asked if Major Kelley testified on this legislation when it was presented in the House. **Major Kelley** answered ISP was unaware that the legislation existed. A towing company notified ISP of the pending legislation.

Chairman Brackett asked if the testimony Major Kelley provided was for informational purposes or if ISP opposed **H 497**. **Major Kelley** responded ISP opposed the bill.

Senator Winder wondered why current law requires first class mail and ISP has chosen to send notification via certified mail. **Major Kelley** answered the reason ISP sends notification by certified mail is so ISP has proof that notification was sent and delivery was received at the current address.

**UNANIMOUS
CONSENT TO
WITHDRAW
MOTION:**

Vice Chairman Nonini asked for **unanimous consent** to withdraw the motion. **Chairman Brackett** stated because there was no objection, the withdrawal was so ordered.

MOTION:

Senator Hagedorn moved that **H 497** be held in Committee for time certain at the call of the Chair. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

H 506

Chairman Brackett invited Senator Harris to present **H 506**. The bill proposes that ITD title and register surplus military vehicles.

Senator Harris said last year the ITD became aware there were no provisions in place regarding title and registration of surplus military vehicles. These vehicles are used in various capacities such as agriculture, fire suppression, dump trucks, preservation and restoration work, parades, and veterans shows. **Senator Harris** requested this legislation be sent to the 14th order to change some language in the second half of the bill.

Senator Harris went through the sections of the bill, especially that the vehicles may be registered or operated on public highways around the State. The amendment would change the wording to read that because such vehicles were manufactured in accordance with the United States Department of Defense Military Safety Standards, a Federal Form 97 shall be provided at the time of registration. If Federal Form 97 was not available, the applicant may apply for a conditional title.

TESTIMONY:

Chairman Brackett welcomed Robert Walsh, Alex Gordon, and Barry McCahill and invited them to testify.

Mr. Walsh spoke in support **H 506**. He expressed support for this bill to continue the practice of titling and registering surplus military vehicles. **Mr. Walsh** uses such vehicles for his business. Many other private entities, cities, and counties throughout Idaho and across the nation rely on these vehicles. These vehicles represent a great value to the users and they are an opportunity for the federal government to recover taxpayer dollars. When ITD announced it would no longer title new trucks, **Mr. Walsh** asserted it was done with a lack of transparency; there was no public hearing or outreach to stakeholder groups. The reason ITD provided for no longer titling and registering the vehicles was they did not have the civilian Federal Motor Vehicle Safety Standards (FMVSS) paperwork required by Idaho statutes. ITD would allow military vehicles from another state to be brought into Idaho.

Mr. Gordon spoke in support of **H 506**. He has sold military vehicles for 36 years. These surplus vehicles have safety features. All surplus vehicles manufactured after 1967 can exceed minimum speed limits.

Mr. McCahill spoke in support of **H 506**. He is a member of the Idaho Military Vehicle Preservation Association and their entire focus is to be able to showcase these vehicles for historical purposes. Their association participates in all the historic parades in Boise and the veterans become very emotional watching the vehicles they served with during their tours of duty. The public response is overwhelming when they view these historical vehicles. He has been involved in highway safety at the national level throughout his career. He retired from the National Highway Traffic Safety Administration (NHTSA), the agency that issues the FMVSS, and he stated they are unaware of the safety issues associated with military vehicles.

DISCUSSION:

Senator Winder asked Brendan Floyd of ITD how other states have handled the titling and registration of these military vehicles. **Mr. Floyd** said other states are in different phases of this conversation to assess a safety opinion on these vehicles. Idaho Code states vehicles that do not meet FMVSS cannot be registered. There are some permissions in other states for these types of vehicles.

Senator Winder asked Mr. Floyd to clarify the difference between **H 506** and **S 1264**, which allows military vehicles to be used for fire suppression. **Mr. Floyd** stated that **S 1264** speaks to the specific use for fire suppression and incidental highway operation; **H 506** permits any individual to title, register, and drive any military vehicle on all roads.

Chairman Brackett asked if **H 506** covers the intent of **S 1264**. **Mr. Floyd** answered **H 506** affords widespread usage, whereas **S 1264** applies only to fire suppression usage.

Senator Hagedorn asked if there was an issue with ITD implementing **H 506** language about the vehicle requiring a Federal Form 97. **Mr. Floyd** replied **H 506** can be implemented by ITD the way it is written.

