

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE
February 10, 1981

The Local Government Committee met Tuesday, February 10, 1981, in Room 103 at 12:30 p.m. Vice Chairman ORREN VINGER called the meeting to order. All committee members were present with the exception of Rep. Hurwitz who was excused due to illness and Reps. Hannah and Sales who were absent.

HOUSE BILL 413

REP. BERTELSEN, SPONSOR of House Bill 413 introduced the bill. He stated it is a very simple piece of legislation that is a matter of equity. What we're trying to do is make it possible for county officers who are paid on a per-day basis to be paid on per-day basis also for attendance at convention, meetings, or other public gatherings of public officers, that he may by virtue of his office, find necessary to attend. He said he was a county commissioner back in 1951. Since that time this has been one of the things he considered inequitable as far as county commissioners who are paid on a per-day basis. They do not have the right to attend conventions and meetings and get paid for them. Yet they are attending because they are county commissioners or county officers. When we as legislators go to a meeting, we get our day's pay and our mileage. I think it is only fair that this inequity that has been in existence for many years in the State of Montana be corrected. I'm sure if you'll talk to commissioners around the state who are not on a full salary or do not work the full month as commissioners and who are on a part-time basis feel this is very unfair. They go to these meetings and conventions because they are concerned about the county business. They should be provided the opportunity to have that day's pay.

ACTING CHAIRMAN VINGER asked if there were any proponents to HB 413. There were none. He then asked for opponents. Seeing no proponents or opponents, he called for questions from committee members.

REP. ANDREASON asked Rep. Bertelsen how he'd specify what meetings are necessary to attend? Is there any limit to that?

REP. BERTELSEN said he feels it would be a matter of common judgment. I can't see that there would be much question. Commissioners themselves would have to make the judgment whether it was a legitimate claim when it comes through their business. I don't think they would abuse the county in that way.

REP. HURWITZ: Am I to believe that the Missoula commissioners have been collecting their wages all these years when they went to a convention and doing it unlawfully?

REP. BERTELSEN: Yes. They'd get written up in the audit report but ignore it and collect anyway. What we're doing is trying to make them legal and honest citizens again.

REP. PISTORIA: I wanted to get up and be a proponent of your bill but I must have been asleep. A lot of commissioners in the smaller counties meet only once or twice a month and they're only pay is for their mileage back and forth and for the days they meet. I feel that the fulltime people get paid so it is only right that this bill be passed as a law.

As there were no other questions, the acting chairman closed the hearing on HB 413.

HOUSE BILL 507

REP. JIM AZZARA, SPONSOR of HB 507, said this bill makes some changes in the process by which vacancies are filled on Urban Transportation Boards. He went through the language of the bill regarding changes which would be made. He said it is a very simple bill and there are some proponents here to speak for it.

PROponents TO HOUSE BILL 507

CHARLES TORMAN, chairman of the Great Falls Transit Board, asked to speak as a proponent of the bill. We see this as a matter of expediency. Secondly, we would like to see the Selection Board retain those members of the present Board as they have been working with the Board and have gained quite a bit of expertise in the area of transit. We feel they would be very capable of selecting individuals to replace someone leaving the Board. They also have the ability and background of knowing what is required as far as Transit Board qualifications and this bill is a matter of expediency in getting vacancies filled.

HARRIETTE DOOLING from Missoula said she has just completed a term on the Missoula Urban Transit Board. In the second part of this bill we asked for your consideration to expedite filling the vacancies on the Board. We had an experience two years ago where there was a Board vacancy. It was a long and cumbersome procedure which took all of six weeks. In the meantime, the business continues. By shortening this by two weeks, it will expedite filling a vacancy so the Board can continue to sign contracts and conduct an orderly business.

REP. PISTORIA said he'd like to be a proponent. He fully supports this bill because just last year they formed a new Board of elected members. There was no provision in the law to fill a vacancy and this does provide one. As you all know, they have sent out bids for their buses. We think it will be a great thing for Great Falls with inflation and gasoline prices.

ACTING CHAIRMAN VINGER asked if there were further proponents. There were none.

He then called for opponents to HB 507. There were none.

QUESTIONS FROM THE COMMITTEE:

REP. DUSSAULT: What is the Selection Board?

REP. AZZARA: The Selection Board is a group of people whose make up is provided for elsewhere in state law and they determine who will be on the Selection Board. Basically that is the body that sets up the district and recommends members to be put before the electorate.

REP. DUSSAULT: So in the initial stages when the Board members are first elected, they are recommended by the Selection Board.

REP. AZZARA: Yes. The Selection Board is made up of elected officials who then select a slate of people who will be appointed to form the first Transportation Board.

REP. DUSSAULT then asked Harriette Dooling if she was first appointed and then ran for the office.

HARRIETTE DOOLING: That is right. It says in the first section of the bill that they are appointed to serve until the next general election, and from then on, if elected.

REP. DUSSAULT: Are you saying that when the Transportation District is first set up, the members of the Board are appointed by the Selection Board until the next general election when they or others may run.

REP. KITSELMAN: Rep. Kemmis' bill 353 requires 25 signatures for a petition. How does that relate to this?

REP. AZZARA: Those people who do run subsequent to being appointed or subsequent to the formation of the Board petition to get on the ballot.

ACTING CHAIRMAN VINGER asked if there were any other questions from the committee. As there were none, he asked Rep. Azzara to close.

REP. AZZARA closed. My only public remark is that I suppose the Urban Transportation Districts will probably be formed in more cities in Montana as cities grow providing a significant energy savings and transportation services with Montana cities. I feel it is well for us to do anything we can to facilitate their internal operations.

ACTING CHAIRMAN VINGER closed the hearing on HB 507.

HOUSE BILL 394

REP. TOM ASAY, SPONSOR of HB 394, introduced the bill. He said the intent of the bill was to make it possible for the county Board of Commissioners, where necessary, to enact an ordinance regulating, restraining or prohibiting the public display or consumption of beer or liquor, or in other words enact an open container law.

He offered some amendments to change the wording and more clearly show the intent. He read the amendments and passed copies to the committee members. The new reading is very concise and is much better than what we had originally. The intention is to make it possible in areas where they do not have incorporated cities and towns to pass an open container ordinance. The state or counties do not have an ordinance for providing for this.

PROPONENTS FOR HOUSE BILL 394

ROBERT ASH, Sheriff of Rosebud County, said they are consolidated in Rosebud County and the sheriff has all the jurisdiction as we have no police force in Forsyth. Forsyth is an incorporated city and we do have an open container law. We have other places around the county where we do not have an open container law because they are not incorporated. Ashland is an incorporated city of about 600 people. At night you go up town. There are three bars. You'll find people on the sidewalks drinking beer, on the streets and in their cars. Highway 212 runs right through Ashland's main street. We've had accidents and people run over because of people going back and forth to bars with their open bottles of beer and wine. We've had calls at 1 or 2 o'clock in the morning where the people will be sitting on the sidewalk and start throwing beer bottles at the cars going up and down the street. After the bars close, they take all their beer and wine and go out on the street and keep on drinking. As a result you have fights and everything else, and perhaps get called out at 4 a.m. Ashland is going to grow. There are mines going in which will mean more people; we have a railroad supposedly going in and we'll have railroad people. We also have oil wells. We really need a bill like this to help us control the problem. We get complaints from the citizens too. We need a law to force the people to go home after the bars close. We have another little town called Jimtown, just north of the reservation. It is just a bar but we have the same problems there. We respectfully urge you to pass this open container law.

RON BROMLEY, Undersheriff of the Rosebud County Police Department, said the sheriff has covered about everything. I've worked for the county for 8 years in law enforcement and the open containers have been a major problem. I would like to see some support for this bill.

OPPONENTS TO HOUSE BILL 394

There were none, so the acting chairman opened the meeting to committee questions.

COMMITTEE QUESTIONS

REP. WALDRON for Rep. Asay: I notice in your bill that you are giving county governments the ability to adopt ordinances. That is a change from the way county government normally operates. We don't trust counties too much so we just give them authority to make resolutions rather than ordinances. There is one exception which has to do with zoning where they can pass ordinances. Can you explain to me why you chose the route of going to an ordinance rather than the resolution method that is normally done?

REP. ASAY: Primarily, what we are trying to do is to get county governments on the same track as incorporated cities. Incorporated cities have the right to pass ordinances and we are asking the same thing for the county commissioners. It seems to be the most simple and direct way of doing it. It can be done either by a vote of the people or the county commissioners.

REP. WALDRON: Why an ordinance rather than a resolution?

REP. ASAY: I don't know how much difference it makes, and I can't really answer that particular question.

REP. KESSLER: Rep. Asay, would an ordinance set up specific times or places and could you exclude parks, or race tracks or something like that?

REP. ASAY: Yes. The only thing we're concerned about is we don't want people running down the streets drinking beer and throwing their bottles all over the place.

REP. VINGER said he thinks the city has those powers now and that is what the counties are asking for.

REP HURWITZ: I don't think a resolution has the same effect that an ordinance does. I can sympathize with you gentlemen as you are terribly handicapped.

REP. ASAY said he thinks we are asking a lot of the law enforcement people and if we can't give them this type of ordinance, we are putting them in a bad light.

REP. AZZARA asked Lee Heiman if a resolution would be a sufficient tool with which to prescribe criminal penalties.

LEE HEIMAN: No. A resolution is generally a one-time administrative thing, where an ordinance is a continuing thing that provides penalties of \$500 or six months which is in reference to your question.

REP. AZZARA: In the case of a county which is basically rural but has a high-density urban area which has incorporated government with self-governing powers, or at least a charter with greater powers than a county, would a county resolution supercede the unexercised option of a municipality?

LEE HEIMAN: I don't know but I will check before the next session.

REP. WALDRON: I think that Rep. Asay is giving the county commissioners quite a bit of power. Aren't you concerned that they might abuse that power such as not allowing people to drink beer on their front porch?

REP. ASAY: No, because in the law it states clearly what public places are, what is meant by public display and the law is very clear on that subject.

REP. VINGER for Sheriff Ash: I sympathize with your problem. I lived in Forsyth for a couple of years and visited both of the places you spoke about. But won't Colstrip be putting in city policemen with all those people?

SHERIFF ASH: There is a population of about 3,500 people there now. Last election they put it on the ballot to make it an incorporated city, but the people shot that down. They don't want to incorporate. It now is the biggest nonincorporated city in Montana.

ACTING CHAIRMAN VINGER asked Rep. Asay to close.

REP. ASAY said there is one other suggestion for an amendment which he wouldn't oppose and that is in the event there was a caterer catering a party, we wouldn't object to that. I would like very much if you would give this bill favorable approval. I would enjoy being on the side of the law.

ACTING CHAIRMAN VINGER closed the hearing on House Bill 394.

HOUSE BILL 393

REP. VINGER, SPONSOR of HB 393, opened the hearing. He said this is another bill which takes revenue from our small county newspapers. As you know, last night over my objections, the committee voted for repeal of the printing board. As a sponsor of HB 393, I do not wish to have this bill come out of committee as long as that repealer is alive. For the reasons I stated last night, the small county newspapers depend on this revenue and being we took the printing away from them by the repealer, I certainly don't want to take revenue from them by categorizing the different budget items that the county commissioners have. I would ask for committee support that we table HB 393 until we see what happens to the repealer as it goes through.

REP. VINGER said he has no objection from the opposition on tabling it and I'm sure the opponents wouldn't mind seeing it tabled. The proponents agree with my thinking, and maybe we are getting a little too greedy with our local papers. If I'm successful, which I intend to be and kill that repealer on the floor, we'll come back and take HB 393 off the table. So I'll be very honest with you about my intentions. I would appreciate the committee's support on the bill.

REP. KESSLER: Mr. Chairman, do we have to hold a hearing then if we bring this off the table because no hearing will have been held?

REP. SWITZER moved that we table this bill until the chairman calls it back. It was seconded by Rep. Pistoria, and was PASSED UNANIMOUSLY.

HOUSE BILL 383

REP. PAUL PISTORIA, SPONSOR of HB 383, introduced the bill. He said he thinks this is a simple bill. We're all looking forward to saving on taxes and after I explain the bill, you'll know a little more about it. We have a few county commissioners who were elected who travel to and from work and turn in the mileage. These commissioners are working full-time. I have a certain area where a county commissioner drove 54 miles per day which amounts to about \$214 a month or \$2,560 a year. Two years ago I introduced such a bill but with help of others it was put on the population basis and was discriminatory because you don't really know who is working full-time. All this does is eliminate mileage for a county commissioner working full-time and living outside of the city limits. It doesn't affect any thing else.

PROponents TO HOUSE BILL 383

There were none.

OPPONENTS TO HOUSE BILL 383

DORIS SHEPHERD, representing the Montana Association of Counties, opposed the bill. Commissioners are elected under a little different set of rules than other county elected official. They must, by law, reside in their districts. Although many of our full-time county commissioners live in our immediate area, the county seat, and are still within their district, there are a lot of commissioners who can be as far as 60 miles or more away from their county seat. They are still required to attend meetings, including evening meetings. They have to drive that distance from home. To withhold the mileage allowance from these people would be a form of financial punishment. The salaries for commissioners are not very high now and if we remove this mileage allowance, there is even less in the way of monetary reward. This job is more than an 8 to 5 job. Locally, our commissioners are paid for field trips, road inspections, monthly meetings and all those things although they are not paid to drive to and from home. There can be a lot more reasons for mileage than just to and from work. We believe that is a necessary compensation for county commissioners. We have a letter from the Roosevelt County Commissioners to urge a NO vote on HB 383, which eliminates mileage and pension. We feel you must define the meaning of a full-time commissioner before this bill can be considered. The distance of travel must be brought into consideration. Also the continued increase in the cost of gasoline. Many of us travel from 100 to 150 miles a day to and from our county courthouse.

ACTING CHAIRMAN VINGER asked if there were any other opponents to HB 383.

REP. BERGENE said she too would like to rise in opposition. She feels it is a much more taxing job to fill a county commissioner position than some others. These people are under a great deal of stress. They don't have a given salary that is commensurate with the kind of job they do, and to take away their mileage would be something I would not want to be a part of.

REP. HURWITZ: I, too, would like to object to this bill. If my memory serves me correctly, it wasn't too many years ago that a similar bill was introduced. I think they should receive mileage for driving to and from work.

ACTING CHAIRMAN VINGER asked if there were any further opponents. As there were none, he called for questions from the committee.

QUESTIONS FROM COMMITTEE MEMBERS

REP. AZZARA: I have a question regarding full-time commissioners

As far as I can find in the law, that is defined according to class of county they serve in. There really is no county that is more rural than it is urban, so the problem applies to all.

DORIS SHEPHERD thinks what Roosevelt County Commissioners are concerned with is the county commissioners in Lewis and Clark County all live right in Helena. They are not claiming mileage and they don't want it. But other commissioners who are first class people, particularly people in Rosebud County, are in a situation where they work 70 miles from their home but are still full-time county commissioners.

REP. MATSKO: In Great Falls when the last city commissioner came in a couple years ago, he elected to provide a vehicle for himself rather than take mileage in any kind of driving he did. He directed the city police to give up one of their vehicles and used that as his official car. Do you see any problem with county commissioners doing that? Take money that would otherwise be expended for some other project and buy themselves an official vehicle to use to drive back and forth to work if they don't get mileage.

REP. PISTORIA: I wouldn't be against that.

REP. VINGER wondered if it might not be cheaper to pay the mileage as it comes up than to purchase a new vehicle for each of the county commissioners to drive back and forth to work. We might have misuse of a vehicle if they are using it for private purposes on the weekend.

ACTING CHAIRMAN VINGER asked if there were further questions. As there were none, he asked Rep. Pistoria to close.

REP. PISTORIA: To answer Rep. Matsko's question, a county commissioner from Great Falls got defeated for that reason. This bill does not effect mileage going to extra meetings or convention. It allows mileage if they have extra work to do. The bill only affects full-time county commissioners who want to collect mileage for driving to and from work each day. The salary of a full-time county commissioner in a first class city such as Great Falls is \$19,464 annually. It was a public demand in my district. I feel that we as elected officials don't get daily mileage to and from work so why should they when they are working full-time.

THE ACTING CHAIRMAN closed the hearing on HB 383.

EXECUTIVE SESSION

HOUSE BILL 57

SPONSOR REP. AZZARA said as you know, the utilities had a concern

that the increase in the property liability would be passed on to the ratepayers and they didn't think that was very fair. I don't either, but the people from Montana Power have subsequently informed me that they were misinformed when they said that a substation that was used in the example is not centrally assessed. It is. so all the properties that are liable to come under the taxing jurisdiction of the municipality (substations, generators and transmission lines) are all centrally assessed. Nevertheless, annexation would increase the value for central assessment purposes. The increase in the tax liability owed to the state through central assessment does not remain the same.

