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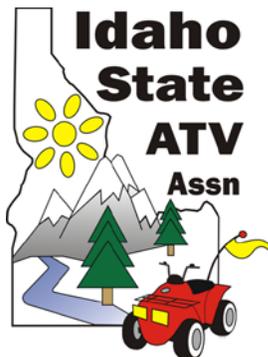
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2015 IDAHO LEGISLATIVE SESSION UPDATE

(*Sine Die Report – dated April 24, 2015*)

The Idaho State Legislature adjourned, *sine die*, from its 2015 Legislative Session on Saturday, April 11, 2015. The following is a final report and update of legislation monitored by the Idaho State ATV Association during the 2015 Session of the Idaho Legislature. Click on the hyperlinks to be directed to the Legislative website to read the legislation. If you have any questions or concerns, please email David Claiborne at david@sawtoothlaw.com.

[HB12 – Sales Tax](#). This was **ISATVA sponsored** legislation. HB12 amends existing law providing that nonresident sales of motorcycles, ATVs and snowmobiles are exempt from sales tax, to also include nonresident sales of UTVs and specialty OHVs (like dune buggies and sand rails). HB12 has passed the House and Senate. It was signed by Governor Otter on March 2, 2015, and becomes law effective July 1, 2015. **ISATVA SUCCESS.**

[HB51 – Small-Scale Dredge Mining](#). This is **IRC supported** legislation. This bill is designed to assist recreational prospectors that use small-scale dredges to ensure that their activities can take place in public waterways without restriction or interference. HB51 would also create a new crime of mineral trespass. The bill died in the House Resource and Conservation Committee. It was substituted by HB255, discussed below.

[HB129 – OHV use of State Highways in City Limits](#). This is **ISATVA sponsored** legislation. HB129 amends existing law that provides that OHVs can operate on city and county roads unless prohibited by the city or county. HB129 would also allow OHVs to travel on and cross state highways within city limits where the speed limit is less than 45 miles per hour. HB129 passed out of the House Transportation and Defense Committee with a “do pass” recommendation. It passed on the House floor with 65 votes in favor, and no votes against. HB129 next passed out of the Senate Transportation committee without opposition. It passed the Senate by a vote of 35 votes in favor, and no votes against. It was signed by Governor Otter on March 30, 2015 and becomes law effective July 1, 2015. **ISATVA SUCCESS.**

[HB145 – Sales Tax](#). HB145 is **not sponsored by ISATVA or IRC**. HB145 would limit the sales tax exemption for OHV sales to nonresidents to those buyer’s whose state of residence has no sales tax. As an example, Oregon residents buying OHVs in Idaho would not have to pay Idaho sales tax if this legislation passes, but nonresident buyer’s from states like Washington would have to pay an Idaho



sales tax. HB145 does not contain the language added by HB12, so its passage would compromise the changes to be made by HB12. Passage of HB145 would also result in potential loss of Idaho OHV sales to our dealers. As a result, ISATVA stands in **opposition** to HB145. This bill died in the House Revenue and Taxation Committee. **ISATVA SUCCESS.**

HB146 – Motor Fuel Rebate Repeal. HB146 is not sponsored by ISATVA or IRC. Current law allows those who purchase 50 gallons or more of fuel in a year for use in a stationary engine (such as a generator or chain saw) or recreational ATV to file for a refund of fuel tax paid for fuel used in those engines. HB146 repeals this rebate availability. ISATVA currently has **no position** on HB146. This bill died in the House Transportation and Defense Committee.

HB252aa – Sales Tax for Nonresident OHV, Snowmobile, Boat Sales. HB252aa would provide that OHV, Snowmobile and Boat sales to nonresidents be subject to Idaho sales tax, offset by any sales tax paid in the purchaser’s resident state. In essence, a purchaser from Oregon would have to pay Idaho’s 6% sales tax. This places Idaho dealers in a competitive disadvantage with dealers in neighboring states. **HB252aa is opposed by ISATVA.** This Bill failed in committee, but got before the House Floor for a vote by operation of a procedural rule that removed the bill from committee to the floor. It came before the House Floor for vote on March 20, 2015 and narrowly passed. It was then held and died in the Senate Local Government and Taxation Committee. **ISATVA SUCCESS.**

HB255 – Small Scale Dredge Mining. This Bill substitutes for HB51 to provide better clarity. It is **supported by the Idaho Recreation Council.** It passed out of the House Committee with a “do pass” recommendation. However, it was returned to the House Committee and died there by agreement to allow for further study and consideration over the summer.

HB312aa – Transportation Funding. This Bill was the eventual compromise bill to solve Idaho’s need for additional transportation funding. IRC and ISATVA fought off all efforts to solve the transportation funding crisis by eliminating the 3% of gas tax revenues distributed to motorized recreation programs. The bill allows an increase in the overall gas tax, but capped the 3% sharing with recreation programs based on prior law. As a result, with the gas tax going up, the sharing ratio to recreation will now be 2.3438% of gas tax revenues, which ensures the recreation programs see no decrease in funding.

HJM2 – Caldera National Monument. HJM2 is **supported by ISATVA.** This memorial is intended to express Idaho’s opposition to the creation of a national monument in the Caldera area near Island Park in eastern Idaho. It also states Idaho’s desire that all decisions regarding management of federal lands in Idaho be made through local collaborative processes, rather than by unilateral federal action. This memorial has passed the House and Senate. **ISATVA SUCCESS.**

HJM5 – Boulder-White Clouds Memorial. HJM5 is **supported by ISATVA.** This memorial expressed Idaho’s desire that state and local consent be obtained before any presidential declaration of a national monument in the Boulder-White Clouds. It also states Idaho’s desire that all decisions regarding



management of federal lands in Idaho be made through local collaborative processes, rather than by unilateral federal action. This memorial has passed the House and Senate. **ISATVA SUCCESS.**

S1098a – State Park Funding. ISATVA has **no position** on S1098a. This bill would allow the Idaho Department of Parks and Recreation to obtain long-term funding by offering corporate sponsorships within state parks. S1098 passed the House and Senate and was signed in to law by Governor Otter.

SCR108 – Control of Public Lands. SCR108 is **supported by ISATVA.** This Resolution authorizes the continuance of the Federal Lands Interim Committee to complete the study on a proposal to acquire title and control over public lands currently owned by the federal government. This bill died in the Senate Resources and Environment Committee.