

HB 327, HCA 1 -- HIGHWAY CONSTRUCTION AND MAINTENANCE

CO-SPONSORS: Lipke (157), Mayer, Jetton, Crowell

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Transportation and Motor Vehicles by a vote of 18 to 0.

This bill requires that when the Highways and Transportation Commission takes property by eminent domain, the loss of access to a highway must be taken into consideration when determining damages.

HCA 1 -- Adds an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that proper consideration of the restriction or loss of access must be taken into account when assessing property owners' damages.

Testifying for the bill was Representative Lipke (157).

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they do not support or oppose this legislation but have the following concerns: (1) the possible effect this legislation would have on traffic safety due to the traffic safety modification within already existing right-of-way being construed as an additional taking; and (2) a mandate that "a limitation or loss of access" be considered could result in an amount in excess of just compensation based on the fair market value of the property due to the wording "shall consider" and the verbiage on turning movements.

Others testifying on the bill was Department of Transportation.

Robert Triplett, Legislative Analyst