In his closing remarks, **Senator Harris** made the point of clarification on **S 1264** by stating it only dealt with allowing fire districts to use these military vehicles.

Senator Lee stated the military vehicles have been needed for fire suppression, but they are also useful on farms. She stated **H 506** is needed, enabling legislation that is beneficial to Idaho.

MOTION:

Senator Winder moved that **H 506** be referred to the to **14th Order** for amendment. **Senator Hagedorn** seconded the motion. The motion passed by **voice vote**. **Senator Harris** stated he would carry the bill on the Senate floor.

**PASSED THE
GAVEL:**

Chairman Brackett passed the gavel to Vice Chairman Nonini.

H 512

Chairman Brackett stated this legislation, which proposes to increase the application fees for Class D and motorcycle endorsement skills tests would accomplish four things: (1) it would increase the fees for Class D and motorcycle skills testers; (2) the portion of the monies from the Class D skills tests would be deposited into the State Highway Account; (3) all increases in the revenue would be retained by the skills tester; and (4) Class A, B, C skills tests would not be more than \$200 and Class D skills test are not more than \$35. Other changes would include an increase of the fee to \$25 for the motorcycle skills test, and an increase for the Class D skills test to \$28.50.

MOTION: **Senator Hagedorn** moved to hold **H 512** in Committee. **Senator Buckner-Webb** seconded the motion.

DISCUSSION: **Senator Hagedorn** reminded the Committee he had gone through the entire list of licenses and charges in 2009. He noted fee increases raised \$13 million for the Department of Motor Vehicles (DMV) in order to replace and update their DMV computer system. The Committee is still waiting for that computer system to be updated and replaced. The Committee is now asked to increase fees on CDL licenses.

He stated there is not a trucking company in Idaho that is not looking for potential drivers and he believes increasing the fees for a CDL license is the last thing the Legislature wants to do to create more barriers to increase CDL licensed drivers for the State. The \$13 million to ITD was for the computer upgrade to manage Idaho's licensing and registration. **Senator Hagedorn** indicated until he sees data of how the \$13 million was spent he cannot justifiably support an increase in fees.

SUBSTITUTE MOTION: **Senator Keough** moved to send **H 512** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

DISCUSSION: **Senator Keough** explained her motion. The fees in **H 512** are raised to pay the salary of the personnel that administer the tests. She stated she is reluctant to hold them hostage for the errors of the systems' upgrade.

Senator Hagedorn advised, having taken the motorcycle training, he paid separate fees for the training and to ITD. ITD's \$10 fee is collected when the motorcycle skills test is taken. The personnel that administer the skills test could raise those funds on the training side instead of the skills test side.

Senator Keough stated constituents who administer the skill tests have contacted her and she believes not passing this bill will be a detriment to their ability to continue to perform the testing.

ROLL CALL VOTE: **Vice Chairman Nonini** called for a roll call vote. **Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Lodge, Harris, and Buckner-Webb** were recorded as voting **Aye**. **Senator Hagedorn** was recorded as voting **Nay**. The motion passed. **Chairman Brackett** said he would carry the bill on the Senate floor.

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 2:44 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

Carol Deis
Assistant Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Room WW53
Thursday, March 08, 2018

SUBJECT	DESCRIPTION	PRESENTER
<u>H 509</u>	Imposes an off-road vehicle sticker fee to non-residents for recreation use in Idaho. Legislation also addresses the distribution of the fee, offers a 2-year sticker, and other technical corrections.	Representative Gestrin
<u>H 497</u>	Clarifies and requires who should be notified when a vehicle is being towed.	Ty Palmer , Capitol Auto Loan

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett

Vice Chairman Nonini

Sen Keough

Sen Winder

Sen Hagedorn

Sen Den Hartog

Sen Lodge

Sen Harris

Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett

Room: WW33

Phone: 332-1332

email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 08, 2018

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Winder

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 1:34 p.m. He welcomed Senate Page Tessa Fronk and said that she would be assisting the Committee page.

H 509 **Chairman Brackett** welcomed Representative Terry Gestrin to the Committee and asked him to present **H 509**, legislation dealing with nonresident license plate stickers for recreational vehicles.

Representative Gestrin said in his legislative district there are many outdoor recreation opportunities and activities; they include operating Off-Road Vehicles (ORV) on trails built and maintained by funds received from the Idaho Department of Parks and Recreation's (IDP&R) licensing sticker program. Idaho is ranked as one of the top three states for best outdoor experiences.

In 1972, the dirt bikers asked the Legislature to create a fund at IDP&R to pay for trail maintenance. **H 509** creates an annual \$12 nonresident sticker fee. The sticker has the same purpose and at the same price as a state resident. The bill would also offer an opportunity to purchase a two-year sticker, and create a \$24 sticker for rented equipment. In conclusion, **Representative Gestrin** thanked the Committee and stood for questions.

DISCUSSION: **Chairman Brackett** questioned the bill's Fiscal Note which indicates there is no impact on the General Fund, but he wondered as to the impact on the fund overseen by IDP&R. **Representative Gestrin** stated the data needed to accurately arrive at that figure was not available, but they expected it to be positive.

Senator Harris said in his legislative district many trails extend into Utah and Wyoming; he wondered if there was a reciprocity registration system with Idaho's surrounding states. **Representative Gestrin** said he understood that Wyoming offers an out-of-state sticker fee to Idaho residents, and it is his understanding that Idahoans can utilize Utah trails without paying a fee. However, charging a fee is more common than not charging a fee. There were no further questions.

TESTIMONY: **Chairman Brackett** thanked Representative Gestrin and welcomed David Claiborne, an attorney with Sawtooth Law and President of the Idaho State All Terrain Vehicle Association (ISATVA), and asked him to present his testimony.

Mr. Claiborne said his testimony was offered on behalf of ISATVA and the Idaho Recreation Council, both of whom support this legislation. He continued that **H 509** was brought forward as a response to requests from trail users. He explained how the revenue from sticker sales would be distributed. As for imposing a higher fee for rental equipment, it is part of the bill because those vehicles have a greater impact on trail use.

With regard to reciprocity, in past Legislative Sessions there have been unresolved discussions regarding fee increases, changing fee allocations, and treatment of nonresidents. He noted the winter snowmobile program already requires nonresidents to buy a snowmobile sticker and the program continues to grow. Since implementation, nonresidents come to Idaho to snowmobile even if they do not have reciprocity with their home state. Idaho is also charging nonresident fees for fishing and hunting, and is developing consistency in these areas. Because of funding needs, it was thought appropriate to seek fees from nonresidents before seeking increases for Idaho residents.

Mr. Claiborne said they conducted a survey to see if users would support this legislation. There are nearly 3,000 members and 100,000 registered machines in Idaho; 81,730 households in Idaho have registered ORVs. The results from a postcard survey showed that 62 percent favored a nonresident fee and 93 percent favored a two-year sticker. He concluded by stating this bill is a matter of fairness and consistency that increases funding without impacting residents. He stated there is no positive fiscal impact because data on nonresident use has not been required or collected. **Mr. Claiborne** asked for a do pass recommendation.

MOTION:

Senator Hagedorn moved to send **H 509** to the floor with a **do pass** recommendation. **Vice Chairman Nonini** seconded the motion. The motion passed by **voice vote**. **Senator Hagedorn** offered to carry the bill on the Senate floor.

H 497

Chairman Brackett reminded the Committee they had previously heard **H 497**, legislation clarifying who needs to be notified when a vehicle has been towed. At that hearing, the Committee voted to hold **H 497** subject to the call of the Chair. He was informed that the sponsors and the presenter have worked to resolve the issues of concern to the Committee. As such, he welcomed Representative Monks to the Committee and asked him to present **H 497**.

Representative Monks said since the Committee had previously heard **H 497**, he asked if Ty Palmer of Capitol Auto Loan could address the concerns previously raised. **Representative Monks** said he would like to make closing remarks following Mr. Palmer's testimony.

Chairman Brackett welcomed Mr. Palmer and asked him to take the podium.

Mr. Palmer said in the event a law enforcement officer requests a vehicle be towed, the officer is required to produce a report that they provide to the owner either at the scene of the tow or later by mail. **H 497** alters Idaho Code to add that the lienholder will also be provided a copy of the report form. One of the concerns brought by Idaho State Police (ISP) was the amount of staff time required to search for the information about a lienholder.

Idaho Code § 49-1803A(2)(a) already requires the law enforcement officer ordering the tow to complete a notice form containing the name and addresses of the registered owner and the lienholder. There was no issues with this notification requirement from local law enforcement as they already collect the lienholder information when filling out the towing form. **Mr. Palmer** said they were excited about the opportunity to save their customers millions of dollars by having timely notice so they can remove the vehicle from an impound facility. They can then work with their customer on reclaiming their property, rather than facing the mounting towing and storage fees. He attempted to cover specific issues raised at the previous hearing, but said he would address any remaining concerns.

Senator Hagedorn asked if the intention was to bail out the vehicle so the lienholder could work with their customer. **Mr. Palmer** answered that was often the case. Many of their customers receive second-chance loans. They are not always in a position to retrieve a towed vehicle immediately, and the fees continue to mount until the amount due becomes too unrealistic for their financial position. As a lienholder, retrieving a towed vehicle benefits both parties. There were no further questions.

TESTIMONY: **Chairman Brackett** welcomed Ryan Fitzgerald of Northwest Credit Union Association and asked him to testify.

Mr. Fitzgerald said that lienholder notification was especially important to small credit unions throughout Idaho. A significant amount of staff time is spent locating cars all over the United States and even into Mexico. Lienholders try to quickly find lower-valued cars because a towing company will sell the vehicle when the fees exceed the vehicle's value. At that point, a lienholder can only send the title and write-off the loan. Currently, Idaho credit unions have 250,000 car loans on their books. **Mr. Fitzgerald** concluded by saying he supports **H 497**, and he stood for questions.

DISCUSSION: **Senator Nonini** asked how many of those loans are simply bad debt. **Mr. Fitzgerald** said he did not bring data on bad loans. There were no further questions.

Chairman Brackett thanked Mr. Fitzgerald and asked Representative Monks to close.

TESTIMONY: **Representative Monks** stated he wanted to address the concerns about the additional notification cost. ISP was going above and beyond statute by sending certified notifications to the towed vehicle's owner. He understood why ISP made this choice. His concern was that ISP thinks they need to send certified notifications to lienholders, though that is not what **H 497** would require. Lienholders expect notifications to be sent by First Class mail; they do not want ISP to spend extra funds on certified mail. The Fiscal Note was revised to reflect an amount if sent by certified mail, but that is not what is expected. He concluded by thanking Chairman Brackett and the Committee for reconsidering **H 497**.

MOTION: **Senator Den Hartog** moved to send **H 497** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion.

DISCUSSION: **Senator Hagedorn** said ISP was not sending notifications by First Class mail but by certified mail in order to have a paper record for potential litigation. He was concerned that an evidentiary record would not exist for lienholder notifications.

SUBSTITUTE MOTION: **Senator Hagedorn** moved to send **H 497** to the **14th Order** for amendment. The motion died for lack of a second.

VOTE ON ORIGINAL MOTION: The original motion passed by **voice vote**. **Senator Den Hartog** offered to carry the bill on the Senate floor.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:08 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:00 P.M.
Room WW53
Tuesday, March 13, 2018

PLEASE NOTE EARLIER MEETING TIME

SUBJECT	DESCRIPTION	PRESENTER
PAGE GRADUATION	Thank you to Megan Rauvola of Rathdrum, Idaho, for her service to the Senate and to the Senate Transportation Committee.	Chairman Brackett
<u>H 655</u>	Changes classification standards for Commercial Driver's License classes from Gross Vehicle Weight Rating to Actual Vehicle Weight.	Representative Dixon

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb
Sen Hagedorn	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 13, 2018

TIME: 1:00 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Nonini, Senators Keough, Winder, Hagedorn, Den Hartog, Lodge, Harris, 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 1:07 p.m. He welcomed Senate Page Tessa Fronk who would be assisting the Committee's page.

PAGE GRADUATION: **Chairman Brackett** invited Committee Page Megan Rauvola to share her experience as a page during the second half of the Legislative Session. He presented her with gifts of appreciation from the Committee.

Ms. Rauvola said she enjoyed her time with the Committee and she now realizes transportation covers far more than just driving. She also discovered that she finds the Legislature so interesting that she will be furthering her education in political science. Because she enjoys children, her long-term career options are either to teach kindergarten or pursue a career in pediatric anesthesiology.

