

MINUTES
SENATE TRANSPORTATION COMMITTEE

DATE: Tuesday, March 15, 2016
TIME: 1:00 P.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Brackett, Vice Chairman Hagedorn, Senators Winder, Vick, Den Hartog and Lacey
ABSENT/ EXCUSED: Senators Keough, Nonini and Buckner-Webb

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 1:07 p.m. **Chairman Brackett** announced that Representative Loertscher had another commitment so the agenda would be rearranged to hear **H 536** first, followed by **H 553**. **Chairman Brackett** welcomed Representative Loertscher to the Committee and asked him to present **H 536**.

H 536 **Representative Loertscher** said this was follow-through for property owners. **H 536** relates to judicial review of county roads or highway district decisions and amends Idaho Code § 40-208. This affords that either party in a proceeding or action may request the appointment of a judge to preside over the proceeding who is not a resident of the county where the property or roadway exists. This primarily applies to counties and does not apply to the Idaho Transportation Department (ITD). **Representative Loertscher** said that he discussed this with the clerks and staff at the Idaho Supreme Court, where no concerns or problems were raised. Rules within the court system will be addressed if this legislation passes. **Representative Loertscher** thanked the Committee and stood for questions.

Senator Lacey asked who appoints the judge. **Representative Loertscher** said this is not judge shopping. The judge is appointed by the administrative judge already available.

Senator Winder asked if the lack of time limits for the appointment of a new judge or for making a ruling could hurt the process. **Representative Loertscher** didn't think so, but he did think there were two ways to hurt the process, one was 'for cause' and the just because a party wanted to. He said that 'for cause' is difficult and could end up even less favorable. This is an opportunity to remove any bias by appointing a judge who is not connected to the county operation. **Senator Winder** questioned the length of time it would take to go through the process, and whether it put a burden on the county or on the process. **Representative Loertscher** said that once the judge was assigned, the information would be before the judge and before all parties and a decision could be made. If there is a problem, they could recuse themselves.

Chairman Brackett asked if either party could make the request. **Representative Loertscher** said that any judge can be removed for cause, which is the only opportunity a property owner has because court rules assign the jurisdictional judge; either party could request a new judge. This clarifies a new option.

Senator Lacey said there is a 28-day review after the filing of the final decision. There is no time period in choosing a new judge; could this be a delaying tactic for a longer time period? **Representative Loertscher** said that scheduling is at the mercy of the court; there is no guarantee when a new judge would be scheduled. This is just one added layer of protection to alleviate any bias on the part of the county or the highway district.

MOTION:

Senator Den Hartog moved that **H 536** be sent to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** offered to carry the bill on the floor.

H 553

Chairman Brackett thanked Representative Loertscher and asked Representative Gestrin to present **H 553**.

Representative Gestrin said that he had brought a bill last year; it makes it possible for off-highway vehicles (OHVs) to cross State highways at certain speed limits. **H 553** changes that and allows OHVs to travel on State highways within city limits and within one-mile beyond the city limit as long as the speed limit is 45 miles per hour (mph) or less. **Representative Gestrin** said he had discussed and worked the details out with engineers at ITD. He concluded by stating that one additional thing was added this year: the Idaho Transportation Board (ITB) or any local road authorities will be able to restrict or close crossings as needed for public safety considerations. **Representative Gestrin** thanked the Committee and stood for questions, but there were none.

MOTION:

Vice Chairman Hagedorn moved to send **H 553** to the floor with a **do pass** recommendation. **Senator Lacey** seconded the motion.

TESTIMONY:

Chairman Brackett said that before the Committee votes on the motion, David Claiborne, an attorney representing the Idaho State All-Terrain Vehicle Association, Inc. (ISATVA), had signed up to testify in favor of the bill.

Mr. Clairborne thanked the Committee and said he had asked that a report from the University of Idaho Extension entitled "Economic Importance of Off-Highway Vehicle Recreation: An Analysis of Idaho Counties" be included in their packets. His organization hoped that the Committee would send **H 553** to the floor with a **do pass** recommendation. There were no questions for Mr. Claiborne.

The motion passed by **voice vote**. **Vice Chairman Hagedorn** offered to carry the bill on the floor.

**MINUTES
APPROVAL:**

Vice Chairman Hagedorn moved to approve the Minutes of the February 11, 2016, meeting. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

Senator Lacey moved to approve the Minutes of the March 1, 2016, meeting. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

Senator Vick moved to approve the Minutes of the March 3, 2016, meeting. **Vice Chairman Hagedorn** seconded the motion. The motion passed by **voice vote**.

**PAGE
RECOGNITION:**

Chairman Brackett stated this could likely be the Committee's last meeting of this Legislative Session. As such, the Committee wanted to recognize the good work of the Committee's page during the second half of the session, Logan Snell, a senior at Boise High School in Boise, Idaho. **Chairman Brackett** presented Mr. Snell with a letter of gratitude for his service from the Committee members, a letter of recommendation from Chairman Brackett and gifts from the Committee; he then asked Mr. Snell to take the podium.

Chairman Brackett recalled the first day of Mr. Snell's service to the Committee. Chairman Brackett had a commitment to participate in a panel discussion at Boise State University's (BSU) Student Union Building and he was running late. He asked Mr. Snell if he would accompany him, drop him off, then park his rather large pick-up truck in an automobile-sized parking space in the parking garage near the Student Union Building. The only problem was that being an avid University of Idaho Vandals fan, **Chairman Brackett** said his truck was covered in Vandal's memorabilia. **Chairman Brackett** concluded the story by stating that Mr. Snell had "done well!"

Chairman Brackett asked Mr. Snell what serving as a Senate page was like.

Mr. Snell thanked Chairman Brackett and the Committee and said that he enjoyed serving as a page for the Committee. He also clarified that Chairman Brackett's truck could be better characterized as a small monster truck. He continued that he also enjoyed working on the floor and watching the action. He said that watching Senators vote "no" on legislation and then calling their colleagues to tell them they did a good job gave him a different perspective on politics.

Senator Winder asked what his plans were once he graduated from high school.

Mr. Snell said he was going to the University of Idaho where he planned to major in Political Science and minor in Computer Science.

Chairman Brackett said he was glad to know that he's going to the University of Idaho. He said that BSU would be a good challenge as well, but the University of Idaho was a worthy choice. He again thanked Mr. Snell and wished him the best of luck in his future endeavors.

ADJOURNED:

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 1:30 p.m.

Senator Brackett
Chair

Gaye Bennett
Secretary