

**MINUTES**

**MONTANA SENATE  
57th LEGISLATURE - REGULAR SESSION  
COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **CHAIRMAN DALE MAHLUM**, on January 18, 2001 at 3:00 P.M., in Room 335 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Dale Mahlum, Chairman (R)  
Sen. John C. Bohlinger, Vice Chairman (R)  
Sen. Chris Christiaens (D)  
Sen. John Cobb (R)  
Sen. Jim Elliott (D)  
Sen. Bill Glaser (R)  
Sen. Duane Grimes (R)  
Sen. Don Hargrove (R)  
Sen. Ken Miller (R)  
Sen. Emily Stonington (D)  
Sen. Ken Toole (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Leanne Kurtz, Legislative Branch  
Mary Gay Wells, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 66, 1/16/2001  
SB 167, 1/16/2001  
SB 198, 1/16/2001

Executive Action: SB 149, DPAA  
SB 175, DPAA  
SB 199, DP

**{Tape : 1; Side : A; Approx. Time Counter : 0}**

**HEARING ON SB 66**

**Sponsor: SEN. JOHN BOHLINGER, SD 7, BILLINGS**

**Proponents: Merle Raph, Toole County Attorney, Shelby  
Fred Van Valkenberg, Missoula County Attorney,  
Missoula  
Mike Grayson, Anaconda/Deer Lodge County Attorney  
Marty Lambert, Gallatin County Attorney, Bozeman  
Pam Bucy, Assistant Attorney General, Department of  
Justice**

**Opponents: None**

**Opening Statement by Sponsor:**

**SEN. JOHN BOHLINGER, SD 7, BILLINGS.** During the last legislative session (1999) I brought a bill that provided longevity payments for our county attorneys. That bill was passed and signed into law. However, that bill will sunset on June 30, 2001. The longevity payment bill became law because the Legislature realized that we were underpaying our county attorneys. As a consequence, they are leaving office for better paying jobs. The Legislature also realized what a huge job it is to be a county attorney. Full time county attorneys' salary ranged from \$50,000 to \$72,425. In Yellowstone County, the county attorney is paid \$72,425 and he supervises a staff of 19 deputy county attorneys and an office support staff of 18. He handles better than 25 percent of the felony cases in Montana. He has 1100 adult felony cases. More than a 1000 misdemeanor cases and 400 youth petitions. A typical private sector attorney makes considerably more money than \$72,425. And this is not just in Yellowstone County. They are asked to serve the public with a non-competitive wage.

In smaller counties, county attorneys are hired with wages ranging from \$16,000 to \$33,000 annually. County attorneys are not eligible for sick leave or vacation pay, yet they must have three years of practice to even run for the office. These are disincentive factors to run for the office and to stay in office. It is a pay matter, work load matter and lack of benefits matter.

If we don't correct these problems, we could lose good county attorneys. Currently, the State pays one-half the salary of the county attorneys. Under the provisions of this bill, the State would pay all of that salary. The 56<sup>th</sup> Legislature (1999) decreased the local jurisdiction tax base through the reduction of business equipment and personal property taxes. These

reductions in the tax base were only partially reimbursed by the State. By State assumption of the responsibility for that salary of county attorneys, some of the cost of doing business at the local level will be offset. Also, over the past three sessions of the Legislature, new duties and responsibilities have been mandated for the county attorneys. Some of the new duties include felony DUI prosecution, felony partner family member assault, felony stalking prosecution, the assault on a peace officer and many more.

Another aspect of the bill is to tie the county attorneys' salary to the district court judges' salary. Currently, district court judges are paid \$82,606 annually. Under this bill, in those counties whose population exceeds 30,000, the county attorneys' pay would be 95 percent of the district court judges' salary. The amount of pay to the county attorney would be raised from \$72,425 up to \$78,475. In counties with populations less than 30,000 (1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> class), the part-time county attorney would receive 60 percent of the base salary or \$47,085. A county attorney who is a part-time official of the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> or 7<sup>th</sup> class would receive a base salary equal to 50 percent of the annual salary earning \$39,237.

**Proponents' Testimony:**

**Merle Raph, Toole County Attorney, Shelby, MT.** He handed in **EXHIBIT (los14a01)** as a summary of his testimony.

**SEN. DON HARGROVE** assumed the Chair because **CHAIRMAN DALE MAHLUM** left to present his bill to another committee.

**Fred Van Valkenberg, Missoula County Attorney, Missoula.** I don't believe that longevity is the best way to deal with pay issues. There is a tremendous disparity across the state in terms of the level of experience and I would argue instead that salaries should be tied to district court judges. This would eliminate the return of the county attorneys asking for a pay raise. An alternative to that would be to give the local government discretion to set salaries. Since the state causes the need for the job to be there, then it is important that the Legislature adequately funds this need.

The Legislature after many appeals from the district court judges, tied their salaries to a five state average: North Dakota, South Dakota, Wyoming, Idaho and Montana. Since this, their salaries have taken a significant leap. I believe that their salaries are tied to a regional basis which is good. We believe that the Legislature of the State of Montana should pay 100 percent of the salaries for county attorneys. This would

relieve the local governments by adopting this. Even though I know the Legislature has other financial considerations, keep this bill alive in some manner.

***{Tape : 1; Side : A; Approx. Time Counter : 18.9}***

**Mike Grayson, Anaconda/Deer Lodge County Attorney.** The county attorneys do so much because of the mandates of the Legislature that the fiscal note is justified. We do both the city and county attorney work. My deputy county attorney devotes 100 percent of her time handling state cases. Her salary is paid 100 percent by our county commission. I spend approximately 70 percent of my time on various state matters and 30-35 percent working to advising the local government, etc. I believe that the counties pay a disproportionate share of the county attorney's salary. Also, the county has paid the benefits which are costly. So therefore, the state does not pay a full half share of the county attorneys' salary. Addressing the disparity between counties, I know that Yellowstone County has more responsibility than Anaconda/Deer Lodge. On the other hand, they have 19 deputies to help him and I have one. So I believe that the best solution is to tie the county attorneys' salaries to the district court judges' salaries.

**Marty Lambert, Gallatin County Attorney, Bozeman.** When we do the very important work of law enforcement, we do it on behalf of all the people in Montana. Given that we are enforcing these state laws, it makes sense to have people in these positions that can do a good job across the state. There is a handout that shows the disparity of salaries and that needs to be dealt with. If the laws are important to the people of Montana, then the fiscal note is more than appropriate. This will be a break for county commissions who are in need of more money.

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**Dennis Paxinos, Yellowstone County Attorney, Billings.** My question is why is the state paying anything to an elected county official? The state does not pay for a county treasurer or a clerk and recorder. It must be guilt. You are mandating county attorneys to do certain things for the state and therefore are willing to pay for half their salaries. But the state pays all the salary for district court judges; they also pay public defenders' salaries. Why does the state not pay for the prosecutors' salaries? I have two deputy county attorneys that handled nothing but abuse and neglect cases. The state pays nothing for those services. There are more programs that have been mandated by the Legislature. The Legislature in 1991 imposed statewide county attorney pay at \$50,000. The only thing

left in place was a cost of living pay raise and that only if the board of county commissioners wanted to do it. Now, ten years later, in Musselshell county, the pay is still at \$50,000 and so on. And that is where the disparity began. There needs to be a fair justice system. One that is equal across the state. Yellowstone County taxed themselves with a public safety mill levy. The salaries for county attorneys is a small portion of the total budget for law enforcement.

**Pam Bucy, Assistant Attorney General, Department of Justice.** I am here on behalf of the Attorney General as well as the Department of Justice. County attorneys carry heavy case loads. They work hard and this bill would recognize their hard work for the state. The Department encourages the passage of this bill.

**Opponents' Testimony: None**

**Questions from Committee Members and Responses:**

**SEN. CHRIS CHRISTIAENS** asked how many counties have part-time county attorneys and how many have full time attorneys. **SEN. BOHLINGER** did not know the answer but wondered if the smaller counties would decide to have a full time county attorney if the state began to pay their salary. Under current law, the population of a county determines if the position is part time or full time. **Karen Monroe, Dept. of Justice,** responded that they had prepared the numbers for the fiscal note. She handed out a sheet showing the county attorney payroll program **EXHIBIT (los14a02)**. Golden Valley/Musselshell and Sweet Grass counties are going to have a full time county attorney. It does not have to be based upon population. The counties have to inform the Dept. of Justice just prior to the Legislative Session. The Dept. then puts it into their budget.

**SEN. CHRISTIAENS** inquired what the current law is concerning vacation and health insurance for county attorneys and if these issues are addressed in SB 66. **Ms. Monroe** said that yes, this is in the fiscal note. The state pays only retirement on the money the state pays out. The state does not pay health insurance. If the county attorneys would become a state employee, they will be on the state medical plan and the additional cost would be \$500,000.

**SEN. JIM ELLIOTT** wanted to verify that this is not a tax increase but a shift from the county budget to the state budget.

**Fred Van Valkenberg** felt that it is a shift in expenditures.

**SEN. ELLIOTT** further questioned if the state would get reimbursed money from the counties. **Mr. Van Valkenberg** said that would be up to the Legislature.

**SEN. ELLIOTT** asked how the county commissioners felt about the bill. **SEN. BOHLINGER** replied that he had no conversation with his county commissioners. He pointed out that in the audience, there is a county commissioner and asked him to respond. **Bill Kennedy, Yellowstone County Commissioner** answered that his county would not want to reimburse the state for the county attorney's salary. Budgets are tight.

**SEN. EMILY STONINGTON** wanted to know that if the bill could not be passed as presented due to budget restraints, what are the priority issues in the bill that could be salvaged. **Mr. Van Valkenberg** replied that, in his opinion, being tied to the district court judges' salary would be the most important issue.

**SEN. KEN MILLER** asked how the salaries are calculated in North Dakota, South Dakota, Wyoming, and Idaho for district judges. **Ms. Monroe** replied that she did not know but would get the answer for the Committee.

**SEN. BILL GLASER** asked if the Legislature decided to phase this in over four to five years, what would the county attorneys' response be. **Dennis Paxinos** replied that this bill tried to be fair to all concerned and tried to eliminate the disparity between counties. He stated that he hoped the Committee could come up with fair treatment for all concerned.

**SEN. GLASER** asked the same question of **Bill Kennedy**. **Mr. Kennedy** replied that the counties are struggling the same as the state is over very tight budgets. Any added new burden on the counties, especially in the eastern part of the state, would be onerous. Mental health is specifically eating into all budgets. A phase in on the salaries at the state level would be good.

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**SEN. JOHN COBB** asked for a back up plan so that the bill could be kept alive.

**Closing by Sponsor:**

**SEN. BOHLINGER** closed. There is an understanding among this body for some sort of pay adjustment to address the disparity that exists between the county attorneys' pay and the district court judges' pay. The Committee understands the heavy workload and the need to keep good people in these positions. I believe that the Committee will work on solutions whether it be as a phase in or an adjustment of the percentage of pay or both.

HEARING ON SB 167

Sponsor: SEN. EMILY STONINGTON, SD 15, BOZEMAN

Proponents: Jan P. Sensibaugh, Dept. of Environmental Quality (DEQ)  
Joan Miles, Lewis & Clark City/County Health Dept.  
Jane Jelinski, MT Assoc. of Counties (MACO)  
Stephanie Nelson, Gallatin Co. Health Officer  
Page C. Dringman, Realtors Assoc.  
Peter Nielsen, Missoula County Health Dept.  
Travis West, Director, Environmental Health Dept., Stillwater County  
Susan Brueggeman, Lake County  
Ann Hedges, MT Environmental Information Center  
Byron Roberts, MT Building Industry Assoc.  
Ross Dink, Member, Consensus Council, Representing Small Counties  
Terry Murphy, Subdivision Reviewer, Lake County

Opponents: None

Opening Statement by Sponsor:

SEN. EMILY STONINGTON, SD 15, BOZEMAN. This bill is a revision of the sanitation in subdivision laws. It is normally a very controversial area. However, significant work preceded this hearing. There are two statutes that cover review of subdivisions: Subdivision of Planning Act and Subdivision of Sanitation Act. This is in regard to the Subdivision of Sanitation Act. A Consensus Council was put together to address this issue. That group included members from the Dept. of Environmental Quality, realtors, builders, surveyors, engineers, planners, counties, etc. This bill comes with much agreement. In the meantime, the Legislative Auditors did a performance audit of the subdivision approval process. This bill does not fully comply with the Legislative Audit recommendations. They wanted to get the Dept. of Environmental Quality completely out of the sanitation subdivision process. The Consensus Council said they were not ready to go that far yet. This bill will reduce the amount of duplication and the amount of redundancy.

Proponents' Testimony:

Jan P. Sensibaugh, Dept. of Environmental Quality. She gave her testimony and handed in a written copy **EXHIBIT (los14a03)**.

**Joan Miles, Lewis & Clark City/County Health Dept.** I served on the Consensus Council. Please take a close look at the bill and you will see that this bill addresses many of the problems that we have experienced. One of the most important sections is about allowing local health departments to look at major subdivisions as well as minor subdivisions. This would help to ensure subdivisions are actually constructed in accordance to how they had been approved. This has been a real problem. The state would go through their review within 10 days of the time the local government turns it over to the state; that significantly reduces the time. New rules have been adopted that guarantee there is one coordinated decision, one approval letter that covers any state and local requirements, rules to minimize duplication of review, etc.

This does not totally incorporate turning this process over to local government as was recommended in the Legislative Audit report. I don't believe anyone disagrees with the principals articulated in that study, but it was too soon to take the leap they were suggesting.

**Jane Jelinski, MT Assoc. of Counties.** This bill recognizes the vast differences between the needs and the resources across the state. Urban rapid growth counties have different problems from rural negative growth counties. We did resist the Legislative Audits recommendation to take the state entirely out of the process. We do still want the state to be involved and this bill allows those counties who have the resources and the will to do their own review.

**Stephanie Nelson, Health Officer, Gallatin Co., Bozeman.** Gallatin County has experienced unprecedented growth in the last ten years. The issues surrounding subdivision sanitation review are very important. This is not a perfect bill but it is a reasonable bill. One of the issues is dual authority and this bill address that. I would like to submit a letter **EXHIBIT(los14a04)** from Lake County Commissioners. They are in support of this bill.

**Page C. Dringman, Realtors Assoc.** She presented her testimony and handed in a written copy **EXHIBIT(los14a05)**. She also handed in proposed amendments to the bill **EXHIBIT(los14a06)**.

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**Peter Nielsen, Missoula City/County Health Dept.** This bill presents some good solutions which will eliminate the dual review of local and state agencies; it will also eliminate the

problematic perk test; it will provide a stronger role for local governments in review of subdivisions, and maintain an appropriate role for Dept. of Environmental Quality in oversight and training of local participants and review at the county's request. The points that **Ms. Dringman** brought up were not discussed extensively in the Consensus Council but we have been talking with the Department for a number of years concerning these issues. People need to have covenants and restrictions so they don't get into trouble.

Otherwise they really have problems that are costly to be fixed. Mixing zones require about an acre lot. People make the mistake of not finding out where their well and septic system are placed. This leads to the notification to purchasers. This is crucial. These are recorded at the court house in most counties. People don't get the information and therefore they end up with big problems. In regard to the installation inspection, this bill is important for consumer protection--septic systems need to be inspected to make sure they are put in correctly. The effective date is already addressed and should cause no one a problem.

**Travis West, Director, Environmental Health Dept., Stillwater County.** Stillwater County is in favor of this bill. We believe that many problems will be solved with the passage of this bill. Our county is growing rapidly and is faced with major and minor subdivisions. We can utilize the state. This bill will provide consistent review among all counties.

**Susan Brueggeman, Director, Environmental Health, Lake County.** We stand in support of this bill because it maintains the current relationship between the state and local levels. The state provides expertise when needed. The changes are reasonable.

**Ann Hedges, MT Environmental Information Center.** This bill is good because of the Consensus Council.

**Byron Roberts, MT Building Industry Assoc.** This began as a contentious process, but we have ended up not only reaching a consensus on this bill, but every member that was present signed on behalf of their organization. We do have some of the same concerns as the realtors. The bill goes a little beyond in some cases and we would like these issues looked into. The single application process and a single document that is returned for approval is good. Local standards must be met before DEQ will sign off on it.

**Ross Dink, Member, Consensus Council, Representing Small Counties.** I actually was representing small subdivisions in Gallatin County and in Miles City. We support this bill wholeheartedly.

**Terry Murphy, Subdivision Reviewer, Lake County.** The provisions concerning real estate are in this bill to protect the general public. People come in saying, "Oh I didn't know I had to do this or I can't afford to do this." It is important that information be given out in a timely manner on approval.

**Opponents' Testimony: None**

**Questions from Committee Members and Responses:**

**SEN. KEN TOOLE** asked if none of the changes are adopted, would the realtors support this bill. **Page Dringman** replied that the realtors would still support the bill in general, but from a technical standpoint a few things must be fixed. And from the legal standpoint, there are some liability issues that would benefit from some amendments. **Collin Bangs, Realtor, Missoula** was asked to respond. **Mr. Bangs** said the realtors would not support the bill without the changes. Three items were not discussed. However, standing in the hallway just now, a group of the proponents felt some changes could be reached.

**SEN. TOOLE** asked for a follow up from **Jan Sensibaugh**. **Ms. Sensibaugh** remarked that the issues concerning the realtors were discussed early on in the Council's discussions. These issues were identified in order to make the process more accountable so people would really know what they were to do, where the septic tanks and wells were to be placed and wouldn't run afoul of the approval process. While the Council didn't discuss the specific language, they did discuss the issues. This bill had been brought before the Council in the form it is currently in. The Council had always anticipated that rule-making authority would be in the statute defining the easement and restrictive covenant part of this rule-making which is done in a consensus type process. The liability issues might not be dealt with through the rule-making. That would have to be addressed.

**SEN. TOOLE** felt that there had not been total consensus within the whole group and as this bill moves forward, will there be some discussions that would bring all the participants together. **Ms. Sensibaugh** did not think that would be possible. The groups that were part of the Council should be part of any changes that might be proposed. **Ms. Sensibaugh** further stated that her department would continue to support the bill as it stands.

**SEN. BILL GLASER**, asked, on page 3, line 24, if every department means every fire department, every fire chief or what. **Leanne Kurtz, Legislative Staff**, said it is existing language and had not been changed. The concern may have been if "local

department" referred to local department of health or potentially any department.

**SEN. DON HARGROVE** asked for comments on a possible increase or decrease in liability to counties. **Joan Miles** said that was the outstanding question with some of the recommendations coming from the Legislative Audit report. If it wasn't clear, this would make some major shifts in potential liability issues. She didn't think that would be an issue in the bill.

**Closing by Sponsor:**

**SEN. STONINGTON** closed.

**HEARING ON SB 198**

**Sponsor:** **SEN. MIKE TAYLOR, SD 37, PROCTOR.**

**Proponents:** None

**Opponents:** **John Fitzpatrick, Touch America, Montana Power Co.**

**Opening Statement by Sponsor:**

**SEN. MIKE TAYLOR, SD 37, PROCTOR.** This is an economic bill. This act authorizes business infrastructure investments under the Treasure State Endowment Program (TSEP), providing that the business infrastructure projects be used for the creation or expansion of a business in a local government. On the first page of the bill, Section 1 is already in law. This addresses the Treasure State Endowment Program procedures. In Section 3, page 5, it defines "business infrastructure" as buildings, including remodeling of existing buildings, streets and roads, traffic control devices, landscaping, parking, electrical systems, plumbing systems, high-speed telecommunications connections. There might be a question of whether we want some energy system included.

Section 6, page 9, it states "up to \$2 million each year" would be available from the Treasure State Endowment Program. Following on to page 10, it defines how this money can be used. This is a unique concept in government. Rather than just giving it away as we normally do, this states that if the money is given to a business for infrastructure in a city or town, they must follow certain guidelines. On line 10, it states that a business shall qualify for financing under prudent Montana banking standards. On line 11, the business investments must have assets

equal to 20 percent of the cost. On line 13, the employees of the business must receive an average wage rate equal to 150% of the federal poverty level and that is about \$8 per hour.

The bill would take some of the Treasure State Endowment money and give a business that meets these criteria an opportunity to match this money and start a business and create jobs.

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I want to make sure that this money is intended to be set aside so the Legislature would not have to meet every two years to make decisions. If that would be necessary, then this bill would lose the benefits. The figure of \$2,000,000 was arbitrary because if the money is not used, it goes back into the Treasurer State Endowment Program. The loan has to be a minimum of \$100,000 and no more than \$1,000,000. This would address expansion businesses of 15 employees or more.

There is an amendment and I am not opposed to it except that I would like to speak about the amendment later.

**Proponents' Testimony: None**

**Opponents' Testimony:**

**John Fitzpatrick, Touch America, Montana Power Co.** We are here basically to present an amendment **EXHIBIT(10s14a07)**. In reference to high speed telecommunications connections, this could be interpreted very broadly from computer systems to putting some loops in the streets, etc. We would like to insert "customer premise equipment for telecommunications systems." This would be telephones, key systems, PBX's modems, inside wiring, etc. They could wire up a building or an industrial park.

**Questions from Committee Members and Responses:**

**SEN. KEN TOOLE** inquired if this was a loaning fund or is it a grant. **SEN. TAYLOR** said TSEP is money from the Coal Trust Fund. Basically it is given as a grant to cities and towns for water, sewers, etc. He is changing the use of that money in that the money be paid back to the Coal Trust with interest. This bill would build up the Coal Trust. There would be low interest on the loans.

**SEN. TOOLE** asked if these loans would be the risky kind. **SEN. TAYLOR** responded that the businesses would have to qualify just as for a bank loan and meet certain qualifications.

**SEN. EMILY STONINGTON** stated on page 9, it reads "to be used to fund business infrastructure projects" not loan. **SEN. TAYLOR** said that was true. **SEN. STONINGTON** was concerned that local government might prefer to use that money on projects for their own infrastructure rather than for a private business even if it would further improve the infrastructure of the city. **SEN. TAYLOR** said the intent is to fund business infrastructure projects that would create jobs. Local government would submit to the Dept. of Commerce the projects and they would rank the projects based on lines 8, 9, 10, 11, 12 and 13 on page 10.

**SEN. STONINGTON** went a step further and wanted to know if there were two projects, one for local government and one for business, which would be chosen and how. **SEN. TAYLOR** said that first they must meet the criteria as spelled out. He then added that right now the sewers and water projects are already set up in TSEP and local government would not bring those projects in under this bill.

**SEN. JOHN BOHLINGER** asked that if the business must qualify for financing under prudent Montana banking standards, would this not imply there is a pay back provision. This would be a loan not a grant. **SEN. TAYLOR** said one of the standards would be an audited financial statement and that would prove you have the ability to pay back what you are borrowing.

**SEN. BOHLINGER** spoke about the business having investments or assets equal to at least 20 percent of the costs. In the event of failure to repay, there must be a way to secure this 20 percent equity. **SEN. TAYLOR** said absolutely.

**SEN. HARGROVE** wondered why this bill focused on infrastructure. **SEN. TAYLOR** said because TSEP focuses on infrastructure.