There is a change if the property is annexed. There is no one to one relationship between the amount of increase and assessed valuation and that figure which comes out of central assessment. It is a complicated formula and it's factored by things that I don't fully understand. I think it is a reasonable request on the part of the utilities that since substations, transmission lines and generators are not generally afforded any more service under the aegis of the city than they are under the county, and they are comfortable with that and I'm comfortable with it, I think they should be exempted. An amendment has been drawn up to specifically state that such property including those three concerns of the utilities (substations, transmission lines and generating facilities) be exempted from the provisions of this section of code.

REP. AZZARA moved that that concept be instituted and added to the amendment. I will get the wording to the council.

ACTING CHAIRMAN VINGER said to clarify for the utility company, the distribution within the city (poles, secondary to primaries, street lights, transformers and substations) are not overly assessed. That is handled through the Department of Revenue. It used to be the old State Board of Equalization. The only thing that is assessed by the local assessor is office buildings, warehouses, inventory, office equipment and the land the substation sits on. This is different when you are talking about central assessments. Do you agree with me, Jim?

REP. AZZARA: I wasn't aware that the land was separate from the structure.

REP. VINGER: The land is separate for the purpose of central assessing.

REP. DUSSAULT: Jim, did you say annexation would increase the value and cause an increase in the assessment even though it was centrally assessed.

REP. AZZARA: Central assessment deals with values that are set at the local level but doesn't deal with them in the same way that the locality deals with them. The factor is the appraised value against the mill value. It doesn't work that way, but there is a difference between the value of the utility property factored against county mills as opposed to municipal mills.

REP. HURWITZ: Orren, were you saying that currently the county assessors assess the land?

REP. VINGER: Yes, and the rest is assessed by the Department of Revenue. We are set up on 3% a year for depreciation. Transmission lines depreciate over 33 years, as well as power plants. A distribution system is never fully depreciated off because you are upgrading it all the time.

REP. AZZARA said it would be no different than a house being assessed by central assessment. The same house in the city has less of a tax liability in the county, to the extent that value represents a figure which central assessment uses and that difference is reflected in the liability that comes from central assessment. Somebody is getting the amendment and maybe we can return to the bill later.

HOUSE BILL 179

REP. AZZARA asked if we could hold off on this bill too as it has a fiscal note.

HOUSE BILL 192

ACTING CHAIRMAN VINGER suggested considering HOUSE BILL 192 (Rep. Moore's bill which is an act to modify and define the public interest criteria for local government review of subdivisions).

REP. MATSKO asked if we have all suggested amendments.

LEE HEIMAN said the first amendment suggested by the sponsor is on line 23 and 24, page 1 deleting "at least;" he also suggested on line 2, page 3 inserting "agriculture" between "wildlife and historical." There were numerous suggestions on subsections a, b, c, d, e, f, g, and h on the bottom of page 1, line 25 and lines 1 through 8 on page 2.

REP. VINGER asked if the committee wanted to act on those amendments suggested by the author and supported by a young attorney from Missoula.

REP. BERGENE asked: Didn't we have amendments on "expressed public opinion" and "the basis of the need for subdivisions?"

REP. AZZARA moved that "agriculture," be inserted after "wildlife," and before "and historical."

QUESTION was called on the amendment to include agriculture on line 2, page 3 after "wildlife." MOTION CARRIED.

REP. VINGER said we'd now go back to page 1, lines 23 and 24 and consider "at least."

REP. SWITZER moved that we all vote on the above amendment deleting "at least."

REP. HANNAH: Why are we doing this?

REP. AZZARA: If we delete "at least" there can't be any other considerations than these, but if we keep it in there we could consider other things that might be important.

REP. VINGER said if we delete this, we are talking specifically about the five categories and nothing else.

REP. SWITZER said he has no strong emotions about it and will withdraw his motion.

REP. DUSSAULT said we could probably spend a lot of time working on amendments to this bill. I'm willing to do that if there is a strong feeling that we should do it. But just to get a sense of feeling, I move that HB 192 DO NOT PASS. I feel that by the time we amend the bill it will be so much like the current law that we won't have accomplished anything.

REP. AZZARA: Ann Mary, do you want to hold that motion until I read an amendment to section 1 and see how you feel about it or would you rather go ahead.

REP. DUSSAULT: My feeling is that rather than amend a bill to death, we might as well kill it and leave the statute the way it is, unless there is some compelling reason to pass this particular piece of legislation.

REP. KITSELMAN: I believe this legislation restores the original law.

