

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Tuesday, February 18, 2020

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Vice Chairman Crabtree, Senators Winder, Lodge, Rice, Burtenshaw, Buckner-Webb, and Nelson

**ABSENT/ EXCUSED:** Senator Den Hartog

**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:** With a quorum present, **Chairman Brackett** called the meeting of the Senate Transportation Committee (Committee) to order at 1:32 p.m. **Chairman Brackett** said Committee Page Henry Wolthuis was unavailable and he would be introduced at the next meeting.

**S 1297** **Senator Buckner-Webb** presented **S 1297** that provides for creating a "Too Great For Hate" license plate. She relayed information about her family's background and their journey to Idaho. **Senator Buckner-Webb** said her family is representative of many folks from many different backgrounds, cultures, religions, countries, and races who took the chance and moved to Idaho for a better quality of life.

The proposed plate was requested by the Wassmuth Center for Human Rights, which founded the Anne Frank Memorial in 1996. This memorial is the only one in the United States where the full Universal Declaration of Human Rights is on public display. **Senator Buckner-Webb** asked Sandra Berenter, Board President of the Wassmuth Center for Human Rights, to share how the proceeds from sale of the license plates would be used. **Ms. Berenter** said one use would be to expand their ADA compliant facilities and audio boxes which would allow self-guided tours of the memorial. They also would allow expanding the use of the portable Anne Frank exhibit in classrooms across the state. Another way would be for a Lunch and Learn series and to develop a young writers program. The memorial's visitors exceed 120,000 people annually.

**DISCUSSION:** **Senator Nelson** inquired about outreach programs, and **Ms. Berenter** replied they have many educational outreach programs with curricula available as well. **Senator Lodge** asked how many license plates they thought might be sold. **Ms. Berenter** deferred that question to Don Murray, Vice President of Wassmuth Human Rights Board. **Mr. Murray** said that from preliminary research, there should be several thousand plates sold. **Senator Lodge** said that \$34 would go to the Wassmuth Center for Human Rights and \$26 would go to the state highway fund and asked if he thought that was fair. **Mr. Murray** said he was not prepared or qualified to answer the question, but did agree that the roads are important. **Senator Rice** inquired about the research regarding the possible number of plates sold. **Mr. Murray** said this legislation was proposed a year ago and they have had the opportunity to talk to many people, with very little negative reaction.

**TESTIMONY:** **Bill Brunell** and **Brandon Taylor**, both with the Anne Frank Human Rights Memorial, and **Ingrid Brunell** testified in support of **S 1297**, because specialty license plates offer a choice that increases awareness of our state's values.

**MOTION:** **Senator Nelson** moved to send **S 1297** to the floor with a **do pass** recommendation. **Senator Burtenshaw** seconded the motion.

**DISCUSSION:** **Senator Winder** recognized how fortunate it is to have this memorial in our community; therefore, he supports **S 1297**.

**VOICE VOTE:** The motion to send **S 1297** to the floor with a **do pass** recommendation passed by **voice vote**. Senator Buckner-Webb will be the floor sponsor.

**H 334** **Molly McCarty**, Government Affairs Manager, Idaho Transportation Department (ITD), presented **H 334** stating the bill increases funding for the local bridge inspection account managed by ITD. Idaho Code § 63-2412 dedicates \$100,000 annually from the state gas tax for the local bridge inspection account, a program that ensures safety to users of Idaho's transportation system. This proposal is not a fee increase, it is fuel tax money intended for roads,

**MOTION:** **Senator Winder** moved to send **H 334** to the floor with a **do pass** recommendation. **Senator Crabtree** seconded the motion. The motion carried by **voice vote**. Senator Nelson will be the floor sponsor.

**S 1314** **Jeff Neumeyer**, Senior Vice President and General Counsel, United Heritage Insurance, presented **S 1314**. This legislation treats the use of certain electronic devices as an infraction while driving. Distracted driving has become a serious life, health, and safety problem across the country and in Idaho. **Mr. Neumeyer** said that crash data consistently shows that handheld mobile electronic devices are the most significant cause of distracted driving crashes. There are about 5,000 crashes a year in Idaho, with 2,200 of those involving injuries and 50 of those crashes involving fatalities. **Mr. Neumeyer** also stated that a high percentage of crashes are occurring on rural roadways and a number of injuries and fatalities caused by distracted drivers are occurring to pedestrians and bicyclists. The Idaho Transportation Department Office of Highway Safety calculates \$1 billion dollars in annual economic cost of distracted driving crashes to Idahoans.

**Mr. Neumeyer** said that **S 1314** has been carefully designed to reduce crashes and save lives, while also being narrowly tailored to minimize the impact on individual freedom. Twenty-one other states already have enacted hands-free laws to protect their citizens from needless tragedies and 19 additional states currently have pending hands-free legislation under consideration. He asked that the Committee send **S 1314** to the floor with a do pass recommendation.

**DISCUSSION:** **Senator Nelson** inquired about exceptions for a government or commercial user in their official duty using devices somewhat like a citizens band (CB) radio. **Senator Burtenshaw** asked how law enforcement can enforce that example. **Mr. Neumeyer** responded that the device needs to be out of one's hand, but there is an exception for "one touch," which is not scrolling.

**TESTIMONY:** **Fred Birnbaum**, Idaho Freedom Foundation (IFF), opposed **S 1314** because the exceptions in this bill make it difficult to equitably enforce. **Mr. Birnbaum** disagreed with the fatality numbers. **Senator Winder** asked Mr. Birnbaum if he had any information on crash rates and injuries. **Mr. Birnbaum** said he did not, but he would research it and provide the information to the Senator.

Testifying in support of **S 1314** were: **Jeff Lavey**, Chief of Police for the City of Meridian; **Duane Justus**, Coordinator, ABATE of North Idaho, a motorcycle rights organization; **Kelly Duren**, Chairman of the Fallen Riders Fund, a nonprofit organization that helps motorcyclists involved in accidents; **Lane Triplett**, Government Relations Officer for the Idaho Coalition for Motorcycle Safety; **Jeff Schroeder**, an associate attorney in a law firm representing himself; **Matthew Conde**, AAA of Idaho; **Cynthia Gibson**, Executive Director of the Idaho Walk/Bike Alliance; **Francois Cleveland**, AARP Idaho; **Sgt. Matthew Smith**, Idaho State Police and Idaho Operation Lifesaver; and **Steve Thomas**, representing Farm Bureau Mutual Insurance of Idaho.

**DISCUSSION:**

**Mr. Neumeyer** wanted to follow-up with the opposition to the bill by Fred Birnbaum of IFF. They had worked together at Boise Cascade Corporation and he values Mr. Birnbaum's judgement. He reviewed this bill and shared some very good ideas about the language. It is a very good bill that will get the phone out of people's hands. **Mr. Neumeyer** said that IFF is not only wrong, their thinking regarding this bill is ignorant, misguided, and callous. This bill protects people's freedoms by saving people's lives.

**MOTION:**

**Senator Lodge** moved to send **S 1314** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**. Senator Winder will be the floor sponsor.

**ADJOURNED:**

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 3:03 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary

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Juanita Budell  
Assistant Secretary