

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 29, 2015

TIME: 1:30 P.M.

PLACE: Room WW53

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

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 1:30 p.m. He welcomed everyone and invited Priscilla Salant, Director of the University of Idaho's McClure Center for Public Policy Research, to the podium to share the results of a survey the McClure Center conducted in 2014 to get voters' opinions on roads and bridges in Idaho.

PRESENTATION: **Ms. Salant** explained to the Committee that the McClure Center conducts unbiased, non-partisan research. They take no position on legislation, and they want to be known for providing truthful, scientifically sound research.

The ten minute survey's goal was to understand opinions of likely Idaho voters on issues relating to the funding of roads and bridges. Topics included: (1) the adequacy and conditions of roads and bridges; (2) given other legislative priorities, how important funding roads and bridges was to the voter; (3) the pros and cons of increasing funding for roads and bridges; and (4) alternative funding options for roads and bridges. The statewide survey was conducted between February and April, 2014. The total sample size was 1,062 telephone respondents (both cell and landlines) who were screened as being likely voters.

According to **Ms. Salant**, the main conclusion from the survey was that there was a critical challenge for Idaho's policymakers to find revenue to invest in infrastructure. Most respondents saw a clear need for improvements to Idaho's highway infrastructure in the future.

Key survey findings were: (1) likely voters generally view roads and bridges as adequate today but not ten years from now; (2) almost all likely voters surveyed saw a relationship between the economy and roads and bridges; (3) almost half of likely voters surveyed thought that increasing funding for roads and bridges should be in the top three legislative priorities; (4) a majority of likely voters surveyed are convinced by the arguments that safety and the economy are important to roads and bridges and less convinced by the arguments that higher taxes and government waste are important; and (5) the revenue sources most supported by those surveyed are those that are less likely to generate significant amounts of funding. **Ms. Salant** concluded her presentation, which will be on-file in the Legislative Services Library following Sine Die, and stood for questions.

Senator Vick wanted to know if the question of what Idaho infrastructure needs today came up. **Ms. Salant** said that all questions were presented exactly the same way on each call in order to remain unbiased. She referred to the slide indicating that 53 percent of the respondents said roads and bridges should be one of the three highest legislative priorities. The next slide listed supported revenue priorities from highest to lowest. She reviewed each slide that gave results that answered Senator Vick's question.

Senator Hagedorn asked about the correlation of the colors of the chart on her last slide entitled "Regional Differences". **Ms. Salant** said the chart indicated the regions in Idaho that have more trust in government and those with less trust.

Chairman Brackett said he appreciated the McClure Center's willingness to conduct this survey and the time and effort it took to do so. The Legislature wanted to see if there was grassroots support for funding improvements to Idaho's infrastructure and was happy with the supportive results of the survey.

Senator Nonini asked how these results might change given the current reduction in the price of oil. **Ms. Salant** said it was not something she could even speculate about.

Senator Lacey asked if there were questions about road safety. **Ms. Salant** referred to the slide on "High Level of Underlying Trust". Additional funding will allow Idaho to make roads and bridges safer.

**ADMINISTRATIVE
RULES:**

Chairman Brackett thanked Ms. Salant and welcomed Dennis Stevenson, Idaho's Administrative Rules Coordinator, to the podium to address any remaining concerns Committee members had about administrative rules.

Mr. Stevenson said he did not have prepared remarks but had been asked to relay information regarding the Committee's administrative rules. **Vice Chairman Nonini** thanked Mr. Stevenson for making himself available. He asked Mr. Stevenson to expand on the issue brought up by Senator Hagedorn regarding incorporating federal documents by reference in rulemaking that contain rules and regulations not currently in Idaho Code. **Vice Chairman Nonini** asked if that issue occurred frequently among departments.

Mr. Stevenson said there is a statutory reason for rulemaking authorizing incorporation by reference. In Senator Hagedorn's instance, the Idaho State Tax Commission (STC) had a document, the International Fuel Tax Agreement (IFTA), that had previously been incorporated. He was not sure if it was incorporated adequately and was not certain whether IFTA was a recognized body by the Legislature. Incorporated documents cannot be changed, but the Committee can reject portions of a document if it does not fit within the intent of the Legislature. New, updated versions of documents incorporated by reference should be considered for adoption.

Vice Chairman Nonini asked if new department heads required special training to venture into rulemaking. **Mr. Stevenson** said that while there may be turnover at the top of a department, his organization works with people at the administrative level. Each department has a rules coordinator that works with his department. His office offers workshops for those making rules and for those presenting rules.

Chairman Brackett asked Mr. Stevenson if he discussed the concept of incorporation by reference during his workshops. **Mr. Stevenson** said the 2012 Legislature strengthened incorporation by reference by changing the notice of rulemaking. They are now required to include a synopsis of why the document is being incorporated. It is a valuable tool. **Chairman Brackett** said that one compelling reason to include a description is to make their legislative presentations easier. **Mr. Stevenson** agreed that there needs to be a comfort level with the Legislature and rulemaking. **Chairman Brackett** suggested that the Idaho Code section providing the authority should be listed. **Mr. Stevenson** said that Senator Hagedorn had suggested that as well, plus the person engaged in rulemaking needs to site the legislation (bill number) from previous sessions where that legislation is referenced. Some agencies already do that.

Senator Hagedorn asked about concurrent resolutions when rejecting a rule. He did not believe legislators knew all the options available when rules are brought before committees. He wanted to know what actions require a concurrent resolution. **Mr. Stevenson** said concurrent resolutions need to be drafted when a committee rejects an entire docket or a portion of a docket. Following a committee's rule actions, the chairman of the committee drafts a letter to the President Pro Tem listing each docket and the committee's action. Legislative Services Office (LSO) uses those letters to spur them into drafting a resolution if a docket or part of a docket is rejected. Both the House and the Senate have to adopt that resolution before the whole or partial docket is rejected. Negotiating between the House and Senate can take place if one body's action does not coincide with the other body. Rules are not legislation; they can be taken up and re-reviewed at any time during the Session. It is never over until it is over.

Vice Chairman Nonini wanted to know how many states go through this process. **Mr. Stevenson** said each state does it differently than Idaho does. Many states have no review at all and some convene committees.

Chairman Brackett thanked Mr. Stevenson for educating the Committee on a sometimes difficult procedural responsibility.

RS 23391:

Chairman Brackett invited Roy Eiguren of Eiguren Fisher Ellis to take the podium to present **RS 23391**.

Mr. Eiguren said he was before the Committee on behalf of Support Our Troops, a national 501(c)(3) federal tax-exempt charitable organization based in Florida. In 2011, the organization's CEO relocated to Boise. His nonprofit organization has distributed over \$20 million to assist the military with goods and services.

Mr. Eiguren stated that by printing and passing **RS 23391**, Support Our Troops will build on its success through the America The Beautiful specialty license plate in cooperation with its Idaho partner charity, Live Laugh Love Given, Inc. This organization serves education, children and families as well as the military community. **Mr. Eiguren** distributed two handouts to Committee members; one contained a color example of the specialty license plate and where funds would be distributed, and the other listed Idaho funds distributed by Support Our Troops. **Mr. Eiguren** thanked the Committee and stood for questions.

Senator Hagedorn wanted to clarify that the organization, Support Our Troops, was not just an Idaho nonprofit, it has organizations throughout the United States. The funds from all those organizations make up the \$20 million total. The same model will be used for America The Beautiful.

MOTION:

Senator Hagedorn moved to print **RS 23391**. **Vice Chairman Nonini** seconded the motion. **Chairman Brackett** asked if there was further discussion.

Senator Vick asked what percentage of the funds raised will go toward paying for the administrative costs associated with America The Beautiful, and what amount raised currently goes toward Support Our Troops administrative costs.

Senator Den Hartog commented that she was not a fan of many specialty license plates. She asked Mr. Eiguren if he thought the State should raise funds for private foundations. She was planning on voting against sending **RS 23391** to print. **Mr. Eiguren** said that Idaho has 30 specialty license plates that have raised \$2 million in revenue for the 501(c)(3) charities each plate represents.

Senator Winder asked if the money raised from sales of the license plate would remain in Idaho or if it would be commingled with funds from other states and whether that was constitutional.

Mr. Eiguren said he would address administrative cost issues at a hearing of the printed legislation.

Senator Hagedorn asked what was the difference in cost of a regular license plate versus the cost of this specialty license plate; what is the difference in how much the State makes off a license plate versus this specialty license plate? **Mr. Eiguren** said he would bring that information to the Committee at a hearing.

**VOTE ON
MOTION:**

With no further questions of Mr. Eiguren, **Chairman Brackett** called for a vote on the motion before the Committee. The motion passed by **voice vote**. **Senator Den Hartog** asked to be recorded as voting against the motion.

ADJOURNED:

Chairman Brackett adjourned the meeting at 2:23 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary