

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, March 10, 2014

TIME: 1:30 PM or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representative(s) Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Youngblood, McDonald, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Heather A. Cunningham, self; Karen Merrick, ITD; David Lincoln, IAHD/Golden Gate Hwy District; Dan Schaeffer, IAHD/Hillsdale Hwy District; Dave Burgess, Twin Falls Hwy District; Herman Osterkamp, Twin Falls Hwy District; Art Baily, Twin Falls Hwy District; Laura Lantz, IAHD; Stuart Davis, IAHD; Will Hart, Idaho Consumer Owned Utilities; Roger Seiber, Capitol West; Steve Price, ACHD; Raeleen Welton, Rocky Mountain Power

Chairman Palmer called the meeting to order at 3:10 p.m.

S1309aa: **Sen. Winder** stated the legislation relates to the condemnation process and allows for property owners to be compensated for defense costs prior to a final judgement. He explained property owners put out costs for defense, sometimes even borrowing money and they have the right to reasonable reimbursement of those costs. Under current law the reimbursement would not occur until a judgement has been made. This amends current law to provide a process for the property owners' expenses to be awarded by the court at such time as the project plans are amended prior to judgement.

MOTION: **Rep. Wood(35)** made a motion to send **S 1309aa** to the floor with a **DO PASS** recommendation.

Heather Cunningham, self, stated she is a property owner that participated in the collaboration and consensus efforts for this legislation, and expressed her support of this bill.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

S 1285aa: **Sen. Brackett** stated this bill amends the terms of highway district commissioners. Currently the term of office is two years, this bill increases the term to six years and provides alternating election years for commissioners. He explained by extending the term, the hope is to attract interested and committed individuals to run for these elected positions. With two year terms the learning curve complicates the productivity of the districts, he said. **Sen. Brackett** has knowledge of instances where individuals ran for the office for self-serving agendas and after they accomplished their agenda, a letter of resignation was submitted midterm. He said this disrupts the districts business. He concluded that staggering election terms will help keep the institutional knowledge on the board while new commissioners go through the learning curve.

MOTION: **Rep. Wills** made a motion to send **S 1285aa** to the floor with a **DO PASS** recommendation. **Rep. Kauffman and Rep. Youngblood** invoked Rule 38 stating a possible conflict of interest as they are highway district commissioners but they would be voting on the legislation.

David Lincoln of Golden Gate Highway District and president of the Idaho Association of Highway Districts stated his district and IAHD supports this legislation.

Dan Shaffer, highway commissioner for Hillsdale Highway District and chairman of LHTAC stated his district and LHTAC supports this legislation.

VOTE ON MOTION:

Motion carried by voice vote. Rep. Wills will sponsor the bill on the floor.

S1303aa:

Stuart Davis of IAHD explained this legislation simplifies the delivery of the property owners rights under the eminent domain action. Existing law requires that the required advice of rights form needs to be sent certified mail by the condemning authority, he said. Mr. Davis stated allowing the condemning authority the ability to hand delivery the rights form, and obtain the owners signature on a receipt, will reduce expenditures to the department and time of the property owner. The condemning authority will have the option of hand delivery or certified mail.

MOTION:

Rep. Gestrin made a motion to send **S 1303aa** to the floor with a **DO PASS** recommendation. **Rep. Kauffman and Rep. Youngblood** invoked Rule 38 stating a possible conflict of interest as they are highway district commissioners but they would be voting on the legislation.

VOTE ON MOTION:

Motion carried by voice vote. Rep. Gestrin will sponsor the bill on the floor.

MOTION:

Rep. Wood(35) made a motion to approve the minutes of the March 4, 2014 meeting. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:35 p.m.

Representative Palmer
Chair

Linda Mott
Secretary