

February 12, 1977

An executive session of the Local Government Committee was called to order by Chairman Robbins at 7:05 AM in Room 437. The secretary called roll; Representatives O'Connell, Halvorson, Roth, and Waldron were absent. All other members were present.

HOUSE BILL 122: The first amendments to be presented to the committee for consideration were from Representative Bengtson - exhibit 1. There are three proposals, first, to delete all local option taxes; second, to require a dollar-for-dollar replacement; and third, to require a vote on all local option taxes before they may be levied. Representative Stobie moved TO ADOPT the amendment 'To Delete All Local Option Taxes'. There was concern by some members with the section on taxes. Gerke - would have to object to complete deletion and they know that money is needed. There is no other place to go but to property tax. If there is that much concern and if they want to vote that is the way to go. Representative Ramirez made a substitute motion TO ADOPT the third, suggested amendment 'To Require a Vote On All Local Option Taxes Before They May Be Levied'. Question, motion carried. One voted NO. Gould - would like that any change in this section requires a 2/3 majority vote of both houses of legislature. South - if you want that you have to amend the constitution. (SCR 254, 255, 258)

Representative South moved to do not adopt the dollar-for-dollar replacement. Question, motion carried unanimously.

AAA SUGGESTIONS - exhibit 2.

The amendment for page 390, lines 2 and 3, was discussed and it was decided there being some question about it to let it go for now.

The amendment for page 420-421, to strike 47A-6-9304 in its entirety. Representative Colburn asked would that eliminate aid for our bus systems? Gerke - it appears it would and there are three cities who have this now. Representative Pistoria made a motion to DO NOT ACT ON AAA amendments. Question, motion carried unanimously.

MISCELLANEOUS #1 AMENDMENTS - exhibit 3.

Larry Weinberg said amendment 1 and 2 are on notice requirements and requires that you put down address and telephone number of person so they could contact them for additional information. Representative Bertelsen moved a DO PASS on amendments 1 and 2. Question, motion carried. Representative Gould voted NO. (SCR 8, 9, 10)

Amendment 3, for page 27, line 5, Larry said was his suggestion. This would save local government money in mailings. This is for general waiver provision. Representative Gerke moved that amendment 3 BE ADOPTED. Question, motion carried. Representative Stobie voted NO. (SCR 13, 14)

Amendment 4 for page 98, line 23, only applies to emergency ordinances. Representative Gunderson moved TO ADOPT amendment 4 for page 98. Question, roll call vote was taken: 7 voted NO and 6 voted YES. Motion failed. Those voting YES were: Representatives Gould, Jensen, Palmer, Pistoria, Stobie and Vinger.

Representative South moved that amendments 5 and 6 BE ADOPTED. Question, motion carried unanimously. (SCR 55, 58)

Amendment 7, for page 155, lines 19 and 20, 47A-3-517, Mr Weinberg explained that there was a problem with the initiative that was passed last session and he suggested changing the percentage to match up with the initiative. Representative Palmer moved TO ACCEPT amendment 7. Question, motion carried. Representative Gerke voted NO. (SCR 114, 115)

Representative Gerke moved TO ADOPT amendment 8, for page 190, 47A-6-104. Question, motion carried unanimously. (SCR 128)

Amendment 9, page 338, line 4, Larry explained it was the intent to preserve the open ditch laws and the law was changed. This would preserve the present law. Representative Gunderson moved TO ADOPT amendment 9. Question, motion carried unanimously. (SCR 145)

Amendment 10 for page 423, 47A-8-102, this is expanding subsection (4) where they can assign responsibilities to different personnel. Hammermeister objected to this. This is some checks on responsibility to assign any required service. They would have to get that persons permission or assign before an election. Representative Hurwitz moved that amendment 10 DO NOT PASS. Question, motion carried. Those voting NO were: Representatives Gould, Stobie, Pistoria, Vinger, and Gunderson.

Amendment for page 113, line 23, Representative Gunderson moved TO ADOPT the amendment - exhibit 4. Question, motion carried unanimously. (SCR 43)

PROPOSED AMENDMENTS (OF STATE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND STATE COMMISSION ON LOCAL GOVERNMENT) - exhibit 5.

Larry Weinberg said with the committee's permission he will have Beth Richter, staff member of the State Commission on Local Government, explain the amendments. Amendments marked by an asterisk (\*) are non-technical amendments.

The first amendment for page 438, line 8, following: "services", Strike: ", at least part-time", insert: "a minimum", and the amendment for page 436, line 16, to strike: ", at least part-time,", were discussed. Under existing law it requires a health officer, and this is the only place in the code that requires certain people. Hurwitz - thought it was there prerogative to hire when needed. Vinger - thinks contrary to what we are trying to do it should be left at present laws. Representative Vinger

moved that we amend HB 122 to original status as permissive. Dale - this is one area purpose of law hadn't been explained, and it was found should have minimum service available. Robbins - we have a sanitarian who is serving several counties. Representative Stobie made a substitute motion to have legal staff make up amendments and look at them at next session putting back to what law is.

Beth Richter explained further that in current law it is not mandatory that a local health officer, a nurse, and a sanitarian be hired, but in HB 122 would have to obtain those services at least part-time. Hurwitz - a doctor is official health officer and no need to put out money for health nurse and would not like to see health nurse mandated if they don't need one. Representative Stobie withdrew his motion. Gerke - to make permissive can take out shall and make it may. Question on Representative Vinger's motion to make permissive, motion carried. (SCR 194, 200, 220, 404)

Amendment for page 44, line 4 through line 10, to delete the subsection in its entirety. This amendment by the Local Health Officers Association. Representative Gerke moved to leave the law as is. Question, motion carried.

Amendment for page 445, line 14, was suggested by State Health Department. Representative Gerke moved TO ADOPT the amendment. Question, motion carried. Representative Vinger voted NO. (SCR 208)

Amendment for page 445, lines 15 through 17, to delete that subsection in its entirety. Representative Bertelsen moved TO ADOPT this amendment for page 445, lines 15 through 17. Question, motion carried. Representatives Stobie and Gould voted NO. (SCR 209)


Representative Hurwitz moved TO ADOPT the amendment for page 445, line 22. Question, motion carried. Representative Palmer voted NO. (SCR 212)

Representative Stobie moved that the amendment for page 446, line 5, BE NOT ADOPTED. Motion carried unanimously.

Representative Gerke moved the the amendments for page 446, line 6 and line 25, BE ADOPTED. Question, motion carried. (SCR 217, 226)

The meeting adjourned at 8:50 AM.

Respectfully submitted,

  
HERSHEL M. ROBBINS, Chairman