

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, February 12, 2015

TIME: 1:30 P.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Lacey

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. and welcomed everyone. He invited Representative Kauffman to the podium to present **H 44**.

H 44: **Representative Kauffman** said he was before the Committee to enlist support for a specialty license plate to benefit the Rocky Mountain Elk Foundation (RMEF). He said there are many prequalification steps before getting to this point in adding a specialty license plate. A group has to design the plate, it has to be a nonprofit 501(c)(3) federally designated tax exempt organization (which RMEF has been since 1984), the Idaho Transportation Department (ITD) requires a \$1,000 deposit, and the organization must gather the signatures of 250 Idahoans who own vehicles and indicate they will purchase this specialty license plate. Additionally, the organization must report to ITD and the two transportation committees in the Idaho Legislature annually. He realized that some believe there are already too many specialty license plates, however this plate has generated widespread enthusiasm. **Representative Kauffman** turned the rest of his presentation time over to Colin Hickman, Regional Director for Southern Idaho of RMEF.

TESTIMONY: **Mr. Hickman** said the mission of the RMEF was to ensure the future of elk, other wildlife, their habitat and Idaho's hunting heritage. RMEF is a leader in wildlife conservation, with a tremendous track record of conservation and land protection around the country and in Idaho. Its Idaho work is in land protection, habitat stewardship, and educational programs.

RMEF has completed 35 land protection projects and permanently protected over 32,000 acres in Idaho valued at over \$37 million dollars. In habitat stewardship, it has completed 363 projects enhancing over 380,000 Idaho acres. Nearly 70 projects at a cost of almost \$250,000 have encompassed their Idaho educational programs. They include: (1) the Shooting Access for Everyone (SAFE) program that teaches children about safe firearm handling and conservation; (2) a \$50,000 grant to the Idaho Department of Fish and Game (IDF&G) for expanding its Access Yes! Program; (3) \$67,000 to help rehabilitate and restore habitat decimated by wildfires; (4) a \$50,000 grant to the IDF&G to assist with its wolf management plan; (5) a \$100,000 Clearwater Basin Elk Nutrition Study; (6) a 2,000 acre permanent land protection project; and (7) two projects in Southeast Idaho. With its nearly 8,000 Idaho members, the value of the RMEF's efforts in Idaho is close to \$60 million. RMEF's hope is that their members will purchase these license plates to support the foundation and all it

does for wildlife, especially elk, in Idaho. **Mr. Hickman** thanked the Committee and stood for questions.

Senator Winder asked what the difference was between this plate and the existing elk plate. **Mr. Hickman** said the funds generated by sales of the existing elk plate benefit IDF&G.

Senator Den Hartog asked what the primary way RMEF raises money. **Mr. Hickman** said they conduct 17 events throughout Idaho with the largest being in Lewiston. They work with their major donors, but their primary source of income is from events. **Senator Den Hartog** wanted to know how much more money annually they were expecting in license plate sales. **Mr. Hickman** said their income was \$100,000 last year. They hope to receive an additional \$20,000 or \$30,000 from license plate sales.

Senator Hagedorn asked if there was a picture of the plate. **Mr. Hickman** showed the Committee a copy that he had brought with him. **Senator Hagedorn** thought that with the anticipated sales, the Highway Distribution Account (HDA) should received an additional \$3,500.

TESTIMONY:

Chairman Brackett recognized Representative Maxine Bell in the audience who was a co-sponsor and contact on **H 44**. Without taking the podium, **Representative Bell** thanked the Chairman and the Committee for hearing the bill.

Representative Kauffman closed by reminding the Committee this bill will bring money into Idaho and by asking them to send **H 44** to the floor with a do pass recommendation.

MOTION:

Senator Hagedorn moved to send **H 44** to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion passed by **voice vote**. **Senator Vick** and **Senator Den Hartog** asked to be recorded as voting nay. **Senator Hagedorn** offered to carry the bill on the floor.

RS 23580:

Chairman Brackett thanked Representative Kauffman and Mr. Hickman. He invited Laura Lantz, Associate Director of the Idaho Association of Highway Districts (IAHD), to present **RS 23580**.

Ms. Lantz said this legislation mirrors language passed the previous year pertaining to county record keeping. It allows local highway districts to convert paper records into digital and electronic records. It would create a significant savings to highway districts and would allow for faster dissemination of records.

Ms. Lantz thanked the Committee and stood for questions. There were no questions for Ms. Lantz.

MOTION:

Senator Keough moved to send **RS 23580** to print. **Vice Chairman Nonini** seconded the motion. The motion passed by **voice vote**.

Chairman Brackett thanked Ms. Lantz and invited Roy Eiguren of Eiguren Fisher Ellis to the podium to present the next three agenda items.

Mr. Eiguren said he was presenting today on behalf of two clients, Live Laugh Love Give, Inc. and Support Our Troops, Inc. Martin Boire, President of both organizations, was in the audience. **Mr. Eiguren** said that Mr. Boire had moved both 501(c)(3) designated charities to Idaho from Florida.

