

STATE ADMINISTRATION
MARCH 20, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. Friday, March 20, 1981 with Chairman Jerry Feda presiding. All members were present except Representatives Azzara, Dussault, Kanduch and O'Connell.

Chairman Feda opened the meeting to a hearing on SB 109.

SENATE BILL 109-SPONSOR, Senator Story, introduced this bill which revises Initiative 85, the Lobbyist Disclosure Act, to clarify those provisions relating to lobbying activities of the state and local governments. The bill also revises the accounting requirements for principals regulated by the initiative. Senator Story said that the original initiative has too many loop-holes. One of them, he stated, is the exclusion of a public official acting in his official capacity. That is practically universally the case. He said that section 14 is where you would expect to find out if there is anything government might do that would require reporting. All you find, he stated, is two exceptions; the budget preparations and response to requests of the legislature by government entities. Senator Story said that his intention when he wrote this bill was to eliminate these loop-holes because, he said, those of us particularly on the appropriations or taxation committees are well aware that the majority of lobbying is not from the private sector but from the public sector. He gave examples of several publications put out by public agencies that try to influence private citizens to influence the legislators. He said that if lobbyist disclosure focuses only on the private sector people will get a distorted view. The public sector must report also in order to get a balanced look at this thing. It was not my intention, he stated, to create a situation where if anyone in state government talks to anyone else they are lobbying. The bill as originally written would have done this, however, the State Administration Committee in the Senate have rewritten the bill and what it does now is excludes normal, routine interrelations between government agencies and that is our intention.

PROPOSERS

WARD SHANAHAN, representing himself, passed out copies of a proposed amendment to SB 109. A copy is attached and is EXHIBIT 1 of the minutes. Mr. Shanahan said that he has been waging a kind of one man campaign trying to get some clarity into I-85. This amendment, he stated, would limit this initiative to legislative lobbying and quasi-legislative lobbying. He said that he does not think it was the intent

SB 109 (cont.)

of the drafters of this bill to include every contact between a person and a member of state government.

J. C. WEINGARTNER, State Bar, concurred with Mr. Shanahan's amendment and stated that they had intended to submit the same amendments to the committee.

JANELLE FALLAN, Montana Chamber, stated that they support SB 109 but this does not mean that they think I-85 is constitutional.

OPPONENTS

MARK MACKIN, Citizens Legislative Coalition, stated that on page 10, line 21 through 25, there is a "glaring loop-hole" that would allow various kinds of entities to escape reporting these expenditures by declaring themselves a citizens group of some kind. He said that they would prefer that the word "principal" be used instead of citizens. In regard to the agency reporting requirements, we feel that requiring the same reporting as required by the private sector would amount to an unrealistic duplication. He said that Representative Bardonoue's bill better addressed agency accounting in this matter. If you are trying to restrict agency lobbying, he stated, this is a backhanded way to go about it. What you are doing in effect is placing a financial burden on the taxpayers. As far as the publications go, he said, the cost is already figured and is fixed by the legislature and as I understand it has to be printed on the publication. Basically, he stated, we oppose this bill and do not see it as any kind of improvement.

MONA JAMISON, legal council for the governor, stated that to begin on a positive note, she would like to thank Senators Story and Towe for lines 12 through 20 on page 2, where there is recognition that the agencies have got to be able to work together in providing citizen services. She said that the governor is opposed to this bill for the following reasons. They oppose the deletion of "or public official acting in his official capacity" on page 2, lines 10-11. She said that the governor comes under the definition of a public official and that he should receive the same courtesy as other elected officials (legislators). We do feel, she said, that all government employees are not public officials and this bill as well as the original initiative would require them to register.

SB 109 (cont.)

The question comes down to whether or not a department head appointed by the governor is a public official. We would submit that all elected officials and appointed officials not be required to comply with this act. We believe, she stated, in the accountability of the employees to the legislature and to the executive branch. When department heads appear totally in support of a bill, we feel this is a necessary service in order to provide the best possible legislation. The governor supports the concept of lobbying registration and one of the recommendations we made in reference to Representative Bardanoue's bill was to have the sign up sheet in the governor's office because the governor wants to know who is here lobbying. Ms. Jamison also said that on page 10 section 6, there is an implication that unless money has been specifically appropriated for lobbying that no lobbying can be performed by a state employee. This assumes that everything that the executive branch says in lobbying is negative, and I would submit, she stated, that this is not true. We recommend that this section be deleted. The amount of money and time that will be spent by the agencies in complying with the accountability provision as it exists now without the addition of section 6, is something that should be considered. The fiscal note indicates that it will cost approximately \$78,000 to the commissioner but this does not take into consideration what it will cost the agencies in addition to this. I think, she stated, that this is going to cost citizens additional money and is going to take state employees away from doing their jobs at work.

MIKE O'MALLEY, Common Cause, stated that common cause will always support legislation that gives the electorate a broader perspective of the legislative process, however, the confusion that surrounds an initiative should be limited. There is some question as to whether you can amend a law that does not exist. I-85 is now in suspension and we would urge that the committee table SB 109 until the pending case before the Supreme Court is settled regarding I-85.

JOY BRUCK, League of Women Voters, stated that "although we have always supported the concept of lobby disclosure, with the passage of I-85, we are in the position of choosing between models. We could support some changes to I-85, but not the changes presented in this bill. We want to see a disclosure method which will deliver to the people what they want to have, and we think the citizen's first priority is learning how much is spent lobbying the legislature.

SB 109 (cont.)

Lobby disclosure should not be vague, confusing, or designed to impede the flow of information between citizens, agencies and elected officials. Therefore, we cannot support SB 109, and hope you will give it a do not pass.

QUESTIONS BY THE COMMITTEE

Mueller: Do you have objections to the amendment Mr. Shanahan proposed.

Story: I think it is a good amendment but I will not take credit for proposing it.

Spilker: What does the present administration feel about state employees that lobby on state time on issues concerning their own individual opinion.

Jamison: I believe that has to be done on the persons own time and money so that citizens are not paying for an employee to be lobbying on his own particular views.

Mueller: Do you have any objections to the amendment Ms. Jamison proposed which would put back in the stricken language on page 2 and also include the governor?

Story: I do not mind if the governor or any top officials are excluded but I think it is terrible that the governor's person has said, in so many words, that what they care about is the 14,000 state employees and the other 730,000 citizens of Montana can "eat cake".

Senator Story closed the hearing on SB 109. He said that this bill would allow a citizen to go to the commission's office and find out how much money was spent by whom concerning any lobbying issue. If the citizens have a right to know how much money was spent by private lobbying they have a right to know how many tax dollars are spent.

SENATE BILL 298-SPONSOR-Senator Hazelbaker, introduced this bill which prohibits a state agency from adopting a rule that is substantially the same as legislation previously rejected by any standing committee or by either house of the legislature. It further provides that if a person or the Administrative Code Committee objects to such a rule, the rule may not be adopted unless the agency makes a written determination specifying certain conditions relating to the proposed rule. Senator Hazelbaker said that he had David Niss, legislative Council, work up some

amendments to this bill that are initially mechanical amendments. He passed out copies to the committee. A copy is attached and is EXHIBIT 2 of the minutes.

DAVID NISS, legislative council, stated that the amendments cleared up some inconsistent language in the bill. The effect of this amendment would be to say that a rule is not valid if it contravenes this prohibition but any agency can go ahead and adopt this rule (this does not mean that it is valid) unless a person or the committee objects to this rule in writing. Also the language "for any standing committee" would be deleted. If the standing committee disapproves a bill but it is "blasted" out of committee, passes both houses and becomes law we would not want to prohibit an agency from adopting rules to implement this law.

PROPOSERS

SENATOR TURNAGE, stated that he supports this bill and the amendments proposed by Senator Hazelbaker.

OPPOSERS

JIM BECK, Department of Highways, stated that there is no time limit placed on the prohibition so all state agencies would have to be aware of all the bills killed since 1889. He also said that some of the phrases in the bill are not clear. "Substantially identical to", he stated, is a matter of interpretation, "unless authorized by law" seems vague. Does this mean a specific authorization or does this refer to just the general rule making authority of the agency. He said that the section that would require written findings would be very difficult to comply with. It is very difficult to ascertain legislative intent let alone legislative reasoning.

JOHN NORTH, representing the Department of State Lands, stated that there are three problems with Mr. Niss's amendment. First, an agency can be granted rule-making authority only by statute. Once a law is adopted, the only way to change that law is to amend it with another law. This bill would allow the legislature to amend rule-making authority by not adopting a law. He also pointed out that this would be without the governor's signature. This bill is also contrary to the accepted rules of statute for construction that have been adopted by the Montana Supreme Court. Mr. North also concurred with Mr. Beck that it is very difficult to determine why a bill was killed.

DAL SMITH, Department of S.R.S., testified in opposition to SB 298. A copy of his prepared testimony is attached

SB 298 (cont.)

and is EXHIBIT 3 of the minutes.

BOB WOOD, Department of Business Regulations, stated that it is very difficult to argue with the concept of not providing rule making which is contrary to law. But, he stated, I stand here doing something along that line. He said that there are adequate procedures both from statutory and case load that do that. He asked that the committee look at the current administrative procedures act and see if there is any grounds for challenging illegal and unlawful rule-making and look to the existing procedures rather than create this "mammoth" chore.

QUESTIONS BY THE COMMITTEE

Spilker: I think we have a law that says an agency can not by budget amendment appropriate money for something that the legislature has turned down. How do you keep track of that?

Smilie: That is much easier to keep track of, even in your mind, because you are talking about what happened in the last legislature. This bill requires that you keep track of bill all the way back to 1889.

Winslow: What is your response to limiting the number of sessions that could be referred back to.

Turnage: I would not oppose this, I think it should be two sessions or more.

McBride: Have you ever tried to find out why a bill was rejected by a committee?

Turnage: All secretaries this session were told to make very detailed minutes for this reason.

McBride: Is it possible that we will next be asked to attach a statement of intent for rejecting a bill?

Hazelbaker: I tried to get a bill to that effect passed but it was killed.

Senator Hazelbaker closed the hearing on SB 298. He said the bill was adequately discussed and he had no further comments.

SENATE BILL 432-SPONSOR, Senator Van Valkenburg, introduced this bill at the request of the Office of the Governor. It changes the name of the Department of Business Regulation to the Department of Commerce; abolishes the Department of Professional and Occupational Licensing and Transfers the Departments functions to the Department of Commerce; reallocates the boards under the Department of Professional and Occupational Licensing to the Department of Commerce; abolishes the Department of Community Affairs and its divisions and transfers the Department's functions to the Department of Commerce, Administration, Justice, and Social and Rehabilitation Services; reallocates certain boards under the Departments of Administration and Community Affairs to the Department of Commerce; creates a state information and research system; and abolishes the state airplane pool. A section by section summary of SB 432 is attached and is EXHIBIT 4 of the minutes.

PROPONENTS

REPRESENTATIVE JOE QUILICI, said that if the governor didn't come out with a bill to this effect he would have introduced a committee bill that would have set up a Department of Economic Development. This should have been done a long time ago. He said that he also has a resolution in this session to look into transportation problems in the state of Montana. These bureaus will be able to address the transportation problems that exist since the close of the Milwaukee Railroad and the loss of the incoming freight of the Burlington Northern.

Representative Fabrega, stated that it makes perfect sence to merge these departments. All of this necessitates a Department of Commerce and one director looking at promoting economic development.

GARY BUCHANAN, Department of Business Regulations, explained the structure of the new department to the committee. He passed out a sheet "Proposed Structure of the Department of Commerce" to the members. A copy is attached and is EXHIBIT 5 of the minutes. He said this would reduce the level of staff from three directors to one director and consolidate centralized services saving additional staff and money.

JOHN DELANO, Montana Railroad Assoc., stated that they have no criticism of the present staff but feel it would be advantageous to merge.

SB 432 (cont.)

JANELLE FALLAN, Montana Chamber, stated that this is an idea that is long overdue.

KENNETH CLARK, representing the United Transportation Unions, concurred with other proponents.

JEFF KIRKLAND, Montana Credit Unions League, stated that they feel the administration of their department may be enhanced with this transfer of functions.

GRETCHEN TEA, representing the Montana Bankers Assoc., stated their support of this bill.

MIKE STEPHEN, Montana Assoc. of Counties, concurred with other testimony and stated that they look forward to working with this new system.

DAN MIZNER, League of Cities and Towns, stated that their primary concern is the auditing function that many of the smaller cities and towns rely on and with the Department of Administration continuing this service we think this is the right thing to do. He also said that they are pleased that the Research & Information Systems Division will be maintained.

OPPONENTS

There were none.

QUESTIONS BY THE COMMITTEE

Spilker: Under section 13 it refers to a state information and research system in the Department of Commerce. I thought it was being transferred to the Department of Administration.

Answer: That is a typographical error in the EXHIBIT 4, it should be Dept. of Administration.

Spilker: Is there a conflict between this bill and Senator Regan's bill SB 405?

Buchanan: This bill simply retains status-quo, Senator Regan's bill would amend this requirement within the department.

Senator Van Valkenburg closed the hearing on SB 432.

SENATE JOINT RESOLUTION 25-SPONSOR, Senator McCallum, introduced this resolution to the committee. Currently school districts finance their employer contributions to the Public Employees' and Teachers' Retirement Systems through countywide property tax levies. This resolution requests an interim committee be assigned to study the current funding method used by school districts and to explore alternative funding methods. Senator McCallum passed out a chart that shows the countywide levies for 1980-81. A copy is attached and is EXHIBIT 6 of the minutes. Senator McCallum said that he does not know what the answer is but we have to find some other way of funding these systems.

PROPOSERS

REPRESENTATIVE WALTER SALES, related his concerns about two county schools in his district that pay a large amount of their budget to the retirement systems. He said that one school has an annual budget of about \$40,000 and they pay over \$20,000 into the retirement system. He said that they are losing everything that would have been given to them under the State Equalization Program.

OPPOSERS

There were none present.

QUESTIONS BY THE COMMITTEE

There were none.

Senator McCallum closed the hearing on SJR 25.

A motion was made to adjourn at 10:00 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

Note: Executive session on these bill 3/23/81

SENATE BILL 109
Second Reading

1. Amend page 1, line 8.
Following: "OFFICIALS;"
Insert: "TO PROVIDE THAT OFFICIAL RULEMAKING IS INCLUDED IN THE
DEFINITION OF LOBBYING"
2. Amend page 2, line 14.
Following: "OFFICIAL"
Insert: "RULEMAKING"
3. Amend page 2, line 15.
Following: "OFFICIAL"
Insert: "RULEMAKING"
4. Amend page 2, line 16.
Following: "THE"
Insert: "SUCH"

PROPOSED AMENDMENTS TO SB 298

1. Title, line 6.
Following: "LEGISLATURE"
Strike: "OR" through "COMMITTEE"
2. Page 1, line 10.
Following: "No"
Strike: remainder of line 10
3. Page 1, line 11.
Following: "rule"
Insert: "is valid"
4. Page 1, line 13.
Following: "house"
Strike: "or any standing committee"
5. Page 1, line 16.
Following: "OBJECTS"
Insert: "in writing"
6. Page 1, line 20.
Following: "implemented;"
Insert: "or"
7. Page 2.
Following: line 1
Insert: "Section 2. Section 2-4-305, MCA, is amended to read:
2-4-305. Requisites for validity - authority and statement of reasons. (1) The agency shall consider fully written and oral submissions respecting the proposed rule. Upon adoption of a rule, an agency shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. When no written or oral submissions have been received, an agency may omit the statement of reasons.
(2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference shall clearly indicate that portion of the language which is statutory and the portion which is amplification of the language.
(3) Each rule shall include a citation to the specific grant of rulemaking authority pursuant to which it or any part thereof is adopted. In addition, each rule shall include a citation to the specific section or sections in the Montana Code Annotated which the rule purports to implement.
(4) To be effective, each substantive rule adopted must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law."

(over)

Testimony by SRS
in opposition to SB 298

There are numerous reasons why Senate Bill 298 should not be enacted into law. First, there is a serious question whether the manner in which the bill sets limitations on agency rulemaking passes constitutional muster. Certainly the legislature is empowered to place any limitations on agency rulemaking that it wishes under its constitutional authority to specifically enact such limitations. Here, however, the legislature is not enacting any specific limitations but providing that past and future limitations on rulemaking will be determined by legislative inaction. Not only is the legislature not enacting specific limitations in accordance with the Montana Constitution, it is placing itself in the position of not even knowing what limitations it is in fact placing on agency rulemaking. This bill in other words, sets in place a mechanism whereby the legislature does not have to act to set restrictions on executive authority and in this respect the bill violates Article V, Section 11 of the Constitution, which requires a majority vote of the legislature to pass laws, as well as principles of separation of powers. This bill does not even require "inaction" by the legislative whole; inaction by a committee can establish public policy and limit executive branch authority under the terms of this bill. On these grounds, it appears clearly unconstitutional.

Such a bill is inadequate to correct the perceived problems for other reasons, a basic one of which is the fact that public policy or legislative intent simply cannot be effectively set by legislative inaction, but only by affirmative legislative action. As the Court of Appeals in California noted in 1968, judicial attempts to determine legislative intent from unpassed bills is not successful:

The unpassed bills of later legislative sessions evoke conflicting inferences. Some legislators might propose them to replace an existing prohibition; others to clarify an existing permission. A third group of legislators might oppose them to preserve an existing prohibition, and a fourth because there was no need to clarify an existing permission. The light shed by such unadopted proposals is too dim to pierce statutory obscurities. As evidence of legislative intent they have little value. The Sacramento Newspaper Guild v. The Sacramento County Board of Supervisors, 69 Cal. Rptr. 480, 492 (1968). See also Reed v. Huston, Supreme Court of Idaho, 132 P. 109, 111 (1913); James v. Young, Supreme Court of North Dakota, 43 N.W. 2d 692, 698 (1950); Miles v. Worker's Compensation Appeals Board, 136 Cal. Rptr. 508, 511 (1950).

Senate Bill 298, as amended in the Senate, apparently allows for an agency to make a showing that a particular bill was defeated for reasons other than on its merits in

order to justify the promulgation of the rule. In this respect Senate Bill 298 necessarily requires that agencies and others be aware of all defeated legislation and their legislative histories. Under the bill an administrative rule could be challenged on the basis of a bill defeated ten or fifteen years in the past. The agency is not going to be able to establish why such a bill was rejected in order to justify promulgation of the rule. In fact, state agencies are going to have a difficult time even determining what bills have been introduced over the years in order that they can make a determination of whether their existing rulemaking authority is sufficiently broad to overcome the limitation of a defeated bill. As agencies, we do not want to be in violation of the law nor do we want our rules challenged by bills over which we have no knowledge. Agencies are now responsible for knowing all of the existing law; this bill would require a clear knowledge of all legislative inaction, a seemingly impossible task. It would appear to be absolutely imperative, if this bill is to pass, that some kind of indexed compilation or codification of defeated bills, with a legislative history of each bill, be prepared and made available to executive agencies and to the public. Such a compilation, of course, would be expensive, the non-law presumably being more extensive than the existing law, and for this reason a fiscal note should be required estimating the fiscal impact of implementation of this bill on the state.

While the sponsors argue that this bill won't affect those with rulemaking authority, clearly that cannot be said to be the case. Challenges will be made to rules adopted pursuant to general rulemaking authority on the ground that a specific legislative inaction constitutes a specific limitation on the agency's authority. Such disputes will have to be settled by the courts. In this respect the legislature is forfeiting its authority to set the parameters of agency rulemaking and allowing the courts to determine such parameters.

In light of the major problems with the implementation of Senate Bill 298, as well as the constitutional questions, we believe there are other, more appropriate methods of dealing with the legitimate problems which this bill was designed to correct. Certainly if specific agencies are at fault for not adhering to legislative intent when it is obvious, the rulemaking authority of such agencies should be curtailed or more clearly defined. The legislature may also enact specific limitations aimed at those agencies who have ignored legislative intent in the past. The legislature may also chastize individuals or agencies at fault by resolution or in committee.

It should be noted that agency rulemaking is already closely monitored by the Secretary of State, the Legislative Council, the Administrative Code Committee and by the public.

All rules are challengeable for insufficient authority. In addition all legislative grants of rulemaking authority are now accompanied by statements of intent to clarify the rulemaking powers granted. In light of these protections and in light of the legislature's specific authority to limit rulemaking and correct specific problems, it would seem the legislature would not want to set up a system of prohibitions on rulemaking authority over which the legislature will really have no control since it will consist not of specific legislative actions but of legislative inactions. Such a bill will only throw the rulemaking process into further confusion and possibly unintentionally erode agencies' legitimate rulemaking authority. It should not be passed.

Section-by-Section Summary of SB432

Section 1. Eliminates the Departments of Community Affairs and Professional and Occupational Licensing, and changes the name of the Department of Business Regulation to the Department of Commerce.

Section 2. Transfers the entire Department of Business Regulation to the Department of Commerce.

Section 3. Transfers the entire Department of Professional and Occupational Licensing to the Department of Commerce.

Section 4. Transfers the several boards now attached to the Department of Professional and Occupational Licensing to the Department of Commerce.

Section 5. Defines term "board" to mean each board reallocated by section 4.

Section 6. Abolishes the Department of Community Affairs and transfers a number of its current statutory functions to the Department of Commerce.

Section 7. Transfers DCA's local government services program i.e. auditing accounts and financial transactions of political subdivision, to the Department of Administration.

Section 8. Transfers DCA's highway traffic safety program to the Department of Justice.

