

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 24, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on February 24, 1987 at 8:40 a.m. in Room 312-D of the State Capitol.

All members were present with the exception of Reps. Pistoria, Ramirez and Sales who were excused. Lee Heiman, Committee Counsel for the Legislative Council was also present.

DISPOSITION OF HOUSE BILL 809: Rep. Gilbert moved to DO PASS HB 809 for purposes of amendment. He handed out his proposed amendments (Exhibit 1).

Rep. Gilbert explained the first amendment and moved to ADOPT the amendment. The question was called and the amendment was adopted unanimously.

Rep. Gilbert explained the remaining amendments. He moved to ADOPT the amendments.

Rep. Brown commented that he concurred in the amendments. The section of the bill the amendments dealt with was a very difficult section. He stated he did not feel anything they did in this section would meet with the approval of the realtors or the planners.

The question was called and the amendments were adopted unanimously.

Rep. Brown commented that this was the first time this subject had been taken on with such intensity and with the cooperation of all the groups involved. He thought the bill a good bill and said they would never resolve all of the points of disagreement.

Rep. Gilbert stated he concurred with what Rep. Brown had stated. He said over a year was spent working on this legislation. He stated his intention would first be to table the bill. Then get the bill reprinted with the amendments in a clean form where it would be readable and understandable. It would be passed out to all concerned parties and time would be given for them to look at it. If a concensus was reached, then there would be a possibility that the bill could be brought back by suspending the rules.

If a concensus could not be reached, the the bill would be worked on over the next biennium and brought back in 1989 in a shape where there will not be this controversy. Rep. Gilbert stated he apologized somewhat for the lateness of the bill. He said they had worked on it very hard and had done their best.

Rep. Bulger felt the bill was a good bill and with all the work done on it asked why they wouldn't go ahead and take it out on the floor? He commented in listening to the testimony and knowing the diversity of the groups involved, he wasn't sure that more time or two more years would get them any closer than they were now with the bill in its present stage.

Rep. Gilbert stated his real concern was there is still not a real good concensus among the groups. He said his personal concern is what would happen to the bill if it goes to the Senate and the conflict among the groups still exists. He said he would want a bill written that would not generate this opposition.

Rep. Grinde commented that when Rep. Ramirez spoke of the bill before making a tabling motion at the previous days meeting, he stated people did not understand it and were afraid of the consequences. Rep. Grinde stated he hesitated on the tabling motion but since has had a conference call with his county commissioners and the city/county planner. They believe the bill has great possibilities but they are leery of it because at this point they do not understand it. Rep. Grinde felt with more time and more work there could be a good package.

Rep. Grinde moved to TABLE HB 809.

Rep. Gilbert commented that a question might be in order even though the motion was nondebatabable and said that Rep. Whalen would like to make a comment if that was permissible.

Rep. Grinde WITHDREW his motion.

Rep. Whalen commented that sitting on the State Administration Committee, they heard Cal Winslow's bill to reorganize government, a bill to consolidate all of the youth court. He said these bills were complete reorganizations and if the committee waited until every member had absorbed all the different details of those bills, they would never have gotten to the floor. Rep. Whalen felt with as much work as has been done on HB 809 that it deserves more then to be tabled.

Rep. Gould commented in regards to sending a bill to the Senate that unless the sides are agreeing such as the realtors and the planners, the bill can come back from the Senate unrecognizable. He stated the effort will be to get the Senate to suspend their rules to take the bill on the 55th or 60th day and between now and that time there is a good possibility that the groups can be brought together and then the House rules can be suspended to get the bill to the Senate. He felt the motion was excellent.

Rep. Kitselman commented that the people back home have not had the opportunity to look at the bill since the amendments from the subcommittee have been added. He said the tabling motion is really to allow the general public, the people who will be affected by the bill the most--planners, city and county governments, real estate and consumers--an opportunity to look at the bill. He stated people have a tendency when something is being shoved so quickly at them to resist. He felt once they have a chance to peruse the bill there will be less resistance.

Rep. Hansen thought the bill should come out of committee. Since the hearing on the bill, she had spoken to her real estate people and county people. She said it seemed the real estate people were only interested in two sections of the bill. She stated some of the people back home had received copies of the gray bill and the county people are here and have access to copies. She stated the bill will have to be passed out for the people to use in order to find out how it will work. If the bill does not work, it can be brought back to work on it again.

Rep. Darko asked if anyone had been working with the Senate to find out if they would consider suspending the rules to take HB 809?

Rep. Gilbert replied that he had no assurance that the Senate would suspend the rules. Rep. Iverson may have talked to the Senate. He commented that they do not want the bill to die. They feel it is an excellent bill. Given some more time, it would be fine if the Senate will suspend the rules to accept the bill. If not then Rep. Hansen's comments are true. Nothing is done overnight or set in cement and if the bill does not go through this session, they will have a bill in the '89 session that will be acceptable and will not generate the problems they have now at this late hour of the session.

Rep. Brandewie stated he had spent nine years on the Lake County Planning Board. This bill will affect every county government financially. He felt it a great bill and thought it was very close to where everyone can live with it. The people in the counties need to see the bill in

final printed form to see what affect it will have on them. He felt the tabling action the right action and supported it.

Rep. Grinde moved to TABLE HB 809. The motion carried with Reps. Bulger, Darko, Hansen, Squires and Whalen voting no.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 9:10 a.m.



Rep. Norm Wallin, Chairman

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/24 8:40 am

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. BUDD GOULD	✓		
REP. REP. TIMOTHY WHALEN	✓		
REP. PAULA DARKO	✓		
REP. TOM BULGER	✓		
REP. JAN BROWN	✓		
REP. BOB GILBERT	✓		
REP. LARRY GRINDE	✓		
REP. WALTER SALES			✓
REP. STELLA JEAN HANSEN	✓		
REP. PAUL PISTORIA			✓
REP. ROBERT HOFFMAN	✓		
REP. LES KITSELMAN			
REP. JACK RAMIREZ			✓
REP. DAVE BROWN	✓		
REP. CAROLYN SQUIRES	✓		

Proposed Amendments to HB 809, introduced bill
Rep. ~~Brandon~~ *Gilbert*

1. Page 6, line 8.
Following: "use"
Insert: "or of a single fixed dwelling structure"

This amendment would allow subdivisions located more than one mile from a state, federal, or county road that are used for open space or wildlife, hunting, or other activities that have minimal human impacts, including the construction of structures for camping that are dismantled or relocated after seasonal use or of a single fixed dwelling structure to be reviewed by the governing body for legal access only. If the tract has legal access, the governing body may not require roads to the tract that meet county standards.

2. Page 21, line 25 through page 22, line 1.
Following: "are"
Strike: "or can reasonably be expected to be"
3. Page 22, line 5.
Following: "years"
Strike: "or can reasonably be expected to occur"
4. Page 23, lines 2 and 3.
Following: "be"
Strike: "allowed or required"
Insert: "recommended"
5. Page 23, line 5.
Following: "hazard"
Insert: ", and recommended mitigation if not agreed to by the subdivider,"
6. Page 23, line 9.
Following: "hazards"
Insert: "and recommended mitigation, if any,"
7. Page 23, line 10.
Following: "hazards"
Insert: "and recommended mitigation, if any,"

These amendments deal with primary review for hazards. Amendments 2 and 3 limit review of hazards to existing conditions. Amendments 4 through 7 allow the governing body to recommend mitigation of hazards and allow the subdivider to refuse to implement the recommended mitigation. However, if the subdivider refuses to implement mitigation, notice of the hazard and recommended mitigation must be noted on the final plat.