

February 8, 1977

An executive session of the Local Government Committee was called to order by Chairman Robbins at 7:05 PM in Room 225. The secretary called roll; Representatives Bertelsen, Halvorson, and Jensen were absent. All other members were present.

HOUSE BILL 122: Larry Weinberg began by explaining he will take one amendment or a group of amendments for the committee's consideration. Some are housekeeping amendments, others are suggested, and most are based on testimony by the sheriffs. The first area of amendments are in law enforcement - exhibit 1.

There was discussion by the committee on the testimony by the sheriffs and the definition of chief law enforcement officer. Waldron - where does it state sheriff if elected? Larry - on page 357, lines 21 through 24 is the section that provides that material. Waldron - the sheriffs had trouble with police commission. Gerke - all this commission really provides is a buffer for sheriff's department instead of going to court right away. It gives them a place to go without going to court. Dale - the law reads you don't have one if less than three employees.

Representative Gunderson moved to amend on page 359, line 12, following: "officers", insert: "not including the sheriff or assistant sheriff". Question, motion carried. Representatives Stobie and Colburn voted NO. (SCR 155)

Representative Gunderson moved to amend on page 356, line 15, following: "who", strike: "may", insert: "shall". Question, motion carried. (SCR 152)

Representative Ramirez moved to amend on page 357, lines 21 and 22, following: "the", strike: "county chief law enforcement administrative officer", insert: "sheriff". Larry is to go through and make other changes that should be made in line with this amendment. Question, motion carried. (SCR 153, 154)

Representative Gerke moved to adopt amendment for page 366, line 21, following: "government", insert: "except the office of sheriff". Question, motion carried. (SCR 157)

Representative Hurwitz moved to amend on page 367, lines 24 and 25, to read: "6 months". Question, motion failed.

Representative O'Connell moved the amendment for page 369, line 3, following: "executive,", insert: "chief law enforcement administrator,". Question, motion carried. (SCR 158)

Representative O'Connell moved to amend on page 369, line 10, following: "by a", strike: "priority", insert: "majority". Question, motion carried. (SCR 159)

Representative Hurwitz moved to amend on page 369, lines 15 and 16, following: "officer", strike: ", the elected sheriff or"; line 21, following: "vetoed by", strike: "the elected sheriff"; and line 22, following: "executive,", strike: "the elected sheriff or". The amendment to line 22 was thought not proper and Representative Hurwitz withdrew that amendment. Question, motion carried. (SCR 160, 162)

Representative Ramirez moved to amend on page 369, line 19, following: "administrator", insert: "and given to the chief law enforcement administrator and the accused officer". Question, motion carried. (SCR 161)

Representative O'Connell moved to amend page 370, line 7, strike: "Only an accused officer", insert: "An accused officer, the chief law enforcement administrator, or the claimant who brought the charges". Question, motion carried. (SCR 163)

Representative Waldron moved the amendment for page 180, line 19, and the amendment for page 522, line 8, be adopted.

Representative Ramirez made a substitute motion to Representative Waldron's motion to amend on page 180, following: line 19, insert: "(4) Municipalities, if they provide insurance for other municipal employees under subsection (1), shall: (a) provide the same insurance to their firefighters and law enforcement officers.". Waldron - didn't think they should accept the substitute motion, in essence you are taking away some of the benefits. Question, roll call vote was taken: 8 voted YES and 7 voted NO. Motion carried. Those voting NO were: Representatives Colburn, Gunderson, Palmer, Pistoria, Waldron, O'Connell, and Robbins. (SCR 126)

Representative Palmer moved to amend page 522, line 8, insert: "(1) for municipalities, a tax not exceeding 4 mills to pay group insurance premiums for firefighters and law enforcement officers as authorized in 47A-4-209(4)." Question, motion carried. (SCR 253)

Representative O'Connell moved the amendment for page 362, section 1, following line 14, which is exhibit 2. Question, motion carried. (SCR 156)

The next set of amendments considered is - exhibit 3.

Representative Gerke moved that amendments 12 through 19 be adopted. Question, motion carried. (SCR 397, 397, 398, 399, 400, 401, 402, 403)

Representative O'Connell moved to adopt amendments 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11. Question, motion carried. Representatives Stobie and Gunderson voted NO. (SCR 35, 36, 131, 132, 143, 144, 172, 180, 247, 248)

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Representative O'Connell moved that amendment 9 DO NOT PASS. Question, motion carried. Representatives Gould, Stobie, and Pistoria voted NO.

Representative Ramirez moved to amend on page 409, line 25, following: "district", strike: "; the", and on page 410, strike lines 1 and 2 in their entirety. Question, motion carried. (SCR 181)

Amendment 20 was suggested by the public service commission and provides if a private firm has contract to haul garbage it is deemed to have sufficient proof of public convenience. Representative Waldron moved to adopt amendment 20. Question, motion carried. Representatives Stobie, Gould and Vinger voted NO. (Due to misunderstanding this amendment was inadvertently omitted)

The meeting adjourned at 9:07 PM.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman

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