RS 23574: **Mr. Eiguren** said that **RS 23574** is legislation replacing **S 1022**, the first version of the America The Beautiful specialty license plate. He asked the Chairman and the Committee to hold **S 1022** in Committee. This new legislation addresses some of the issues raised during the print hearing for **S 1022**, specifically how generated revenues would be used in Idaho. **Mr. Eiguren** and his clients consulted with ITD regarding provisions in statute or in the Idaho Constitution about keeping funds in the State. This version remedies those issues for this specialty license plate. He referred to the handout that specifically listed how the funds would be used and how distribution would be determined. **Mr. Eiguren** stood for questions.

Senator Winder appreciated the clarification and was happy the organizations have relocated to Idaho.

MOTION: **Senator Winder** moved to send **RS 23574** to print. **Senator Hagedorn** seconded the motion. The motion passed by **voice vote**. **Senator Den Hartog** asked to be recorded as voting nay.

RS 23576: **Mr. Eiguren** said this RS amends the existing statute authorizing the Support Our Troops specialty license plate. The changes reflect similar wording as the previous RS that speaks to keeping generated revenue in Idaho. He referred to the second handout, "Idaho Services Delivered". The handout shows the revenue collected from this plate and how it was distributed in Idaho. There has been \$120,000 raised since this plate was available in 2008. **Mr. Eiguren** stood for questions.

Chairman Brackett asked about the funding of the emergency backup generator for the Idaho Youth Challenge Academy (Academy). **Mr. Eiguren** said this was to support a program in Kooskia, Idaho. The Academy was set to open, but it needed a generator. The Idaho Adjutant General requested the funds, and the proceeds from the sale of Support Our Troops license plates helped fund it.

Vice Chairman Nonini said his car is licensed with the Support Our Troops plate. He wanted to verify that this legislation was not going to replace the current specialty license plate. **Mr. Eiguren** confirmed that Vice Chairman Nonini was correct.

Senator Den Hartog directed Mr. Eiguren's attention to page 1, lines 28 to 35, and asked why the new wording is less specific and broader in interpretation. **Mr. Eiguren** said it was written this way for ease of reading and to broaden the use of funds for the military and their families. The lines also show that the national Support Our Troops is based in Idaho.

MOTION: **Senator Nonini** moved to send **RS 23576** to print. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

RS 23575C1: **Mr. Eiguren** said this final RS addresses the fact that current law, Idaho Code § 49-203(3), does not allow ITD to release the name, address and renewal date for a specialty license plate to the organization sponsoring the plate without the written consent of the plate holder. This RS implements that existing Idaho statute by providing a way for ITD to release the purchaser's information to the sponsoring organization. It is offered by checking a box on the specialty license plate application form. The proposed statutory language provides that the information may not be used for commercial purposes. This RS was reviewed by the staff of ITD's Department of Motor Vehicles (DMV). They suggested including the reference to Idaho Code § 49-203(3); they have no objection to **RS 23575C1**. **Mr. Eiguren** stood for questions.

Senator Hagedorn asked what was the purpose of bringing this RS to the Committee. **Mr. Eiguren** said it allows the sponsoring agency to thank the plate owner and inform them of where the funds raised were going. This is contained in statute in many states.

Vice Chairman Nonini appreciated the statement that the list cannot be used for commercial purposes. **Mr. Eiguren** said the opportunity to capture the list already exists in Idaho Code. ITD does not currently release that data.

Senator Keough said it was one thing to say "thank you" but how is the Committee assured that the lists will not be used for sales. **Mr. Eiguren** said any type of communication could be used.

Senator Den Hartog agreed with Senator Keough and is concerned about the State releasing that information. **Mr. Eiguren** said this discussion was appropriate and ITD explicitly worked out how any communication can be used.

Senator Winder reminded the Committee that these plates are voluntarily purchased. He wanted to know what the notification to the purchaser would be with regards to how their information goes to the sponsoring nonprofit. **Mr. Eiguren** said ITD could adopt administrative rules designing this process where a purchaser could "opt in" or "opt out" of sharing their information with the sponsoring organization.

Senator Den Hartog asked if ITD's website had information on where the funds go from the purchase of specialty license plates. Do buyers know where their money is going? **Mr. Eiguren** deferred to Chris Fisher of ITD's DMV to answer the question. **Ms. Fisher** said the information is available on the specialty license plate application and information they receive when applying, but there is no breakdown of how the funds are split.

Senator Hagedorn commented that he thought it brilliant that people who choose to purchase this specialty license plate can check a box on their application and get information about the sponsoring organization and where their funds are distributed.

MOTION: **Senator Hagedorn** moved to send **RS 23575C1** to print. **Senator Winder** seconded the motion.

SUBSTITUTE MOTION: **Senator Den Hartog** moved to hold **RS 23575C1** in Committee. **Senator Keough** seconded the motion.

Senator Winder said the issue was clear and did not know how the legislation could be amended. Those purchasing the specialty licence plate can either "opt in" or "opt out" of sharing their information with the sponsoring organization.

Mr. Eiguren said that existing statute says the information cannot be released except in limited circumstances.

Senator Keough said she seconded the substitute motion because she disagrees with the issue as a whole.

ROLL CALL VOTE ON SUBSTITUTE MOTION: **Chairman Brackett** called for a roll call vote. **Chairman Brackett, Senator Keough, Senator Vick, Senator Den Hartog** and **Senator Buckner-Webb** voted aye. **Vice Chairman Nonini, Senator Winder** and **Senator Hagedorn** voted nay. The motion passed.

ADJOURNED: **Chairman Brackett** adjourned the meeting at 2:15 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary