

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

February 16, 1981

The twenty-eighth meeting of the Senate State Administration committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442, of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF SENATE BILL 437:

AN ACT ELIMINATING THE REQUIREMENT TO PROVIDE  
PAPER BALLOTS WHERE VOTING MACHINES ARE USED.

Sen. Mike Anderson, district 40, asked that this be put on the Consent Calendar. This bill eliminates paper ballots.

PROPONENTS:

Bill Romine, speaking for the clerk and recorders, stated it is too expensive to provide paper ballots.

OPPONENTS:

Margaret Davis, LWV, stated that there are some people who distrust or are unfamiliar with the devices on the machines; also, there can be malfunctions, etc. Elections are held for the voters, expensive, but a part of the process.

Questions from the committee: Sen. Hafferman asked about senior citizens. Mr. Romine could understand people who have a fear but still feels it should be standardized.

The hearing was closed.

CONSIDERATION OF SENATE BILL 432:

AN ACT TO MERGE THE DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL LICENSING AND CERTAIN FUNCTIONS  
OF THE DEPARTMENT OF COMMUNITY AFFAIRS WITH THE  
DEPARTMENT OF BUSINESS REGULATION AND TO RENAME  
THAT DEPARTMENT THE DEPARTMENT OF COMMERCE: TO  
ALLOCATE CERTAIN FUNCTIONS OF THE DEPARTMENT OF  
COMMUNITY AFFAIRS TO OTHER DEPARTMENTS OF STATE  
GOVERNMENT: TO GENERALLY REVISE THE LAWS TO  
CONFORM TO THE MERGER: TO ABOLISH OTHER FUNCTIONS  
OF THE DEPARTMENT OF COMMUNITY AFFAIRS, INCLUDING  
THE STATE AIRCRAFT POOL: TO PROVIDE FOR A STATE  
INFORMATION AND RESEARCH SYSTEM.

February 16, 1981

Sen. Fred Valkenburg, district 50, introduced the bill at the request of the governor to create the Department of Commerce by merging the departments of commercial affairs, professional and occupational licensing, and business regulation. Their functions will be transferred to other agencies. There are benefits to the state by combining these functions. Enclosed in this bill is a portion of the state of the state message. It is the governor's opinion that the state will be better served by putting the regulating functions with the developmental functions in the same house.

PROPOSERS: Gary Buchanan, enclosed three items and explained them briefly and stated this bill will streamline the governor's proposals in the state of the state.

Dave Weizenried, Department of Community Affairs, submitted enclosures. He stated this is the only department that is being dismantled and offered amendments, which are enclosed.

Janelle Fallan, from Montana Chamber of Commerce, stated the executive board has unanimously endorsed this bill, claiming it is good to consolidate and disperse.

OPPOSERS: None.

Questions from the committee: Sen. Towe asked about amendments required by federal law. Mr. Buchanan said it should be housed in the Department of Justice with the governor retaining final authority.

Sen. Ryan asked a question that had come from the visitors, regarding from where the funds would be coming. Mr. Buchanan stated they would remain in earmarked relationship. He enclosed typographical errors.

The hearing was closed.

CONSIDERATION OF SENATE BILL 405:

AN ACT TO ELIMINATE THE DUTIES OF THE DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE MONTANA SUBDIVISION AND PLATTING ACT AND ASSIGN CERTAIN OF THESE DUTIES TO THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

February 16, 1981

Sen. Pat Regan sponsored this bill because of the problems of DCA being reorganized. It provides that the local government will be changed with its review and enforcement. Amendments, enclosed, will be offered by DCA, and she briefly reviewed each section of the bill.

PROPOSERS:

Dave Buchanan said this bill effectively removed the legacy that is going to the Department of Commerce.

Hal Price, Community Development Division, said every city and county in the state has adopted subdivision regulations. The bill proposes to remove the state agency rule making in the subdivision regulation process.

Richard Weddle, Department of Community Affairs, offered an amendment concerning section 76-3-503.

Cliff Christianson cited page 4, section 5, line 13, commented that there will be a conflict if another bill passes.

OPPOSERS: None.

Questions from the committee: Sen. Hafferman discussed with Sen. Regan about having professional land engineers and surveyors, and she said the functions will still be performed on a state level wherever this group of people go. Mr. Buchanan said they will go to the Department of Commerce as his board of surveyors.

Sen. Towe asked Mr. Weddle about section 3. He stated they are putting into the statutes what are already rules, and they have addressed a framework for local governing bodies no longer rule-making bodies. Since 1973 all local governors have worked with the subdivisions.

Chairman Story announced there will be a meeting at 1:00 today with Sen. Towe, Mr. Buchanan, Mr. Weddle, and anyone who would like to work on the bill.

The hearing was closed.

CONSIDERATION OF SENATE BILL 441:

AN ACT TO INCLUDE LOCAL GOVERNMENT CONTRACTS  
FOR THE TRANSPORTATION OF SOLID WASTE AMONG  
THOSE CONTRACTS THAT ARE OF THEMSELVES SUFFI-  
CIENT PROOF OF PUBLIC CONVENIENCE AND NECESSITY  
AND REQUIRE NO PUBLIC HEARING PRECEDING ISSUANCE  
OF A CERTIFICATE.

February 16, 1981

Sen. Ed Smith district 1, enclosed his testimony, which he read and said this will not change the law.

PROPOSERS:

Arne Skedsvold, city councilman from Culbertson, showed letters signed from all the councilmen, which are enclosed.

Wayne Budt, MPSC, stated this would still maintain safety regulations and only relates to the collection of garbage. It works well now with state contracts.

Gordon Bollinger, PSS, states it is necessary as far as the Public Service Commission is concerned.

OPPOSERS:

Bill Romine, representing the Solid Waste Contractors Assn., said this bill does not affect the 5-year clause, whereby a private carrier is given five years to depreciate his equipment. This bill is a deregulation bill and affects people's livelihood.

Other opponents who testified were many persons from throughout the state who have sanitation businesses, many of whom belong to the Montana Solid Waste Contractors: Neil Ugrin, Vester Wilson, Lester Folvig, John Polazi, Mike McMullen, Charles Kelly, Donna Hartley.

In closing, Sen. Ed Smith stated that the public service did not convince him to introduce this legislation. It had not been a problem in his particular area, but he could have brought up as many people who would have been proponents.

Questions from the committee: Sen. Johnson asked if the complaints were documented; answer was no. She understood that the applicant can apply for an area that is either approved or disapproved, whereby the approval is for a defined area. That assumption was correct, according to one of the witnesses. Sen. Johnson said this is deregulation because another permit could be issued that could overlap, and lines of one's area could be crossed.

Chairman Story put this bill into a subcommittee of Senators Johnson, Hafferman, and Hammond until Thursday.

The hearing was closed on Senate Bill 441.

February 16, 1981

CONSIDERATION OF SENATE BILL 435:

AN ACT TO ESTABLISH A MONTANA COMMISSION  
ON HISPANIC AFFAIRS.

Sen. Pat Regan, sponsor of the bill, stated this would establish a commission on Hispanic affairs. She briefly pointed out the sections of the bill, and in her discussion she said many hispanic persons are treated with discrimination, needing a more positive approach to what they perceive as problems.

Chairman Story said they would hold this bill till Thursday.

Sen. Johnson asked if this could be coordinated with the other groups. Sen. Regan answered this could be possible, but she stressed the importance for their self-acceptance because they must feel good about their heritage.

Sen. Story suggested if the bill does not pass, perhaps Sen. Regan could find a grants source. This was answered by Sen. Regan with the fact that the state does have some obligation to meet the needs of all its citizens.

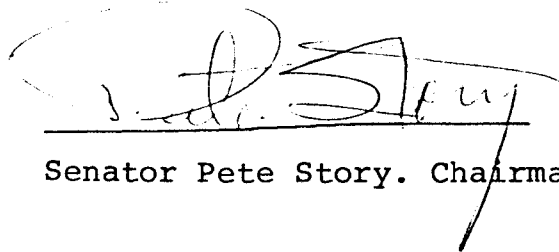
Sen. Ryan asked about a termination date being put upon it; Sen. Regan agreed that is a good idea.

Sen. Hammond stated his experiences with minorities who became stronger because of it.

The hearing was closed.

Chairman Story announced an executive session would be held on Friday, Feb. 20, because all legislation must be reported out of committee by then.

ADJOURNMENT: 11:50.

A handwritten signature in dark ink, appearing to read "Pete Story", is written over a horizontal line. The signature is stylized with a large, looped initial "P".

Senator Pete Story. Chairman

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2-16

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

2-16-81  
Amendment  
432

Amend Senate Bill 432, Introduced Copy as follows:

1. Amend page 7, line 12

Insert: new subsection

"(2) The program is attached for administrative purposes only as prescribed in 2-15-121. However, the program may hire its own personnel, and 2-15-121(2)(d) does not apply."

Renumber: subsequent subsections

PROPOSED AMENDMENT TO SENATE BILL 432

Page 10, Line 14 and 15

" No member other than the director of ~~business regulation~~ commerce  
may serve more than two consecutive terms. "

The purpose of the amendment is merely to change the words, "business regulation" to "commerce" in the affected lines. The former reference was inadvertantly left in when the change in the section was made.



(2) Title, line 9  
Following: "REPEALING"  
Strike: "SECTION"  
Insert: "SECTIONS"  
Following: "76-3-502,"  
Insert: "AND 76-3-508,"

SB 405

2-16-81

Page 6, line 19  
Following: "76-3-502,"  
Insert: "and 76-3-508,"

Proposed Amendment to SB405  
(Introduced Bill)

- (1) Title, line 4  
Following: "ELIMINATE"  
Strike: "THE"  
Insert: "CERTAIN"
- (2) Title, lines 6 and 7  
Following: "ACT"  
Strike: remainder of lines 6 and 7  
Insert: ";
- (3) Title, line 8  
Strike: "SURVEYORS;"  
Strike: "37-67-202, 76-3-403,"
- (4) Page 1, lines 20 and 21  
Strike: lines 20 and 21 in their entirety  
Renumber: Subsequent subsection
- (5) Page 2, line 17 through line 1 on page 3  
Strike: section 2 in its entirety  
Renumber: all subsequent sections

NAME: William C. Rennie DATE: 2-16-81

ADDRESS: P.O. Box 1691 Helena

PHONE: 442-2220

REPRESENTING WHOM? Mont. Clerk & Records

APPEARING ON WHICH PROPOSAL: S.B. 437

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: the clerks would prefer not having to have paper  
ballots ready when machines are being used. we would  
point out, however, that there are some people who, for  
one reason or another, prefer paper ballots to machines.

PLEASE HAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: William L. Parine DATE: 2-16-81

ADDRESS: P.O. Box 1691 Helena

PHONE: 442-2220

REPRESENTING WHOM? Mont. Solid Waste Contractors

APPEARING ON WHICH PROPOSAL: S.B. 441

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: under this bill, anyone could enter into a contract with

the city, even if he had no equipment. Then he would be granted

a PSC permit for the life of the contract. This would be very

unfair to the private carrier who was required to buy

a PSC permit

NAME: Richard Hoffman DATE: 2/11/81

ADDRESS: P.O. 1007, Whitefish MT. 59937

PHONE: 862-4381

REPRESENTING WHOM? North Valley Refuse & Trash

APPEARING ON WHICH PROPOSAL: SB 441

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: I believe this bill is a form of deregulation without actually  
stating this fact. As a private hauler with quite an investment I  
have a lot to lose if this bill is passed. The present law states that  
a referendum is needed for a city to contract out refuse pickup and this  
should stay in effect. Under the new bill anyone, no matter if they don't  
know anything about the refuse business, can bid on a contract and then  
apply for a permit, and this will hurt the investment of the private  
haulers already in business. We paid good money for our permits and should  
be allowed to keep them and to use them under the present law. If this law  
under its new proposal passes, I believe that the haulers should be  
reimbursed in full for the cost of the permit

NAME: Neil Ugrin DATE: 2/15/81

ADDRESS: 414 Strawn Bldg.

PHONE: 761-4900

Mt. Sol. W. Contractors

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: SB 441

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ✓

COMMENTS: This represents a clear

case of local govt. having

an adverse affect on small

business. It is unnecessary

because cities have these inherent

police powers already.

It gives local govt the

unchecked power to damage

or destroy long time existing

business.

NAME: Robert Wilson DATE: 2/16/51

ADDRESS: P.O. Box 1000 Hamilton

PHONE: 363 3630

REPRESENTING WHOM? BITTER ROOT DISPOSAL

APPEARING ON WHICH PROPOSAL: SB 441

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: This is both a form of deregulation of  
existing carriers and an undue practice of  
holding when our resources are open.

IT allows too much local politics and  
puts business that have been in existence out  
of business.

NAME: J. C. Fay DATE: 2-16-81

ADDRESS: RT 1 Box 35

PHONE: 676-3384

REPRESENTING WHOM? City Sanitary Service

APPEARING ON WHICH PROPOSAL: SB-441

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: oppose to SB-441 because I feel it  
is a form of deregulation



NAME: Max G. Bauer Jr. DATE: 2/16/11

ADDRESS: 7250 Newshire Lane Missoula, MT.

PHONE: 543-3157

REPRESENTING WHOM? Brownin, Ferris Industries 1 Montana Inc.

APPEARING ON WHICH PROPOSAL: SR 441

DO YOU: SUPPORT? AMEND? *W* OPPOSE? *✓*

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Henry A. Hoge DATE: Feb. 16, 1981

ADDRESS: 3449 Trumbull Creek Rd. Cal. Falls

PHONE: 492-4254

REPRESENTING WHOM? Wm. Hoge & Monte Hoge

APPEARING ON WHICH PROPOSAL: SB 441

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: I think this is a form of deregulation  
and a way for the cities to erect an  
independent commission

NAME:

DATE:

ADDRESS:

PHONE:

## REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

DATE:

ADDRESS:

PHONE:

## REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Mark Clark DATE: 7/16/81

ADDRESS: 1005 3rd Ave. New York, NY 10017

PHONE: 12 209

REPRESENTING WHOM? John Edward Smith

APPEARING ON WHICH PROPOSAL: 28 441

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

DATE:

**ADDRESS:**

PHONE:

## REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

SUPPORT?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: John PALACI DATE: 2-16-81

ADDRESS: 2820 9th Ave No. CT Falls -

PHONE: 761-5545

REPRESENTING WHOM? GREEN S. DISPOSAL

APPEARING ON WHICH PROPOSAL: SB 441

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ~~/~~

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



NAME: Lonne Warbler

DATE: \_\_\_\_\_

ADDRESS: 3630 York Rd.

PHONE: 227-6300

PHONE: 212 1-6500

REPRESENTING WHOM? Wartleys Sanitation Service

APPEARING ON WHICH PROPOSAL: AB 441

DO YOU: SUPPORT? \_\_\_\_\_

AMEND? \_\_\_\_\_

OPPOSE? ✓

[illegible]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

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## Section-by-Section Summary of SB432

(Introduced Bill)

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 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.

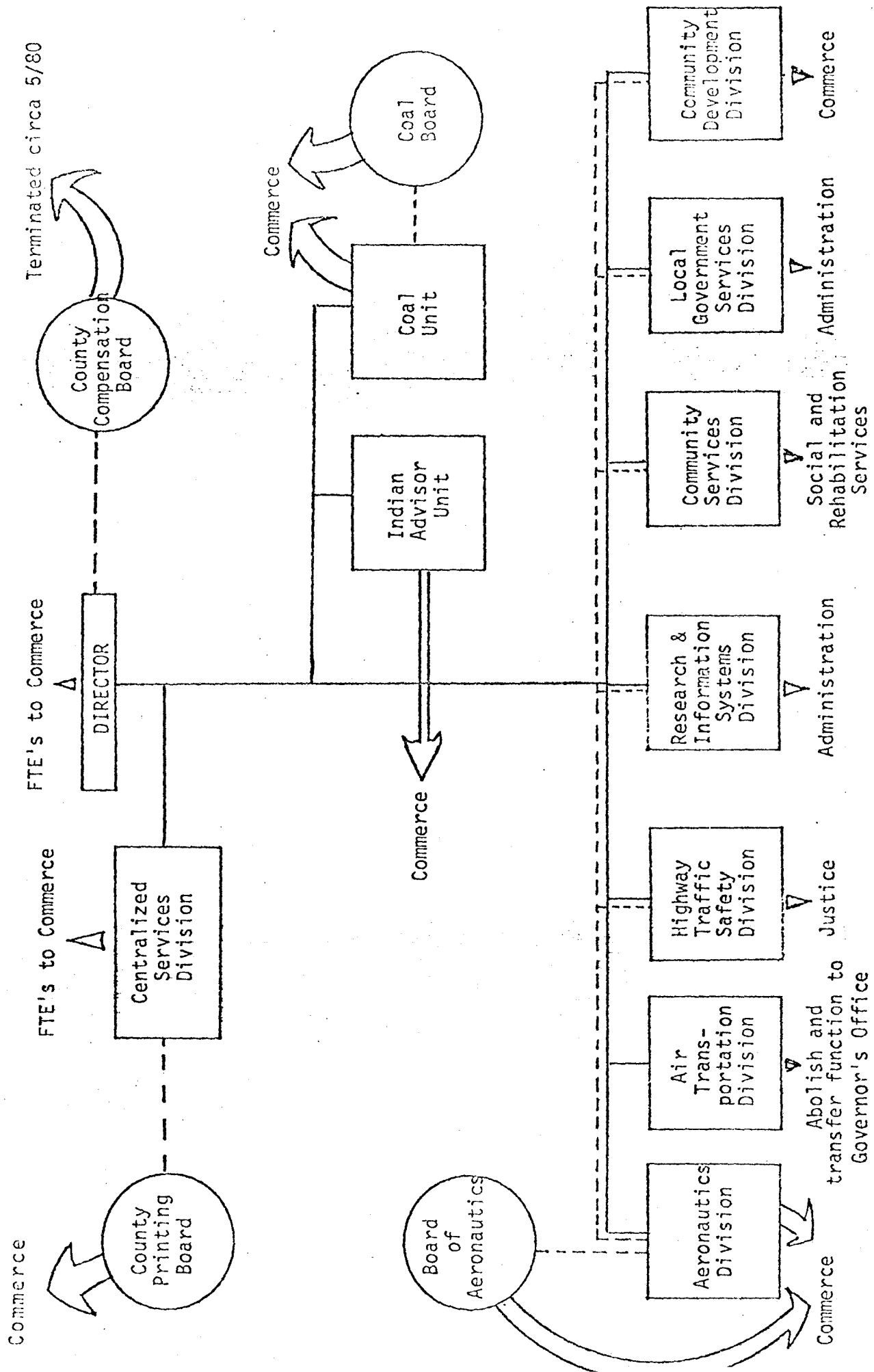
Section 20. Codification instructions.