H 655 **Chairman Brackett** welcomed Representative Dixon and invited him to present **H 655**.

Representative Dixon gave an overview of **H 655** which addresses the standard weight of vehicles that require a Commercial Driver's License (CDL) to operate the vehicle. The bill would remove the words "manufacturer's" and "rating" when speaking of weights of vehicles and trailers for CDL requirements. The basis for needing a CDL is the federal Gross Vehicle Weight Rating (GVWR), which applies to vehicles weighing 26,000 pounds or over and also based on a manufacturer's rated weight as opposed to actual weight. A cattleman constituent of the legislator contacted him about his inability to move a few of his stock in a trailer attached to a pickup truck without being stopped, detained, and ticketed because he did not have a CDL.

IThere are other challenges outside of agriculture. Contractors driving their work rigs and trailers haul items which cause them to be out of compliance. Their trailer was rated to hold 15,000 pounds and it exceeded the 26,000 pound rating when attached to their truck. People have been cited for being out of compliance for not having a CDL because they had the potential to carry a total weight over 26,000 pounds. These problems were the impetus for **H 655**. **Representative Dixon** had a meeting with the Idaho State Police (ISP), Idaho Transportation Department (ITD) and the federal agency overseeing GVWR in Idaho to discuss this problem; he discovered agriculture was already exempt from federal GVWR. General contractors and others still have an issue with not being able to use their equipment without a CDL for vehicles that have the potential to carry 26,000 pounds. Enforcement could be an issue, but the problem remains.

DISCUSSION:

Senator Den Hartog asked how **H 655** relates to **HJM 12** which was a memorial to Congress asking them to take a look at this issue. **Representative Dixon** said it is tied to it; the joint memorial was in process before he brought this bill.

Senator Keough said based on calls from constituents who are concerned that passage of this bill would permit CDL drivers of trucks weighing 80,000 pounds or higher might be in jeopardy when crossing state lines because their Idaho CDL may be questioned and/or invalid as a result of this legislation. **Representative Dixon** said, based on insight from ITD, this presents a risk that the commercial licensing system would be out of compliance with federal regulation. The higher weights would still fall into the requirement of CDL and, when crossing state lines, drivers would need to comply with those states' regulations.

Senator Hagedorn wondered why a "manufacturer's" was proposed to be removed from Idaho Code § 49-105(17)(a) and (b). **Representative Dixon** said that is the way it is enforced now with the federal stamp and the manufacturer's rating of weight; that combined weight is the ultimate determining factor in commercial licensing, as opposed to what is actually hauled. There is the potential and capability for hauling 26,000 pounds, but if a driver hauls less the driver could be found to be in violation.

Senator Harris asked why a contractor would not want a CDL. **Representative Dixon** said he could not explicitly answer, but speculated it could be an imposition or nuisance to get a CDL if drivers were not regularly hauling up to 26,000 pounds. **Senator Harris** wondered if hours-of-service would have an impact for a driver with a CDL. **Representative Dixon** said that was another aspect to the issue.

Senator Buckner-Webb asked about the Fiscal Note which indicates no fiscal impact, but she stated it seemed implicit to her that there would be some impact. However, she wondered if part of the issue was there are too few CDLs. **Representative Dixon** said the problem is not that there are too few of them, but the inability to be able to conduct business without a CDL when 26,000 pounds are not being hauled and probably never will be hauled. **Senator Buckner-Webb** said many jobs require certifications and it concerned her that the issue is getting a CDL would be inconvenient.

Representative Dixon said he was not attempting to negate the safety aspects that CDLs provide, but many are towing trailers attached to larger trucks with manufacturers' ratings that are sometimes over-expressed. However, being sited and held accountable for something that a business will not do is what is at issue. **Senator Buckner-Webb** thought operating without a CDL was a danger to public safety. **Representative Dixon** agreed, if the actual weight is over 26,000 pounds.

Senator Winder asked if there was opposition from ISP when **H 655** was in the House of Representatives. **Representative Dixon** said they had a quick hearing in the House that may have delayed ISP's testimony.

Senator Hagedorn asked how this would be enforced; he wondered if local officers would need weighing scales to check the vehicle's weight. **Representative Dixon** suggested it would be enforced as it is currently enforced. He stated it was his impression that it is only being enforced by ISP and he was not aware of whether local law enforcement was also issuing citations. Currently, if there is a moving violation, ISP can check for weight violations. He stated ISP might have scales or could take the violators to scales for weighing, but it would be the judgement of the ISP officer.

Senator Buckner-Webb asked, if there is a need to weigh, would the State's current scales be able to handle the greater weight. **Representative Dixon** said his understanding was that a scales truck would need to be brought to the vehicle, or the vehicle would be taken to a weigh station. **Senator Buckner-Webb** asked if new scales would need to be procured for the higher weight. **Representative Dixon** said Idaho's current scales can handle that weight.

TESTIMONY:

Chairman Brackett welcomed Captain Tim Horn of ISP's Commercial Vehicle Safety Unit and invited him to testify.

Captain Horn stated ISP opposes **H 655**. The legislation would affect the safety of drivers traveling Idaho highways, and negatively affect all law enforcement in Idaho. ISP does not have scales; the only scales available are at the ports of entry into the State. ISP would need an increase in funding to enforce these proposed changes. At present, an officer would have to escort the vehicle to a port of entry, which would be very time consuming.

Police escort is currently the only option available to enforce this bill and would cripple commerce for trucks entering or leaving Idaho. If ISP estimated that a vehicle was in violation and issued a citation, there would be no proof of the violation because it was based on an estimate in court. Tractor trailers weigh between 15,000 to 18,000 pounds. If there is a semi-truck, which has more axles than a pickup truck, with a trailer attached it could weigh more than 26,000 pounds empty.

Captain Horn asserted if this bill passed, nearly any person could drive a big truck. The CDL process guarantees driving expertise for a truck of this size. A CDL is for drivers of commercial vehicles; issuance of CDLs began in 1982. Prior to CDLs, regulating the mobility of commerce was limited, which caused problems for long periods of time and reduced productivity. **Captain Horn** did not know the history of how the federal government arrived at 26,000 pounds as the standard for vehicle weight requiring a CDL. He concluded by explaining the weight acronyms in the bill.

DISCUSSION:

Senator Harris said he has heard of pickups and box trailers being stopped for weight; he asked how ISP determines if a vehicle's use is for commercial purposes. **Captain Horn** said ISP has to have probable cause to detain a vehicle. They ask if they are operating as a business; if the vehicle falls over 26,000 pounds then the driver has to have a CDL. He added, if this bill passed, a dump truck could be operated without a CDL. **Senator Harris** asked what happened if the driver stated he was not operating the vehicle as a business. **Captain Horn** answered they would not fall under this act.

Captain Horn elaborated, under Idaho Code § 67-2901A, certain commodities shipped over long distances are exempt from the CDL requirement for trucks 26,000 pounds and above in Idaho. If this bill passed, the federal government could decertify Idaho-issued CDLs and businesses would have to go out-of-state to get a federally-certified CDL.

Senator Winder said he opposes this bill, but understands why it was brought by Representative Dixon. It addresses common, local situations like landscapers towing trailers, contractors who remodel basements, and similar small businesses. He asked Captain Horn what ISP would suggest as a solution for these types of circumstances. **Captain Horn** said ISP does not have a solution. The entire United States is using the GVWR standard, and there is no way he is aware of to accommodate the few people requesting this change when compared to the many who operate trucks over 26,000 pounds and need a CDL.

Chairman Brackett asked how much federal funding might be lost. **Captain Horn** said there are states, in particular North Dakota and Tennessee, that came close to losing the federal funds accompanying compliance with GVWR, but their lawmakers remedied the situation before the deadline.

Senator Harris asked about the timeline for the federal government decertifying Idaho's CDLs. **Captain Horn** deferred to others in the audience who would know more about that process, but he said Idaho would not be able to issue CDLs if they were decertified.

Captain Horn concluded by reminding the Committee that ISP opposes the bill.

DISCUSSION:

Chairman Brackett welcomed Michael Kane, representing the Idaho Sheriffs' Association, and invited him to testify.

Mr. Kane said ISP is not detaining vehicles because they appear over weight. ISP make their determination based on the markings on the vehicle. Idaho's sheriffs do not have the equipment to enforce this legislation; as such, they oppose **H 655**. There were no questions for Mr. Kane.

Chairman Brackett asked Colonel Kedrick Wills, ISP Director, if he wanted to testify. **Col. Wills** said Captain Horn had covered ISP's concerns about **H 655**. He reiterated ISP does not support this legislation.

Chairman Brackett asked Mollie McCarty, ITD's Government Affairs Program Manager, if she wanted to testify. **Ms. McCarty** addressed the issue of decertification raised by Senator Harris. There is a process where communications would be delivered within the State alerting stakeholders that CDLs would be prohibited from being offered in Idaho until Idaho's noncompliance would be remedied. She stated, these are federal issues. Her understanding that the loss of federal highway funding to Idaho would be up to 4 percent in the first year and up to 8 percent in subsequent years; that amounts to \$4 million the first year and \$16 million in subsequent years.

Senator Winder asked if she had suggestions that would allow law enforcement and small contractors to arrive at a consensus on this issue. **Ms. McCarty** said she had no ideas but thinks getting the right people together to discuss and work on the issue would be productive. **Senator Winder** said he would like to see stakeholders work through this issue to satisfy all parties.

Representative Dixon thanked the Committee and said he appreciated the testimony.

MOTION:

Vice Chairman Nonini moved to hold **H 655** in Committee. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**. **Senator Harris** asked to be recorded as voting **Nay**.

Senator Winder offered to help facilitate discussions with the stakeholders because he felt the issue deserves attention.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:01 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary

AGENDA
SENATE TRANSPORTATION COMMITTEE
1:00 P.M.
Room WW53
Thursday, March 15, 2018

PLEASE NOTE NEW CONVENING TIME

SUBJECT	DESCRIPTION	PRESENTER
H 507aa	Creates an Idaho Rotary International specialty license plate.	Representative McDonald

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Brackett	Sen Den Hartog
Vice Chairman Nonini	Sen Lodge
Sen Keough	Sen Harris
Sen Winder	Sen Buckner-Webb
Sen Hagedorn	

COMMITTEE SECRETARY

Gaye Bennett
Room: WW33
Phone: 332-1332
email: stran@senate.idaho.gov

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, March 15, 2018

TIME: 1:00 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senators Keough and Winder

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 1:05 p.m. He welcomed everyone to what he thought would be the final meeting of the Committee this session, as future meetings would be at the call of the Chair.

H 507aa **Chairman Brackett** said Representative McDonald had a scheduling conflict, but Senator Martin would present **H 507aa**. **Chairman Brackett** welcomed Senator Martin to the Committee.

Senator Martin reminded the Committee he brought this legislation last year to create an Idaho Rotary International specialty license plate. The Committee sent it to the floor with a do pass recommendation, the Senate passed it, but it did not pass the House of Representatives. This year, Representative McDonald started the legislation in the House where it was amended, passed, and transmitted to the Senate. **Senator Martin** concluded by introducing Erik Lund, President of the Southwest Boise Rotary Club.

TESTIMONY: **Mr. Lund** said he represented 50 Rotary clubs and over 2,000 members. Internationally, Rotary is the largest and oldest service organization. They have maintained a presence in Idaho since 1917. He said they were asking for this license plate as a way of reminding the public that Rotary actively exists in Idaho. It will be a way to begin a conversation for people who want to serve their community. If it is a fit for interested persons, Rotarians would welcome them to share their time and resources. The revenue will go to charitable organizations all over Idaho. **Mr. Lund** thanked the Committee and stood for questions.

DISCUSSION: **Senator Hagedorn** agreed that Rotary was a great organization that does valuable work all over the world. However, he was concerned that, in order to keep a specialty license plate in circulation after three years, 2,500 license plates must be sold. With a membership of only 2,000 statewide, **Senator Hagedorn** asked if Mr. Lund thought that requirement was reachable. **Mr. Lund** said that sales were not limited to their members and that he was confident the requirement could be met. There were no further questions.

In closing, **Senator Martin** thanked the Committee and asked for their support.

MOTION: **Vice Chairman Nonini** moved to send **H 507aa** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. After an uncertain voice vote, **Chairman Brackett** called for a **roll call** vote. The motion passed. **Chairman Brackett, Vice Chairman Nonini, Senators Hagedorn** and **Buckner-Webb** were recorded as voting **Aye**. **Senators Den Hartog** and **Harris** were recorded as voting **Nay**. **Senator Martin** said he would carry the bill on the Senate floor.

ADJOURNED: With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:13 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary