

SUMMARY *of* PROCEEDINGS



JOINT TRANSPORTATION, HIGHWAYS AND MILITARY AFFAIRS COMMITTEE

COMMITTEE MEETING INFORMATION

September 16-17
Central Wyoming College
Riverton, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Michael Von Flatern, Cochairman
Representative David Zwonitzer, Cochairman
Senator Stan Cooper
Senator Floyd Esquibel
Senator Bill Landen
Senator John Schiffer
Representative Stan Blake
Representative Rita Campbell
Representative Lynn Hutchings
Representative Allen Jaggi
Representative Bunky Loucks
Representative Robert McKim
Representative Tom Reeder

COMMITTEE MEMBERS NOT PRESENT

Representative David Blevins

LEGISLATIVE SERVICE OFFICE STAFF

Ian Shaw, Staff Attorney
Michael Swank, Research Analyst

OTHERS PRESENT AT MEETING

Please refer to Appendix 1 to review the Subcommittee Sign-in Sheet for a list of other individuals who attended the meeting.

The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at lso@wyoleg.gov. The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at www.wyoleg.gov.

EXECUTIVE SUMMARY

The Committee met for two days at Central Wyoming College in Riverton. The Committee considered and voted to sponsor bills on:

- Registration fees for house trailers
- Authorization for game wardens to conduct VIN inspections
- WyDOT's program for private business informational signs on highways
- Vehicle involuntary towing rotation regulations
- Governor's authority to order active National Guard service for emergencies in other states
- In-state tuition for veterans intending to become Wyoming residents
- Funding for National Guard armory deferred maintenance.

The Committee declined to sponsor a bill to restrict Gold Star license plate eligibility. The Military Department provided status updates regarding the Wyoming Cowboy Challenge Academy, family assistance program, first responder retirement contributions, National Guard educational assistance plans, service members group life insurance benefit and the health care provider retention program. The next meeting was scheduled for November in Casper.

CALL TO ORDER (SEPTEMBER 16, 2013)

Co-Chairman Von Flatern called the meeting to order at 8:00 a.m.. The following sections summarize the Committee proceedings by topic. Please refer to Appendix 2 to review the Committee Meeting Agenda.

APPROVAL OF MINUTES

Minutes from the June Committee meeting were approved without change..

REGISTRATION FEES – TRAILERS WITH LIVING QUARTERS

Senator Cooper explained a problem with non-standard trailer registration fees from county to county. He explained that the 2013 bill [**Appendix 3**] would have standardized registration fees for all trailers with living quarters. Converse County Treasurer Joel Schell distributed a memo to the Committee on behalf and the Wyoming County Treasurer's Association [**Appendix 4**]. The Association recommends elimination of the house trailer category and charging a fee based on weight, as for other trailers.

Deb Lopez and Bob Stauffacher of the Department of Transportation further explained the problem that results from the difficulty in classifying trailers as house trailers when their primary usage might be as a horse trailer or utility trailers. They provided a handout demonstrating the many kinds of trailers that have living quarters [**Appendix 5**].

Committee members discussed the potential increase in registration fees for house trailers. Senator Cooper moved and the Committee approved a bill draft request to eliminate the house trailer fee.

VIN/HIN INSPECTIONS BY GAME & FISH

Tom Lofton of the Department of Transportation explained 14LSO-0116.W1 [**Appendix 6**] as authorizing game wardens to act as peace officers for purposes of conducting vehicle identification number inspections on boat trailers if done contemporaneously with a hull identification number inspection of the watercraft being transported.

Senator Schiffer moved an amendment to direct the inspection fee to the game and fish fund if the inspection is performed by game wardens. The amendment passed on a voice vote.

Senator Schiffer moved that the Committee sponsor the bill. The motion carried on a vote of 13-0.

HIGHWAY SIGNAGE

WyDOT Chief Engineer Del McOmie and Chief Traffic Engineer Joel Meena described the department's efforts to collect public feedback on the issue of highway informational signs for private businesses. They provided a meeting summary [**Appendix 7**], a spreadsheet of participants [**Appendix 8**], and a memorandum to interested parties about options for program changes [**Appendix 9**].

Committee members generally discussed with Mr. McOmie and Mr. Meena the options to address the funding shortage for the program, including:

- Making no changes;
- Increasing fees by \$100 and still having the work performed by WyDot;
- Increasing fees by \$100 and having sign work performed by a contractor;
- A greater fee increase, work performed by WyDOT and more frequent sign replacement;
- A greater fee increase, work performed by a contractor and more frequent sign replacement.

Mr. McOmie also distributed a handout showing the Department's proposed rule changes [**Appendix 10**] regarding the specific service signing chapter.

The Committee generally discussed the pros cons of using an auction for space on informational signs or using a lottery system. Representative Blake moved an amendment to the bill to delete the authorization for the department to generate revenue by having a competitive bidding process for service signing rights. The amendment failed on a voice vote.

Representative Zwonitzer moved that the Committee sponsor the bill. The motion carried on a vote of 10-3, with Senator Esquibel and Representatives Blake and Hutchings voting no.

VEHICLE TOWING REGULATION IN WYOMING

Chairman Von Flatern asked the Public Service Commission's ("PSC") representatives to respond to a proposed bill which would require the PSC to regulate involuntary towing rates in the state. [**Appendix 12**]

Alan B. Minier, Wyoming Public Service Commission Chairman, testified that he thinks it would be a real problem to designate towing companies as public utilities. Rates for utilities are set on a case by case basis based on invested capital, equipment depreciation, operation and maintenance expenses, taxes and customer base. Developing maximum rates for a category of private businesses would be very different. If the PSC were to be charged with this, it would need quite a few employees to handle the 2,000+ tow truck operators in the state.

WyDOT Director John Cox and Highway Patrol Administrator John Butler testified that they would prefer a towing industry task force come up with industry rate guidelines, and that they would be uncomfortable regulating prices of a private industry. Director Cox stated that the department has been conducting its rotation list for nonconsensual tows for some time, but without express statutory authority.

Thomas Mullan of I-80 Towing and Recovery presented written comments and photographs [**Appendix 13**] and stated that he is opposed to any legislation at this time.

Andrew Burg, President of Auto Inn Repair, distributed a packet including a memo to the Committee and information other states' towing regulation statutes. [Appendix 14]. He stated that most of the problem seems to be with out-of-state towing companies getting on the rotation list by locating one wrecker in Wyoming.

Tim Keevert, AllWyo State Towing, presented a petition [Appendix 15] opposing any legislation or regulation of the towing industry at this time until the industry can come together to make recommendations and the Committee can study the issues further.

Noel Giehm offered written comments calling for more consumer protection. [Appendix 16]

Mike Morris, Farmers Insurance, and Sheila Foertsch, Managing Director of the Wyoming Trucking Association, spoke against price regulation but in favor of arbitration or other dispute resolution.

Committee members generally discussed whether the towing industry should be brought within the Consumer Protection Act, and the lack of coordination and consensus among industry representatives.

Senator Cooper, seconded by Senator Schiffer, moved that the Committee sponsor 14LSO-0118.W3. The motion failed on a vote of 0-13.

Co-Chairman Zwonitzer recommended a bill for consideration at the next meeting, including fee arbitration that would be binding if parties agreed to it. The bill could have alternative provisions for payment of arbitration expenses by the department or by the parties to the arbitration. Co-Chairman Von Flatern requested that the draft have at least three different models for payment of costs, based on other states' practices.

OVERTAKING ON THE LEFT

Colonel John Butler reported on 2012 HB 21, which authorized exceeding the speed limit by ten miles per hour on highways while passing a slow-moving vehicle. He reported that some drivers use the provision as an excuse to speed and that passing speeds seem slightly higher, but there are no significant problems.

UNIFORM TRUCKING REGULATIONS IN THE WESTERN STATES

Sheila Foertsch, Wyoming Trucking Association, spoke on behalf of the Western States Transportation Alliance, which advocates for uniform highway regulations on trucks in the 10 member states, especially as to size, weight and combination restrictions. She distributed a handout on the Alliance's activities.. [Appendix 17] She noted that the per axle weight of triple trailers is actually less than for doubles, that triples are the same length as the "Rocky Mountain double" that is already allowed in Wyoming and that triple trailers have the safest record among over-the-road trucks

MEETING RECESS

The Committee recessed for the day at 4:40 p.m.

CALL TO ORDER (SEPTEMBER 17, 2013)

Co-Chairman Zwonitzer called the meeting to order at 8:00 a.m..

Major General Reiner introduced representatives of the Wyoming Military Department who would be addressing the Committee, including Colonel Tammy Maas, Lt. Col. Christopher Smith, Col. Pat Moffett, Brigadier General Steve Mount, Lt. Col. Guy Beaudoin, Chief Master Sergeant William G. Whipple, Deputy Director Douglas Shope, Maj. Holly Shenefelt and 1st Lt. Megan Hoffman.

GOLD STAR LICENSE PLATE ELIGIBILITY

Larry Barttelbort, Veterans Commission Director, spoke to the Committee regarding draft bill 14LSO-0119.C1. [Appendix 19] The bill would limit eligibility for Gold Star license plates to families of those who died during active service. Mr. Barttelbort stated that the commissioners had been polled and were not in favor of any change to the eligibility. General Reiner distributed a binder [Appendix 18] which included all of the materials for the Department's presentations.

Representative Campbell moved that the Committee sponsor the bill, but there was no second.

NATIONAL GUARD ARMORY FUNDING-MAINTENANCE

General Reiner explained the maintenance backlog at state armories, referring to **Appendix 18, pages 14-16**. He stated that, without increased funding, deferred maintenance would increase by an average of \$700,000 per year. He stated that the proposed bill for a maintenance account, 14LSO-0121.W1, National Guard funding-maintenance [Appendix 20], would be a backup because the Governor has tentatively agreed to \$2.4 Million in the budget for this purpose.

Committee members discussed the adequacy of a \$500,000/year appropriation, and whether the intent is to allow spending the principal of an account or only the earnings on the account. Lt. Col. Smith stated that the department's calculations were based on spending the corpus and the earnings, and that a much larger corpus would be needed to create \$500,000 in earnings. General Reiner added that there will also be \$500,000 from the federal government annually for maintenance.

Senator Von Flatern moved that the Committee sponsor the bill. Senator Schiffer moved an amendment to the bill to add two authorized positions, on the condition that they were fully federally funded. The amendment passed on a voice vote.

The motion to sponsor the bill carried on a vote of 13-0.

NATIONAL GUARD SERVICE – TITLE 32 STATUS – GOVERNOR'S AUTHORITY

General Reiner explained that there are two types of National Guard active duty – state active duty and Title 32. Title 32 is for federal emergencies such as hurricanes and earthquakes, and is paid for entirely by the federal government. He explained that Wyoming governors – as well as National Guard enlistees themselves -- have always assumed the authority to activate members for Title 32 service in other states, but that authority is not clearly in our state laws. The proposed bill, 14LSO-0120.W1 [Appendix 21] would clarify that.

Representative Hutchings spoke against giving the governor authority to force members to serve in another state, referencing Article 4, Sections 4 and 19 of the Wyoming Constitution. General Reiner stated that the bill would comport the statutes with what members already expect when they enlist.

Representative Blake, seconded by Senator Landen, moved that the Committee sponsor the bill. The motion carried on a vote of 10-3, with Representatives Hutchings, McKim and Reeder voting no.

VETERANS' IN-STATE TUITION

Larry Barttelbort, Veterans Commission Director, explained draft bill 14LSO-0096.W2, Veterans—resident tuition provisions. [Appendix 22] He stated that the bill, which is a resurrect of a similar bill from last year, would expand the availability of resident tuition at the University of Wyoming and Wyoming community colleges by relaxing the requirement that the veteran have already been a Wyoming resident if the veteran can demonstrate steps to become a Wyoming resident.

Amy McClure, regional coordinator for the UW Outreach School, expressed full support for the bill.

Mr. Barttelbort explained that there would probably be no net fiscal impact, because the new out-of-state students would bring with them their additional GI Bill benefits which would offset any tuition markdowns.

Senator Esquibel, seconded by Senator Cooper, moved that the Committee sponsor the bill. Senator Cooper moved to amend the bill by deleting paragraph (e)(ii), which would require a veteran's written declaration that he had relinquished residency in any other state. The amendment passed on a voice vote.

The motion to sponsor the bill carried on a vote of 11-2, with Senator Von Flatern and Senator Schiffer voting no.

ANNUAL REPORTS FROM THE MILITARY DEPARTMENT

General Reiner provided updates on the Wyoming Cowboy Challenge Academy, which targets non-felon teenagers who have withdrawn from high school or who are at risk for doing so. He referenced materials and statistics on retention rates, graduation rates and costs from **Appendix 18, pages 20-23**.

General Reiner advised that the Military Family Assistance Trust Fund, which generates income to aid families with financial hardships caused by active duty, enabled the department to assist 122 military families in FY2013 using \$314,373.22. Total grants since inception in 2004 have totaled 1,241, expending \$3,251,855.34.

General Reiner briefly referenced payments under the First Responder Retirement Program, W.S. 19-11-115, which authorizes the department to pay the retirement contributions of first responders who are called to active duty. **Appendix 18, pages 30-34**.

General Reiner reported that the Wyoming National Guard Educational Assistance Plan, started in 2001, is one of the National Guard's most successful recruitment tools. **Appendix 18, pages 35-40**. He also provided summary financial information regarding the Service members' Group Life Insurance Plan, **Appendix 18, pages 41-43**, and the Health Care Provider Retention Program, **Appendix 18, pages 44-47**.

MEETING ADJOURNMENT

There being no further business, Co-Chairman Zwonitzer adjourned the meeting at 3:40 p.m..

Respectfully submitted,

Senator Michael Von Flatern, Co-Chairman

Representative Dave Zwonitzer, Co-Chairman

Committee Meeting Materials Index

Appendix	Agenda Item	Appendix Description	Appendix Provider
1	Committee Sign-In Sheet	Lists meeting attendees	Legislative Service Office
2	Committee Meeting Agenda	Provides an outline of the topics the Committee planned to address at meeting	Legislative Service Office
3	Registration Fees – Trailers with Living Quarters	2013 Senate File 110	WyDOT
4	Registration Fees – Trailers with Living Quarters	Letter to Committee from Converse County Treasurer	Converse County Treasurer – Joel Schell
5	Registration Fees – Trailers with Living Quarters	Current Trailer Licensing	WyDOT
6	VIN/HIN Inspections by Game & Fish	14-LSO-0116.W1 VIN inspection authority—game and fish.	LSO
7	Highway Signage	Specific Service Signing Public Meetings Summary	WyDOT
8	Highway Signage	Spreadsheet: Specific Service Signing Public Meeting Summary	WyDOT
9	Highway Signage	Memo to Specific Service Signing Participants	WyDOT
10	Highway Signage	Proposed rule changes	WyDOT
11	Highway Signage	14LSO-0117.W2 Specific service signage on highways	LSO
12	Vehicle Towing Regulation	14-LSO-0118.W3 Towing—regulation by PSC	LSO
13	Vehicle Towing Regulation	Packet including written comments and photographs	Thomas Mullan
14	Vehicle Towing Regulation	Packet including memo and several states' towing laws	Andrew C. Burg
15	Vehicle Towing Regulation	Petition from Wyoming Tow & Recovery Owners and Operators	Tim Keevert

16	Vehicle Towing Regulation	Written comments	Noel Giehm
17	Vehicle Towing Regulation	PowerPoint: WSTA	Western States Transportation Alliance
18	Military Department in General	Presentation Binder	Military Dept.
19	Gold Star License Plate Eligibility	14LSO-0119 Gold star license plate eligibility	LSO
20	National Guard Service – Title 32 Status – Governor's Authority	14LSO-0120.W1 National guard service— governor's authority.	LSO
21	Veterans' In-State Tuition	14LSO-0096.W2 Veterans—resident tuition provisions	LSO
22	National Guard Armory Funding—Maintenance	14LSO-0121.W1 National guard funding—maintenance	LSO