

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 04, 2014

TIME: 1:30 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock and Buckner-Webb

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** called the meeting of the Senate Transportation Committee (Committee) to order at 1:33 p.m. and asked the secretary to take a silent role. With a quorum present, **Chairman Brackett** welcomed all in attendance and mentioned that the speed limit bill, heard at a previous Committee meeting, was currently being heard in the House Transportation and Defense Committee.

HCR 44: **Chairman Brackett** said that the Committee had one last task regarding Administrative Rules, and with that he asked Vice Chairman Johnson to present **HCR 44**. **Vice Chairman Johnson** reminded the Committee that they had previously rejected portions of **Docket No. 39-0350-1301**. This House Concurrent Resolution, which had already passed the House, was the formal concurrent rejection of that rule. **Vice Chairman Johnson** said he would stand for questions, but there were none.

MOTION: **Chairman Brackett** moved to accept **HCR 44** and send it to the floor with a **do pass** recommendation. **Senator Keough** seconded the motion. The motion carried by a unanimous **voice vote**. **Vice Chairman Johnson** said he would carry the resolution on the Senate floor.

MINUTES: **Chairman Brackett** told the Committee that there were two sets of Minutes before them for consideration.

MOTION: **Senator Bock** moved that the Committee approve the Minutes of the February 11 meeting. **Senator Rice** seconded the motion. The motion passed by unanimous **voice vote**.

MOTION: **Senator Winder** moved that the Committee approve the Minutes of the February 18 meeting. **Vice Chairman Johnson** seconded the motion. The motion passed by unanimous **voice vote**.

S 1302: **Chairman Brackett** welcomed Steve Price, General Counsel for the Ada County Highway District (ACHD), to the Committee and asked him to present **S 1302**. **Mr. Price** said that this bill had previously been considered by the Committee and deals with the transferring of assets valued at \$10,000 and less from one government entity to another government entity. He handed out an exhibit that answered some concerns voiced previously. **Mr. Price** said that property is held in trust, but sometimes a highway district needs to vacate, or get rid of property. A notice of hearing is required in order for the public to participate in disposing of property. Currently, no notice is required if the property is valued at less than \$5,000 as long as no highway district employee is interested or involved. **S 1302** allows for transferring property between government entities without a required public notice. Highway districts are looking for ways to be more efficient and to

cut costs. Such property as computers, pipes, etc. do not have a market where they can be sold. They are asking for a small exception to a rule. **Mr. Price** said he would stand for questions.

Senator Rice asked how much is spent on advertising this property. **Mr. Price** said that ACHD has spent an average over three years of \$120,000 with the *Idaho Statesman*. He said that between \$10,000 to \$15,000 of that is spent on property valued at \$10,000 or less.

MOTION: **Senator Nonini** moved to send **S 1302** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

Chairman Brackett asked about an amendment that Senator Rice had prepared to clarify the language on page 1, line 14 to change it from less than \$10,000 to include property valued at \$10,000. **Mr. Price** said that the Chairman was correct.

Senator Bock said he would like to make that change if Mr. Price was in agreement. **Mr. Price** said that clarifying the intent would be encouraged and asked that the bill be sent to the 14th Order for amendment.

SUBSTITUTE MOTION: **Senator Bock** moved that **S 1302** be sent to the 14th Order for amendment. **Senator Keough** seconded the motion. The substitute motion passed by a unanimous **voice vote**. **Senator Bock** said he would carry the bill on the Senate floor.

S 1303: **Chairman Brackett** asked Mr. Price to present **S 1303**. **Mr. Price** said this bill is about rights-of-way. ACHD, when acquiring a rights-of-way must provide information to the owner about their rights, known as a 'Summary of Rights.' Currently, statute requires that information must be certified and the owner must go to their post office to sign an acknowledgement of receipt of the information. This bill allows the owner to sign on the 'Summary of Rights' material that is handed out at the meeting rather than having to go through the certification process. **Mr. Price** said he would stand for questions.

Senator Winder said that an amendment has been written for this bill if the Committee sends it to the 14th Order.

TESTIMONY: **Chairman Brackett** asked Heather Cunningham to offer testimony on **S 1303**. **Ms. Cunningham** identified herself as a condemnation law attorney in private practice and said that she had no problem with this legislation as long as it was amended. She said that ACHD had to provide a large number of papers when condemning a property. To her satisfaction, the problem with the bill has been addressed and she is satisfied with the amendment. **Ms. Cunningham** said she would stand for questions, but there were none.

Chairman Brackett asked Senator Winder to explain the purpose of the amendment. **Senator Winder** said that it is a simple addition of adding the words 'on the form' after the word 'writing' on page 2, line 22.

MOTION: **Senator Winder** moved to send **S 1303** to the 14th Order for amendment. **Senator Keough** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Rice** said he would carry the bill on the Senate floor.

S 1309: **Chairman Brackett** thanked Mr. Price and asked **Senator Winder** to present **S 1309**, who said he would remain in his seat to make the presentation. **Senator Winder** said this bill addresses a simple concept of reimbursing a property owner for legal expenses incurred during the process of a government entity condemning their property. Currently, this is a cloudy issue and comes down to an issue of fairness. He said he had tried this legislation previously, but now he has an amendment. He asked that the Committee send **S 1309** to the 14th Order for amendment. **Senator Winder** said he would stand for questions.

Chairman Brackett asked Senator Winder to tell the Committee about the amendment. **Senator Winder** said that it shows that the owner may be reimbursed in a timely manner during the condemnation process. It allows them to be reimbursed for fees they incurred in order to continue with legal and engineering needs as they go through this process. He has run this by the attorneys at ACHD and they support it.

Senator Keough asked if she could review the amendment. **Senator Winder** said that normally amendments are not shared in Committee, but he would accommodate her if she liked. **Senator Keough** said she appreciated his willingness to share the amendment.

TESTIMONY:

Chairman Brackett asked Mr. Price to offer testimony on **S 1309**. **Mr. Price** said that ACHD worked with Senator Winder and other interested parties, including property rights attorneys. They recognized there was a problem and that the balance of compensation should be changed. This amendment addresses that problem and ACHD supports the amendment. **Mr. Price** said he would stand for questions, but there were none.

Chairman Brackett asked Ms. Cunningham to offer testimony on **S 1309**. **Ms. Cunningham** said there have been many cases where there have been lots of changes where the property owner has to bear the cost. This bill alleviates that problem. **Ms. Cunningham** said she would be happy to answer questions on any of the issues that have been raised, but there were no questions.

CONFLICT OF INTEREST:

Senator Winder said that from time-to-time he is asked to appear as an expert witness on these issues, and that he could benefit in the future from this legislation. He wanted to disclose this possible conflict of interest for the record.

MOTION:

Senator Rice moved to send **S 1309** to the 14th Order for amendment. **Senator Winder** seconded the motion. The motion passed by a unanimous **voice vote**. **Senator Keough** said she would carry the bill on the Senate floor.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:05 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary