February 5, 1977

A meeting of the Local Government Committee for the purpose
of an executive session was called to order by Chairman Robbins
at 8:06 AM in Room 225. The secretary called roll; Representative
Palmer was absent. All other members were present.

Chairman Robbins called on Larry Weinberg to give the procedure
that will be followed in executive sessions on House Bill 122.

The following procedure shall be adopted for executive
sessions on House Bill 122. The procedure has been
approved by the House leadership and will insure that   .
the final decision on House Bill 122 is that of the
committee while at the same time providing the committee
with the assistance of the staff of the Commission on
Local Government.

Generally, as questions arise during committee discussions
the chairman will direct the commission staff to formulate
a response. At the close of discussion on a subject area
(such as services, annexation, bonds, etc.) the chairman
will request the commission staff to reply. Following
the response, the committee will either continue the
discussion or take appropriate action.

This general procedure, namely that the staff will reply
at the close of committee discussion, is subject to two
exceptions:

(1)   If it appears to the chairman that the answer to a
particular question is essential to the continued discussion
of the committee, the chairman will request an immediate
response to the question. The key to this exception is
the "essentuality" of having an answer immediately.

(2)   If the committee is involved in a prolonged discussion
on a particular matter and a member of the commission staff
believes this situation is brought about because of a
misunderstanding of the code or an error of fact, the staff
member may approach the chairman and request permission to
speak. The chairman will determine whether such an offer
should be accepted. The key to this exception is a "prolonged"
discussion due to an error of fact or interpretation of the
code. A debate on questions of policy are not subject to
staff input.

As stated above, the procedure should permit the committee
to take advantage of the knowledge and experience of the
commission staff while insuring that all the policy decisions
are committee decisions. In all response the commission
staff shall try to be brief and to the point.

HOUSE BILL 122:   Chairman Robbins called on Representative
    Gerke to begin the proceedings.   Representative Gerke moved
    that when this committee does arise it recommends a DO PASS
    on House Bill 122.

    The committee was asked to turn to page 340, part 6 (Emergency
    Services), subpart 1, of House Bill 122.   Each member of the
    committee received a copy of amendments for fire and police
    services.   Larry Weinberg explained what was handed out he
    had gone through committee hearings and extracted what per-
    tained to police and firemen.   Some are specific suggestions
    and some not very specific.

    AREAS OF AMENDMENTS FOR FIRE AND POLICE SERVICES - exhibit 1.

    The first amendment to be acted on is on page 342, line 13,
    47A-6-6203.   It is a provision to bring the fire protection
    services somewhat in line with police service where they
    cannot go to private vendor and provides that towns of 5,000
    or more shall have a paid fire service.   Representative Waldron
    moved that the first amendment BE ADOPTED.   After discussion
    Representative Bertelsen moved to amend the amendment by
    striking: "(a) municipal fire services may not be provided
    by a private vendor; and".   Question, roll call vote was
    taken: 13 voted YES and 3 voted NO.   Motion carried.
    Representatives Pistoria, Waldron, and O'Connell voted NO.
    Representatives Palmer and Roth were not present.   Back to
    original motion.   Representative Gould made a substitute motion
    to not except the amendment.   Question was called and roll call
    vote was taken: 7 voted YES and 9 voted NO.   Motion failed.
    Representatives Bertelsen, Colburn, Gould, Jensen, South,
    Stobie, and Vinger voted YES.   Representative Waldron moved
    that the first amendment DO PASS AS AMENDED.   Question, roll
    call vote was taken: 10 voted YES and 6 voted NO.   Motion
    carried.   Those voting NO were: Representatives Colburn,
    Gould, Jensen, South, Stobie, and Vinger. (SCR 149)

    Second amendment for page 345, line 6, 47A-6-6233.   Representative
    Waldron moved that the second amendment for page 345 DO PASS.
    Question, roll call vote was taken: 9 voted Yes and 7 voted
    NO.   Motion carried.   Those voting NO were: Representatives
    Colburn, Gould, Jensen, South, Stobie, Vinger, and Robbins.
    (SCR 150)

    Third amendment for page 682, line 16, 47A-6-6233.   Represent-
    ative Halvorson moved for a DO PASS on the third amendment.

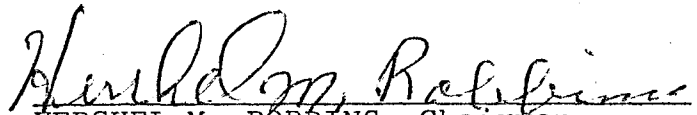   Representative Roth came in.

    After discussion by committee, Representative Ramirez made a
    substitute motion that the third amendments DO NOT PASS.   Roll
    call vote was taken: 13 voted YES and 4 voted NO.   Motion carried.
    Those voting NO were: Representatives Colburn, Halvorson,
    Waldron, and O'Connell.   Representative Palmer is absent.

The fourth amendment for page 177, line 13. Representative
Halvorson made a motion that the fourth amendment DO PASS.
Ramirez - a couple things have been voted for as a matter of
compromise and this is one of the most important amendments and
he is against the motion. Bertelsen - is against the motion
and said we continue to come back every session to raise and
here is chance to get it back to people. Representative
Waldron made a substitute motion to request the attorney to
research and to protect the salary rights of employees as
they stand and provide us with possible amendments that will
require local government to not lower salaries and benefits
with the passage of this code. Motion failed. Dale -
on page 4 employees do not lose any existing rights. Question
was called on Representative Halvorson's motion the the fourth
amendment DO PASS. Roll call vote was taken: 9 voted YES and
8 voted NO. Motion carried. Those voting NO were: Represent-
atives Bertelsen, Gould, Pistoria, Ramirez, Roth, Stobie,
Vinger and Robbins. Representative Palmer was absent.
(SCR 120)

(SCR - Standing Committee Report Amendments)

The meeting adjourned at 10:00 AM.

                              Respectfully submitted

                              HERSHEL M. ROBBINS, Chairman

     yb