Section 9. Transfers DCA's home weatherization program to the Department of Social and Rehabilitative Services.

Section 10. Deletes reference to the DCA as a human services agency to reflect the transfer of its human service functions to SRS.

Section 11. Reallocates the board of housing to the Department of Commerce along with the functions relating to the board of housing now lodged in the Department of Administration.

Section 12. Reallocates the Board of County Printing, the Board of Aeronautics, the Coal Board, and the office of the State Coordinator of Indian Affairs from

DCA to the Department of Commerce.

Section 13. Establishes a state information and research system in the Department of ^{Adm.}~~Commerce~~. There is currently no specific law creating this function, although there are many references to research and information functions within the laws authorizing the various other functions of DCA. These activities are now carried on by DCA's Research and Information Systems Division.

Section 14. Designates the director of the Department of Commerce, rather than the Department of Business Regulation as the chairman of the State Banking Board.

Section 15. Substituting "Department of Commerce" for "Department of Professional and Occupational Licensing" in statute providing for the licensing of private investigators.

Section 16. Transfers the rail planning function from the Department of Highways to the Department of Commerce.

Section 17. Transfer responsibility for adopting minimum requirements for local subdivision regulation from DCA to the Department of Commerce.

Section 18. Provides that the reorganization authorized by this bill will be governed by the same reorganization provisions authorized in 1971. These provisions provide for:

- protection of rights of state personnel
- transfer of property
- continuity of legal and contractual rights
- continuity of administrative rules
- continuity of legal proceedings
- continuity of federal aid

Section 19. This section authorizes the Governor to implement the provisions of this act by executive order.

IDENTIFICATION OF MCA NUMBERS REFERENCED IN

THE DEPARTMENT OF COMMERCE BILL

SB 432

SECTION 5 OF BILL

DCA to DOC

SECTION

SUBJECT

7-14-102	DCA to allocate one-half of the funds appropriated to cities and urban transportation districts
15-70-204	Allocates to DCA the tax on aviation gasoline
15-70-221	Exempts from any refund of gasoline tax amounts paid to DCA of aviation gasoline tax
67-1-101	Defines "department" as DCA for purposes of the aeronautics laws
80-8-204	Aerial application of pesticides shall meet requirements of DCA
75-20-211	Includes DCA as a department to be serve with application under major facility siting act
75-20-216	Includes DCA as department to report on impact of application under major facili siting act
75-20-501	Includes DCA as departments to be furnished with long range utility plans
76-3-403	DCA to prescribe uniform standards for monumentation and content of records of survey
76-3-502	DCA to review local subdivision regulations prior to adoption or amendment
76-3-504	DCA to prescribe minimum standards for local subdivision regulations
76-4-129	DCA to prescribe form of joint applica- tion for subdivision approval

Section 20. Codification instructions.

Section 21. Severability clause

Section 22. Repeals the sections creating the DCA, the Department of Professional and Occupational Licensing and the state air pool.

Section 23. Provides for implementation of act prior to July 1, 1981, upon the governor's signing of the executive order authorized by section 19.

IDENTIFICATION OF MCA NUMBERS REFERENCED IN

THE DEPARTMENT OF COMMERCE BILL

SB 432

SECTION 7 OF BILL

DCA TO DOA

SECTION

SUBJECT

2-5-501

Identify's DCA as the Department responsible for audits of political subdivisions

2-9-702

DCA is to determine the amount of bond required of county officers

2-9-802

Requires DCA to determine the adequacy of a bond for a city officer of employee

7-1-4121

Provides that the definition of "population" is any estimation approved by DCA

7-1-4130

Provides that DCA shall cooperate with the Secretary of State to prepare standard petition forms

7-1-4145

Provides DCA shall coordinate the collection of data by state-federal agencies from municipalities and requires state agencies to notify DCA of requests for information from municipalities

7-1-4147

Provides DCA shall coordinate technical advice and assistance to municipalities by state agencies

7-1-4148

Gives DCA the power to order stoppage of any payments of state financial aid to any municipalities which refuse to provide information to any state agency

7-2-4906

Provides that a certified copy of an order of disincorporation shall be sent to DCA

7-2-4911

Provides that upon receipt of such order of disincorporation DCA shall certify a current statement of financial condition of the disincorporating city or town to the Board of County Commissioners

SECTION

SUBJECT

90-1-101 thru 90-1-108

Functions of DCA in planning and economic development including state planning, community development, recreational development, economic development, and housing

90-5-113

DCA to furnish advice to counties and municipalities regarding projects under industrial development bond funding

90-6-204

DCA to provide office facilities and staff for Coal Board

90-6-207

DCA to identify 10% population growth as a result of coal development

SECTIONSUBJECT

7-2-4912	DCA shall supervise the drawing of unencumbered cash from a disincorporated city
7-3-146	DCA shall receive two copies of a petition to alter the form of local government
7-3-153	DCA shall receive a copy of the existing or proposed plan of government ratified by voters .
7-4-2634	Provides mechanism whereby DCA may verify charges made for services by county clerk
7-5-2132	DCA to give approval for destruction of old county records
7-5-4124	DCA to give approval for destruction of old municipal records
7-6-207	DCA to approve form of receipt and trustee when negotiable securities are furnished as deposit security
7-6-209	Director of DCA to sign all trustee and deposit receipts and releases where negotiable securities are placed in trust for security of county, city and town funds
7-6-210	Supervisory role of DCA regarding deposited funds of county, city or town
7-6-2114	County Treasurer must permit DCA to examine books and county money in treasury
7-6-2203	County Clerk shall present to DCA a complete statement of financial condition of county every fiscal year
7-6-2212	DCA to approve any sum for petty cash fund
7-6-2302	DCA to make rules and prescribe forms necessary to carry out county budget law
7-6-2311	DCA to prescribe forms for revenue estimates of counties
7-6-2314	DCA to establish a standard classification for maintenance and operation
7-6-2315	DCA to receive copy of completed budget of county
7-6-2322	Budget and tax levys to be supplied to DCA
7-6-4111	Forms for the annual financial statements of cities or towns to be prescribed by DCA

SECTIONSUBJECT

7-6-4113	DCA to receive copy of annual financial statement of city
7-6-4205	DCA to make rules and prescribe forms to carry out provisions of municipal budget law
7-6-4221	DCA to prescribe forms for estimates of revenues and expenses of cities and towns
7-6-4225	DCA to establish standard classifications for maintenance and operation for cities and towns
7-6-4233	Budget and tax levys to be supplied to DCA by city clerks
7-7-123	DCA to approve any investment of bond sinking funds of county, city or towns
15-36-112	DCA to determine population as basis for disposition of oil and gas severance taxes
17-6-103	DCA to prescribe rules of eligibility of bonds as securities for deposits of public funds
19-11-206	DCA may audit financial statements of fire fighters association
19-11-303	DCA to receive information from fire fighters retirement associations in 1st and 2nd class cities in order to complete an actuarial valuation of fund
19-11-403	DCA shall advise fire fighters retirement associations of the current yield on public retirement funds
20-1-212	DCA to give approval for destruction of old records by school official
20-9-203	DCA to annually audit records of school districts
20-9-344	DCA to prescribe form of repayment of any overage of state equalization aid received by schools
20-9-504	DCA to recommend accounting system for extra curricular fund
61-2-208	DCA authorized to inspect the accounts of the vehicle equipment safety commission
85-7-1616	DCA to prescribe forms and to examine records of irrigation districts

SECTION

SUBJECT

85-7-1913

DCA to prescribe forms and examine records of board of commissioners of irrigation districts

85-7-2027

DCA to approve certificates which irrigation districts may invest any surplus funds

85-9-611

DCA to annually examine financial records of conservancy districts

IDENTIFICATION OF MCA NUMBERS REFERENCED IN
THE DEPARTMENT OF COMMERCE BILL
SB 432
SECTION 8 OF BILL
DCA TO JUSTICE

SECTION

SUBJECT

61-2-102

Defines DCA as department for the
traffic safety program

61-2-103

Identifies the duties of DCA regarding
the traffic safety program

IDENTIFICATION OF MCA NUMBERS REFERENCED IN

THE DEPARTMENT OF COMMERCE BILL

SB 432

SECTION 9 OF BILL

DCA TO SRS

SECTION

SUBJECT

90-4-201

Weatherization monies from CSA
appropriated to DCA

90-4-202

DCA to allocate funds appropriated
for weatherization to Governor's
substate planning districts

SECTION 11 OF BILL

2-15-1008

This section presently allocates the
Board of Housing to DOA and the codifi-
cation instruction will ensure its allo-
cation to DOC.

SECTION 12 OF BILL

2-15-1102 thru 1104

These sections allocate to DCA the
boards of County Printing, Aeronautics,
and Coal, respectively. This codifica-
tion instruction ensures that those
boards will be attached to the Department
of Commerce

2-15-1111 thru 2-15-1113

These statutes are the enabling
legislation for the office of the
Coordinator of Indian Affairs. This
codification instruction ensures that
those statutes will become part of
the sections of law dealing with the
Department of Commerce

SECTION 22 OF BILL
(REPEALER)

2-15-1101

This section provides for DCA

2-15-1601

This section provides for a DPOL

(Section 22 of bill cont.)

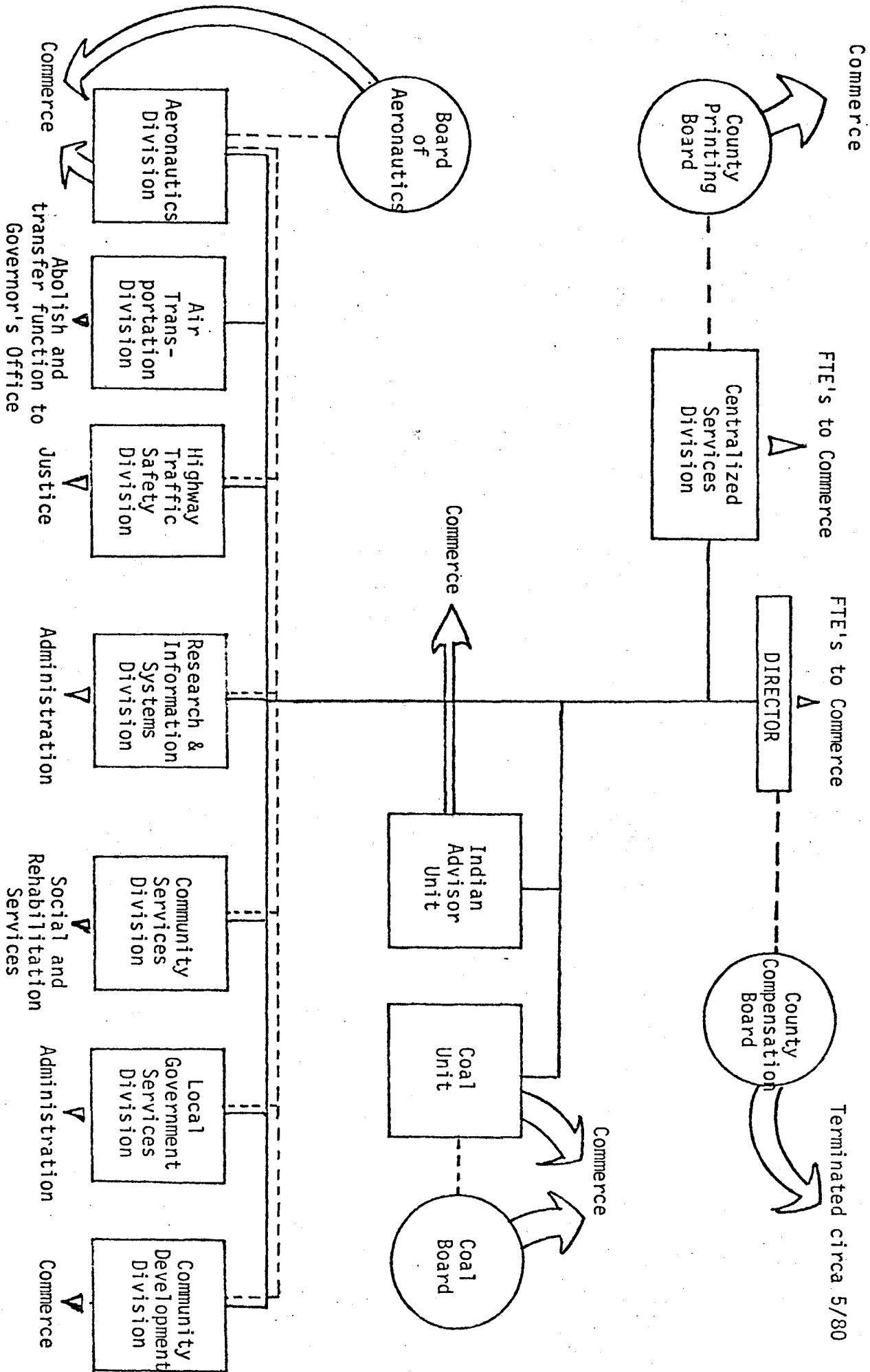
SECTION

67-2-201 thru 67-2-205

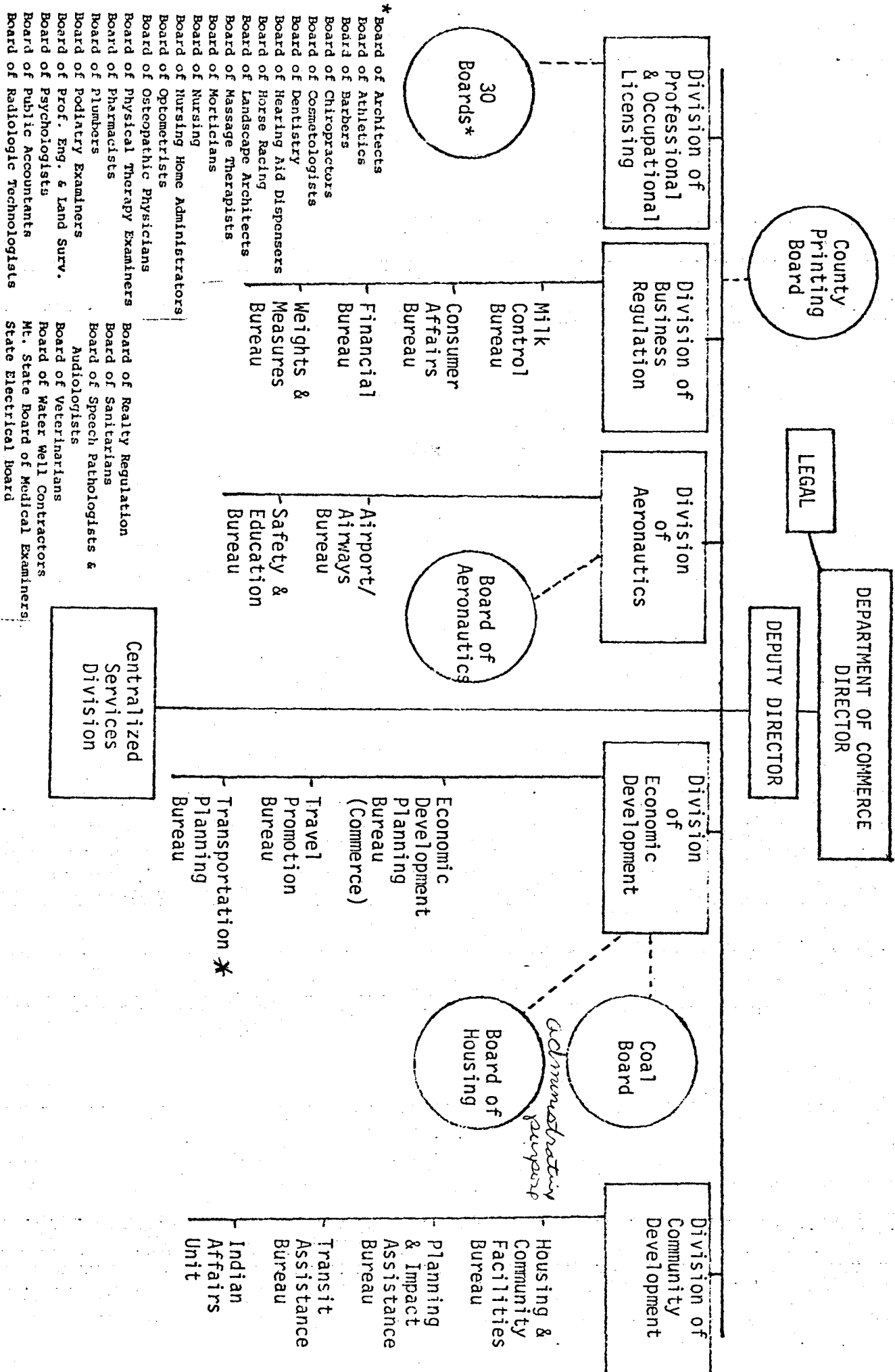
SUBJECT

These sections provide for a state
airplane pool.

PROPOSED ALLOCATION OF THE FUNCTIONS
OF THE DEPARTMENT OF COMMUNITY AFFAIRS



PROPOSED STRUCTURE OF THE DEPARTMENT OF COMMERCE



Callum-

Public School Retirement and Foundation Program Levies
Countywide - 1980-81

	County Retirement Levy	County 40 Mill Levy	Total County- wide Levy	Total Dollars Retirement Levy
Powder River	3.06	40.00	43.06	\$ 155,366
Fallon	4.08	40.00	44.08	189,306
Big Horn	4.52	40.00	44.52	494,402
Sheridan	5.48	40.00	45.48	203,864
Richland	6.20	40.00	46.20	462,210
Rosebud	6.36	40.00	46.36	656,842
Liberty	6.72	40.00	46.72	107,853
Wibaux	6.74	40.00	46.74	72,826
Toole	6.83	40.00	46.83	236,399
Chouteau	8.51	40.00	48.51	251,253
Musselshell	8.69	40.00	48.69	173,780
Blaine	9.19	40.00	49.19	328,685
Petroleum	9.22	40.00	49.22	35,660
Carter	9.32	40.00	49.32	83,327
Phillips	9.42	40.00	49.42	236,778
Garfield	10.32	40.00	50.32	78,428
Treasure	10.47	40.00	50.47	43,539
Judith Basin	10.99	40.00	50.99	117,623
McCone	11.00	40.00	51.00	128,351
Prairie	12.81	40.00	52.81	66,279
Madison	14.04	40.00	54.04	253,125
Meagher	14.17	40.00	54.17	89,015
Sweet Grass	14.49	40.00	54.49	119,839
Teton	14.63	40.00	54.63	271,545
Broadwater	14.87	40.00	54.87	111,359
Golden Valley	14.93	40.00	54.93	69,350
Carbon	15.61	40.00	55.61	369,391
Glacier	16.08	40.00	56.08	673,819
Pondera	16.45	40.00	56.45	359,454
Daniels	16.87	40.00	56.87	148,076
Wheatland	17.65	40.00	57.65	101,242
Beaverhead	17.78	40.00	57.78	319,107
Hill	18.77	40.00	58.77	808,600
Stillwater	19.40	40.00	59.40	274,832
Powell	21.83	40.00	61.83	276,925
Roosevelt	21.96	40.00	61.96	573,559
Yellowstone	22.02	40.00	62.02	4,222,941
Dawson	22.24	40.00	62.24	539,215
Fergus	22.46	40.00	62.46	561,466
Gallatin	22.78	40.00	62.78	1,351,910
Park	23.00	40.00	63.00	439,918
Missoula	23.37	40.00	63.37	3,029,911
Granite	23.39	40.00	63.39	143,579
Valley	24.87	40.00	64.87	552,447
Sanders	25.32	40.00	65.32	493,407
Lincoln	25.33	40.00	65.33	744,589
Flathead	26.61	40.00	66.61	2,142,367
Custer	27.31	40.00	67.31	575,253
Lewis & Clark	29.76	40.00	69.76	1,754,758
Ravalli	29.84	40.00	69.84	753,426
Lake	30.15	40.00	70.15	852,682
Jefferson	30.48	40.00	70.48	311,666
Cascade	31.78	40.00	71.78	2,955,067
Deer Lodge	35.04	40.00	75.04	600,533
Silver Bow	36.34	40.00	76.34	1,980,604
Mineral	39.02	40.00	79.02	192,123
Average Levy	17.51	40.00	57.51	\$ 33,139,871

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SB 432

Date 3/20

SPONSOR VAN VALKENBURG

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SB 298

Date 3/20/81

SPONSOR HAZELBAKER

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE STATE ADMINISTRATION COMMITTEE

Date MARCH 20

SPONSOR STORY

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME MANK MACKIN BILL No. SB109
ADDRESS 1316 Spring St DATE _____
WHOM DO YOU REPRESENT Citizens Legislative Coalition
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

on Page 10 - Citizen Groups needs to be
defined or it constitutes a loophole that
definitely weakens the act.

Agency reporting requirements are too
burdensome. The Bardanowicz Bill's
approach (1413639) is a far cheaper
approach for the taxpayer.

NAME Jay Bruch BILL No. SB 109
ADDRESS 1601 Orleans Helena DATE 3-20-81
WHOM DO YOU REPRESENT LWV of Helena
SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Although we have always supported the concept of lobby disclosure, with the passage of I-85, we are in the position of choosing between models. We could support some changes to I-85, but not the changes presented in this bill.

We want to see a disclosure method which will deliver to the people what they want to know, and we think the citizens' first priority is learning how much is spent lobbying the legislature.

Lobby disclosure should not be vague, confusing, or designed to impede the flow of information between citizens, agencies & elected officials.

Therefore, we cannot support SB 109, and hope you will give it a "do not pass."