**SEN. BILL GLASER** questioned, on page 5, the definition of business infrastructure, lines 28 and 29, electrical and plumbing systems. This must mean outside plants, not wiring inside another building or putting in a toilet. The Montana State Constitution does not allow this money to be invested in unsafe things. **SEN. TAYLOR** felt that the bill was drafted so as not to be illegal under the Constitution. If the local government leased a building, gutted the whole building and then had to put in new plumbing fixtures, etc., that is what this bill would do.

**Closing by Sponsor:**

**SEN. TAYLOR** closed. I am not opposed to the amendment.

**SENATORS COBB, MILLER, GRIMES AND CHRISTIAENS** had to leave for another hearing.

**EXECUTIVE ACTION ON SB 175**

**Motion:** **SEN. GLASER** moved that **SB 175 BE AMENDED EXHIBIT (los14a08)**.

**Discussion:**

**SEN. GLASER** explained the minor amendments that were necessary to the bill.

**Vote:** Motion **carried unanimously**.

**Motion/Vote:** **SEN. GLASER** moved that **SB 175 DO PASS AS AMENDED**.  
Motion **carried unanimously**.

**EXECUTIVE ACTION ON SB 199**

**Motion:** **SEN. BOHLINGER** moved that **SB 199 DO PASS**.

**Discussion:**

**SEN. ELLIOTT** said he had favorable comments on the bill but it was doubtful if the bill would be utilized.

**SEN. TOOLE** wondered if this bill was basically a work crew under supervision.

**SEN. BOHLINGER** was interested in "other maintenance projects" because in his district, graffiti has been a problem and this might be a good way to get it cleaned up.

**SEN. HARGROVE** said that he thought it would be good to have on the books and hopefully someone could utilize it

**Vote:** Motion **carried 6-1 with Toole voting no**.

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**EXECUTIVE ACTION ON SB 154**

**Motion:** SEN. GLASER moved that SB 154 BE AMENDED EXHIBIT (los14a09).

**Discussion:**

SEN. GLASER discussed the bill and the amendment. SEN. BOHLINGER was in support of the amendment to include the 4.5 miles outside the city limit.

SEN. ELLIOTT was going to vote against the bill because in his district it would just create feelings of anger between the people who live in town and those who live out of town. He understands that in Missoula this might be good but not in his area.

SEN. TOOLE asked if those people pay taxes outside the city limits? SEN. GLASER replied that they do pay city fees on their buildings, on inspections and they contribute to the social economy of the city, etc. He further stated that the sponsor was glad to see the amendment to include the "donut area".

SEN. HARGROVE said that anything concerning the "donut area" is very controversial and with the annexing of more and more land, more hard feelings arise. He could not support the bill or amendment.

SEN. STONINGTON stated that living in an urban area is one thing, but this bill is not geared for the rural area.

SEN. ELLIOTT also stated that in many of the rural areas there may be one construction company in town and several out of town. This is not good for the rural communities.

SEN. COBB returned from another hearing.

**Vote:** Motion carried 5-3 with Elliott, Hargrove, and Stonington voting no (Roll Call Vote).

SEN. ELLIOTT moved to set executive action aside until another day so that the excused absent senators could vote on the amendment. All were in agreement.

SEN. CHRISTIAENS returned from another hearing.

SEN. BOHLINGER left for another hearing.

**EXECUTIVE ACTION ON SB 149**

**Motion:** SEN. COBB moved that SB 149 BE AMENDED EXHIBIT (los14a10).

**Discussion:**

**SEN. COBB** said the amendment strikes "not to exceed 20 mills." This then allows the voters to decide how many mills they want.

**SEN. GLASER** said the legislators must remember that mills are variable. A mill in Billings is a lot more than a mill in Shelby. By setting a minimum or maximum of mills could mean different things in different cities or counties.

**Vote:** Motion **carried 8-0.**

**Motion/Vote:** **SEN. STONINGTON** moved that **SB 149 DO PASS AS AMENDED. Motion carried 8-0.**

**ADJOURNMENT**

Adjournment: 6:15 P.M.

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SEN. DALE MAHLUM, Chairman

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MARY GAY WELLS, Secretary

DM/MW

**EXHIBIT (los14aad)**