REP. DUSSAULT: We're getting into a debate on summary review, on line 18 and 19 and if we agree to restore all of that, in the end I don't know why we don't just kill the bill and leave the original language.

REP. KITSELMAN: We could but the nature of this amendment is a little more specific in terms of providing a definition for the basis and need. He read through the amendment.

REP. VINGER: Before we get into all of this, I think it is very obvious what the intent of the bill is. It deletes eight general criterias and summarizes them into five specific criterias and that is the intent of the bill. I agree with Rep. Dussault that we should consider the bill as it is and see what merit it has before we jump into doing a lot of amending.

REP. DUSSAULT: I move a DO NOT PASS on House Bill 192.

The chairman asked if there is any consideration on this.

REP. ANDREASON: I want to make a substitute motion to this. What we are doing is going from something very vague to something less vague. I approve of that. I think it will be easier for the people on the planning boards to administer than the previous bill. I have no qualms about "agriculture" being there or one or two other things in terms of emphasis but I think what we're coming to with this is better than what we had before.

REP. AZZARA: I want to remind Rep. Andreason there were many people who testified who felt this would make the bill more vague. I suppose we're both interested in more clarity, but we have a question as to which way to achieve that. I would have to support a Do Not Pass on the whole bill if we didn't amend it substantially.

REP. MATSKO: I got the impression from some of the opponents that they were more interested in keeping the present language because it had been an effective tool to block some subdivisions. It was actually something that could be adequately defined and given solid reasons why. I have trouble with that kind of logic. I don't think you have something that is vague and keep it vague because it is more useful that way than if it was specific. For that reason I would oppose it.

REP. VINGER said he thinks we should go through with the Do Not Pass to see what happens to the bill as presented. We'll stick to that motion at this time.

REP. DUSSAULT: I think it is very important to realize that this bill does a number of things besides attempting to clarify. It accepts certain subdivisions now currently being reviewed. It deletes the governing bodies authority to disapprove. It deletes expressed public opinion. It seems to me it inserts some very general language that I think would take people a long time to figure out how to define its compatability with community goals, policies or plans. I'm sure in the long run that what we'd be doing is confusing the situation more than we would be helping it by the passage of this particular bill. Those are my concerns and the reason for the motion.

REP. KITSELMAN: Rep. Dussault, I have a question. You said that on line 12 "the basis for the governing body's decision to conditionally approve, or disapprove a subdivision shall be" as compared to the stricken language on 18 and 19. I think you'll find that the law does everything that is there. It has just been rearranged and presented more concisely.

REP. AZZARA: One of the things Rep. Dussault didn't mention is that it accepts those subdivisions which are minor subdivisions. Everybody recognizes that is a problem in the current subdivision law, but there is no way to weigh the impact of a lot of small subdivisions. It is creating havoc. Those of you who are new here don't have the background on all the work that went into review of the subdivision law in Interim Committee that preceded the last session. There was extensive testimony taken around the state from rural and urban interests. The provisions of the law that needed to be changed were formed into an Interim Committee bill which did not pass the House last time. Unfortunately, it was shot down by some special interests in the Senate, which in no way changes the fact that those problems remain and that all of the discussion we've had on the floor then and now regarding subdivision is discussion that deals with real problems that are costing everybody. I don't think this bill is the means to clarify the vagueness; it only increases the potential for vagueness and it perpetrates problems that we can't afford to overlook any longer.

REP. MATSKO: Mr. Azzara raised many points. Some of them I totally agree with. There is a provision in the bill as it now stands to exempt the summary review, but the defeat of the motion Do Not Pass at this time does not necessarily mean that this would be the way the bill would come out of committee. The defeat of the Do Not Pass at this time simply allows us to address that situation and maybe make this bill equivalent and address the situations Mr. Azzara was speaking of.

REP. HURWITZ: I was on the committee which Rep. Azzara is talking about. We brought in eight bills and I think seven of them were shot down. I feel this bill clarifies this review problem of public interest. I do think it is an improvement over the way the statute was before.

ACTING CHAIRMAN VINGER: There is a motion of Do Not Pass for HB 192. Are we ready for the question?

QUESTION: A roll call was taken. Result was: 9 to 5 for Do Not Pass. Those voting no included Reps. Vinger, Andreason, Hurwitz, Kitselman and Matsko.

REP. KITSELMAN: How many were absent on HB 192?

REP. VINGER: Five.

REP. KITSELMAN: I have some difficulty with that because I think that some of those who were absent have a contrary balance to some of the action taken and I think it would be better to have more members present.

REP. VINGER: I disagree with that. You know what happened to my bill. It died 7 to 7 and I turned out to be the nice guy and allowed reconsideration and I lost it. If we're going to go into executive session, we have to go with what we've got if a quorum is present. If that bill ends up 7 to 7 it's going to die as far as I'm concerned. But I cannot stop somebody from making a motion to reconsider it at the next meeting. You have that privilege like Rep. Sales did. I feel we have to act in executive session as long as we have a quorum or more.

HOUSE BILL 192 will be held until tonight's meeting.

HOUSE BILL 575

REP. KITSELMAN said he doesn't mind if you want to take action on this, but I have requested my Planning Board to send me a copy of the twelve criteria and how we address the problems. The main purpose of the bill is in the two new sections 4 and 5 which allow the county commissioners to appoint a citizen board, which we have had for years. The problem we run into is with Judge Wilson's ruling, saying that you must have separate hearings, etc. The cost and inconvenience to the public is really great. We were going to question our usefulness and disband.

REP. DUSSAULT moved on HB 575 to reinsert the language on page 2, lines 23,24 and 25 and on page 3, lines 1 and 2 and also on page 6, line 10 to insert the words "at least" after "of."

QUESTION on the amendments. All were in favor except one. MOTION CARRIED.

REP. DUSSAULT: I move DO PASS AS AMENDED.

QUESTION: The motion was PASSED UNANIMOUSLY.

HOUSE BILL 413

REP. ANDREASON moved that HB 413 DO PASS.

The motion PASSED UNANIMOUSLY.

HOUSE BILL 507

REP. AZZARA moved that House Bill 507 DO PASS.

The motion PASSED UNANIMOUSLY.

HOUSE BILL 383

REP. WALDRON moved that House Bill 383 DO PASS.

REP. KESSLER: Rep. Pistoria, I have a question. What is the problem you have?

REP. PISTORIA: We had a county commissioner who was defeated for a second term because he turned in \$2,500 for mileage for driving back and forth to work. Now we have a deputy sheriff who ran for the job and he will be turning in mileage. I feel that Great Falls is headquarters and he should not be entitled to mileage for driving back and forth to work.

REP. KESSLER: Where does he live?

REP. PISTORIA: He lives in Fort Shaw. This is 27 to 30 miles from Great Falls. This bill will prevent him from turning in mileage. I don't feel it is fair to the taxpayers that he should get paid for driving to and from work. We don't get paid for it and why should he?

REP. HOLLIDAY: I want to speak in opposition to the motion. Some of the counties change classification every year because evaluation dropped or rose by classification. The example that was given by Doris Shepherd, and I asked her about it before she left, was a situation with which I am familiar. The individual drives 70 miles. He lives in one of the counties in the classification where he is considered full-time because of evaluation. And yet most of the time is spent in Helena because of the situation in his county.

REP. MATSKO: Paul, I understand what you are trying to do and I don't have as much problem with it as you may think. But I don't know that Dick has any plans of turning in mileage. How would you feel about an amendment following right after the language you put in there to read: "going to or returning from the county seat and his place of residence for regular meetings." Then allow mileage for any time when he comes in for special meetings.

REP. PISTORIA: That would be fine with me.

NAME Robert Ash BILL No. 394
ADDRESS Forsyth, Mont DATE 2-10-81
WHOM DO YOU REPRESENT Rosebud Co Sheriff Office
SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HOUSE BILL NO. 394

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 16-1-205, MCA, TO PERMIT A COUNTY GOVERNING BODY TO ADOPT AN ORDINANCE REGULATING, RESTRAINING, OR PROHIBITING THE PUBLIC DISPLAY OR CONSUMPTION OF BEER OR LIQUOR."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-1-205, MCA, is amended to read:

"16-1-205. Local ~~option~~ options. (1) The electors of a county may, by approving an initiative as provided under Title 7, chapter 5, part 22, prohibit the sale and consumption of liquor or of all alcoholic beverages within the county. If such initiative is presented to the board of county commissioners, the board may not approve it but shall submit the proposal to the people under Title 7, chapter 5, part 1.

(2) If an initiative has not been approved under subsection (1), the governing body of a county may adopt an ordinance as provided in 7-5-103 through 7-5-108 to regulate, restrain, or prohibit the public display or consumption of beer and liquor, MAKING IT AN OFFENSE FOR ANY PERSON TO CONSUME ALCOHOLIC BEVERAGES IN A PUBLIC PLACE OR POSSESS ALCOHOLIC BEVERAGES IN AN OPEN CONTAINER IN A PUBLIC PLACE. The county governing body may set penalties for violating this ordinance as provided in 7-5-109. Nothing in this subsection prohibits the governing body from enacting prohibitions against public display and consumption of beer and liquor in a portion of the county only." THIS ORDINANCE MAY APPLY TO ALL OR A PART OF THE COUNTY.

NAME Barriette D. Dooling BILL No. HB 507
ADDRESS 2311-43 ST DATE 2/10/81
WHOM DO YOU REPRESENT Mesa' Urb. Transp. Dist.
SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

STANDING COMMITTEE REPORT

February 11, 19 81

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 383

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE
MILEAGE ALLOWANCE FOR CERTAIN COUNTY COMMISSIONERS FOR
TRAVEL BETWEEN THE COUNTY SEAT AND THEIR PLACE OF RESIDENCE;
AMENDING SECTION 7-4-2109, MCA."

Respectfully report as follows: That HOUSE Bill No. 383

DO NOT PASS

DO PASS

STANDING COMMITTEE REPORT

February 21, 1931

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 393

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE REQUIREMENT THAT BOARDS OF COUNTY COMMISSIONERS MUST PUBLISH A DETAILED LIST OF THEIR EXPENDED CLAIMS; REQUIRING THE PUBLISHING OF EXPENDITURE TOTALS; AMENDING SECTION 7-5-2123, MCA."

Respectfully report as follows: That HOUSE Bill No. 393

Amend House Bill 393, introduced copy, as follows:

1. Page 1, line 20.

Following: "expended"

Strike: "from"

2. Page 1, line 21.

Following: line 20

Strike: "cash funds"

Insert: "in each fund"

AS AMENDED

DO PASS

DO PASS

STANDING COMMITTEE REPORT

February 16,

1921

MR. STANBARD

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 394

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 16-1-205, MCA, TO PERMIT A COUNTY GOVERNING BODY TO ADOPT AN ORDINANCE REGULATING, RESTRAINING, OR PROHIBITING THE PUBLIC DISPLAY OR CONSUMPTION OF BEER OR LIQUOR."

Respectfully report as follows: That BONES Bill No. 394
Amend House Bill 394

1. Page 1, lines 19 and 20.

Following: "(2)"

Strike: "If an initiative has not been approved under subsection (1), the"

Insert: "The"

2. Page 1, lines 21 through 23.

Following: "7-5-193"

Strike: "to regulate, restrain, or prohibit the public display or consumption of beer and liquor"

Insert: "making it an offense for any person to consume alcoholic beverages in a public place or possess alcoholic beverages in an open container in a public place"

3. Page 1, line 25 through line 3 of page 2.

Following: "7-5-193."

Strike: the remainder of subsection (2) in its entirety

Insert: "This ordinance may apply to all or a part of a county not within a municipality."

RQ.PASS:

AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

February 11, 1951

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 597

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE REMAINING TRANSPORTATION BOARD MEMBERS TO FILL VACANCIES ON THE TRANSPORTATION BOARD; TO REMOVE THE 2-WEEK WAITING PERIOD REQUIREMENT AFTER THE REQUIREMENT OF NOTICE OF VACANCY HAS BEEN MET; AMENDING SECTIONS 7-14-216 AND 7-14-217, MCA."

Respectfully report as follows: That HOUSE Bill No. 597

DO PASS

STANDING COMMITTEE REPORT

February 11, 19 01

MR. SPEAKER.....

We, your committee on LOCAL GOVERNMENT.....

having had under consideration HOUSE..... Bill No. 413.....

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY OFFICER WHO IS PAID ON A PER-DAY BASIS TO BE PAID HIS PER-DAY RATE OF PAY FOR ATTENDANCE AT CONVENTIONS, MEETINGS, OR OTHER GATHERINGS OF PUBLIC OFFICERS; AMENDING SECTION 7-5-2145, MCA."

Respectfully report as follows: That HOUSE..... Bill No. 413.....

DO PASS