

LOCAL GOVERNMENT
FEBRUARY 18, 1979
46th LEGISLATIVE SESSION

The meeting was called to order at 1:00 p.m. by Chairman Hershal Robbins. Secretary called the roll and all members were present except Rep. Moore who was excused. The purpose of the meeting was to hold executive session.

HB 245

Rep. Azzara stated objections to the bill had been that it did not allow protest. He suggested amendments on page 2, line 13, to delete section A lines 13 thru 14 and to move section B up to A. This would read "and include land consolidated within the boundary of a rural fire district". On line 15 he asked to insert "A 51% of the residential free holders of the territory to be annexed protest the annexation by petition within 60 days the annexation shall not occur and the local government body may not annotate annexation of the same land subsequent to one year from the annexation petition". Rep. Azzara explained that this deals with the problem presented by the rural fire districts and this is in section 2 6D and there would not be annexation if everyone does not agree. Rep. Azzara then moved the amendments. Rep. Sales asked for clarification. Rep. Gould then asked to have an amendment reading rather than 51% stating "a majority of the freeholders". There was then discussion by the committee regarding these amendments and how it would affect the rural district. There was also discussion of the community development act. Rep. Kessler pointed out the planned community development act had been amended on the floor. It was then moved by Rep. Donaldson to vote on all of the amendments. A vote was called and carried unanimously with those present.

Rep. Azzara then moved that HB 245 AS AMENDED DO PASS. Following discussion a vote was called and carried with Rep. Pistoria, Gould and Bertleson voting no.

HB 43

Rep. Kessler asked for the committee to reconsider the action taken on HB 43. Rep. Sales objected stating that he did not think it was proper for the committee to act in this manner. Rep. Reichert objected to this saying that they had not been present and asked to have the committee reconsider. A vote was then called on Rep. Kessler's motion to reconsider. Vote passed. Rep. Kessler moved that HB 43 DO NOT PASS. There was further discussion of the amendments on page 1, line 18 thru 20, to disapprove in the public interest. This amendment was presented to the committee. Vote was called on the motion to amend HB 43. Vote carried with representatives Gould, Sales, Vinger, Donaldson, Hurwitz and Bertleson voting no. Rep. Kessler then moved that HB 43 AS AMENDED DO NOT PASS. Vote was called and carried

10 - 7.

HB 307

Rep. Azzara proposed amendments to this bill. He proposed that on line 20, after "body" Insert: "after public hearing". Following: line 19, this would read, "the governing body after public hearing may adopt an ordinance". On page 2, line 7, Strike: "parcels" Insert: "lots". Page 2, line 23, Strike: "Parcels, Insert: "lots". Page 2, line 16 a new subsection would be inserted which would read, "No statement of exemption would be required in cases of summary review". Rep. Donaldson asked for further clarification on the release of having summary of review. Rep. Sales stated that this was putting the governing body in a bad position. Members finally agreed that this may be more workable solution. Rep. Azzara moved the amendments. Motion carried unanimously. Rep. Azzara then moved that HB 307 AS AMENDED DO PASS. Following discussion a vote was taken and carried 9 - 7.

HB 535

Rep. Gould moved DO PASS. Rep. Kemmis then moved that lines 13 thru 15 on page 2, be stricken. He moved the amendment. Motion carried unanimously. Rep. Gould then moved that HB 535 AS AMENDED DO PASS. Rep. Sales stated that he was in opposition to the bill. Vote was called with 3 voting yes and 13 no. Motion failed. It was then moved by Rep. Sales to reverse the vote. Motion carried that HB 535 AS AMENDED DO NOT PASS.
13 -3.

HB 559

Rep. Gould moved DO PASS. Rep. Reichert stated that she did not think it was wise to raise the fees for this purpose. Rep. Sales suggested an amendment that all of the new section be deleted from line 13 on. This would leave an increase of \$2 for the sheriff's fee and if he wanted to use it for other purposes that would be fine. Rep. Waldron and Kemmis disagreed and stated that knowone had made a case for raising the fee on its own merits. Vote was then called on the motion and there was a jajority vote no on the motion DO PASS. Vote was reversed. HB 559 DO NOT PASS.

HB 467

Rep. Hurwitz, sponsor, moved the adoption of the bill that would increase the amount that local government can assess for local fire control equipment. Rep. Azzara pointed out that city residents would be paying twice. There was then discussion by the committee of double taxation. Rep. Hurwitz recommended amending the city people out of paying for a rural fire dept. Other members pointed out that this would hurt forest protection.

HB 467 Cont.

Rep. Gould then moved that HB 467 DO NOT PASS. There was discussion regarding forest service protection and the amendment. Rep. Reichert then moved an amendment that the levy shall not apply to fire districts in cities that provide individual protection and should not apply to non-incorporated areas. Rep. South disagreed with the amendment. Rep. Reichert then withdrew the amendment. Discussion then went back to the original motion DO NOT PASS. Vote was called and failed with Rep. Moore, Kessler and Gould voting yes. Vote was reversed and HB 467 was given a DO PASS.

HB 387

This bill was presented by Rep. Sales. He said it would allow cities and counties to increase salaries and he moved that HB 87 DO PASS. Rep. Waldron stated that he was in favor of the bill. This would give authority to raise taxes and also state how the money was to be spent. Discussion by the committee followed. Rep. Gould pointed out that cities do set their own salaries, but counties have more elected officials and objected. Rep. Gould then moved a DO NOT PASS on HB 387. Rep. Waldron then proposed an amendment that the amount may not be reduced or increased during the term of office. Rep. Oberg pointed out that the amendment would include 4 year terms of office. Rep. Waldron then withdrew the amendment. Rep. Gould again moved DO NOT PASS. Vote was called and the motion failed. Vote was reversed 13 to 4 that HB 387 DO PASS.

HB 628

This bill was presented by Rep. Harrington. Rep. Gould moved that HB 628 DO NOT PASS. There was no discussion by the committee. Vote was called and carried that HB 628 DO NOT PASS.

HB 651

This bill was presented by Rep. Spilker. Rep. Reichert moved DO PASS. Rep. Gould made a substitute motion DO NOT PASS. He stated this only included 4 cities. Vote was called and failed 6 -10. Vote was reversed and HB 651 DO PASS 10 - 6.

HB 661

This bill was sponsored by Rep. Manual. Rep. Gould moved DO PASS. No discussion was held. Vote was called and carried with one no. (Rep. Sales voted no)

HB 687

Rep. Gould moved DO PASS. It was pointed out that this bill was to raise fees for grave stones from \$20 to \$30. Rep. Kemmis stated that he felt the Legislature should not be wasting their time on this type of legislation and that the counties and cities should be able to take care of these things. Vote was called and carried with all voting yes except Rep. Waldron, Kemmis and Azzara who voted no. HB 687 DO PASS.

HB 244

Rep. Waldron moved the amendments that had been presented relating to section 75-20-211, changing the major facility sitting act. There was discussion of section 5 to include units of local government, page 1, line 17 thru 19, to strike "language" and insert units of local government. 3 amendments were presented to the committee. These are contained in testimony and attached to the original minutes. Rep. Reichert also requested page 3, line 14 thru 18 have the stricken material and new insertion. Vote was called on these amendments. All voted yes. Rep. Gould moved that HB 244 DO PASS AS AMENDED. All voted yes except Rep. Pistoria. It was also pointed out that other amendments had been adopted and were in the record on this bill. These were included in the final report of the committee.

HB 476

Rep. Pistoria, sponsor, suggested the amendments be included. Rep. Gould moved a new section be included in section 13-35-231. After discussion, this motion was withdrawn and Rep. Gould moved the amendment on page 2, striking lines 20 thru 23 and insert a new subsection 2 and add section 3 to the codification. There was then discussion by the committee members that some of the coroners are now elected and some are appointed. There was further discussion that this bill was to make them all elected. Rep. South then suggested an amendment on line 24, of page 1, in striking lines 9, 10, and 11 on page 2. This amendment was not accepted by the committee. Vote was then called on Rep. Goulds amendment. All voted yes except Rep. Robbins who voted no. The amendment carried.

Rep. South then moved his amendment. Vote was called and 6 voted yes and 8 no. Motion failed. Rep. Gould then moved that HB 476 AS AMENDED DO PASS. Motion carried 10 - 7.

HB 645

This bill was presented by Rep. Fabrega. Rep. Gould moved that HB 645 DO PASS and that the amendment be included that a dead body not be held more than 12 hours. There was objection to this amendment and the amendment was withdrawn. Rep. Pistoria presented the amendment on page 1, line 17 striking subsection 2, and page 1, line 23 striking subsection 2, substituting "the person entitled to possession shall be notified as soon as practicable". Vote was called and carried unanimously. Rep. Gould then moved HB 645 AS AMENDED DO PASS. All voted yes except Rep. Vinger who voted no.

There was then discussion on bringing HB 56 from the table. There was not enough interest and it was stated that it would require a 2/3 vote so HB 56 was left tabled.

HB 689

This bill was presented by Rep. Robbins. It was moved that HB 689 be tabled by Rep. Gould. Question was called and a vote was taken. Motion carried with Rep. Robbins and Vinger voting no.

Rep. Robbins then stated that he would like to have the dept. upgrade the course. This would include having the department take remedial action for those not passing the course. He suggested that the committee send a letter to the dept. asking them to report to the chairman on steps being taken to institute this change. Rep. Pistoria then moved that the committee support this letter. All voted yes. The letter is to be prepared by Chairman Robbins and will be presented to the committee members for approval.

HB 565

Rep. Kessler, sponsor, stated that he would like to move the amendments that had been presented to the committee and are attached. These include amendments 1 thru 18. Question was called and all voted yes except Rep. Vinger, Moore and Gould. Rep. Kessler then moved that HB 565 DO PASS AS AMENDED. Motion carried 9 - 5 with 3 members absent.

HB 81

Rep. Kessler read the proposed amendments. These are included on page 11, striking a subsection and on page 11, lines 5 thru 8 be moved to page 15. Vote was called and all voted yes. Rep. Kessler then moved that HB 81 AS AMENDED DO PASS. Motion carried with Rep. Pistoria voting no.

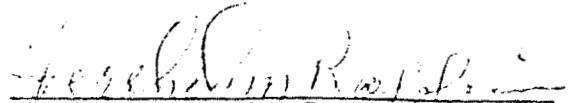
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Being no further business of the committee the meeting was adjourned to convene again on Monday, February 19, 1979.

It was announced that HB 320 would be considered at the next meeting.

Meeting adjourned at 3:45 p.m.

Respectfully submitted,


HERSHAL M. ROBBINS -Chairman

PAH:cm