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.

# PROPOSED ALLOCATION OF THE FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS



IDENTIFICATION OF MCA NUMBERS REFERENCED IN  
THE DEPARTMENT OF COMMERCE BILL  
SB 432  
SECTION 5 OF BILL  
DCA to DOC

<u>SECTION</u>	<u>SUBJECT</u>
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 served with application under major facility siting act
75-20-216	Includes DCA as department to report on impact of application under major facility 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 application for subdivision approval

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



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

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.

Wayne G. Smith  
Montana Public  
Service Commission

### THE PROPOSED SOLUTION

The bill presently before you would extend to local government units (counties, cities, solid waste disposal districts) the same method of contracting for garbage service and is now enjoyed by the State of Montana and its agencies.

A local government would contract with a carrier to provide garbage service. The person receiving the contract would present it to the Public Service Commission and the Commission would issue a certificate for the length of the contract. The certificate would not be issued until compliance (ie. insurance, fees) is met.

This procedure would allow the local government unit to place the service on bid and be assured that the carrier they chose would be given an authority by the PSC. The local officials could then monitor the carrier's activities and control his service in their community. In addition, the PSC would still have authority to enforce equipment safety regulations over the carrier and would be available to assist the local people on these safety matters upon request.

### THE PROBLEM

Under the present law a local government may solicit bids for garbage service, however, if the carrier granted the contract does not have a PSC authority he must obtain a PSC Certificate before beginning garbage service. He must make application to the PSC and if application is protested, a hearing must be held. The applicant must prove that:

1. He is fit, willing and able to provide the service.
2. There is a public need for the additional service.

To prove the second point, the burden is on the applicant to show that the present carrier cannot provide adequate service. It must be pointed out that price is not a factor in determining public need; therefore, the fact that one bid is lower than another has no bearing on the outcome of the authority case.

If the low bidder cannot prove a public need, the PSC is prohibited from issuing a Certificate. If this happens, the governmental unit issuing the contract is forced into hauling their own garbage or taking a higher bid.

The Montana Public Service Commission believes that the local governments are in the best position to judge the need and type of garbage service that should be available to their citizens. The local officials may also monitor the service that is being provided. Let me again state that the Commission is available to assist in equipment inspections on the equipment that is being operated.

Given the above reasons, the PSC feels that the people of Montana would be better served by allowing local governments to contract for garbage services and monitor that service in their areas.



2-16  
401  
Culbertson, Montana  
February 12, 1981

Senator Ed Smith  
Helena, Montana

Dear Ed,

We strongly support the Bill to return to the local Municipality the control over local municipal Garbage collection and disposal system.

We have in the past year had problems within our Culbertson Garbage and Disposal Program. The solution could only be attained to our Garbage Problems, by our appearance before the Montana Public Service Commission with a plea that we be allowed some freedom in solving our problem. The resultant temporary permits has solved our problems temporarily.

The return of decision making power to the local Municipality that this bill will accomplish, will provide a solution that we can handle on a local basis.

Sincerely,



Paul Finnicum  
Mayor of Culbertson, Montana



Ray Halvorson



Gene Vannetta



Oscar Olson



Arne Skedsvold  
Councilmen

Culbertson, Montana  
February 12, 1981

Senator Ed Smith  
Helena, Montana

Dear Ed,

We strongly support the right of the Local Municipality to regulate and control their own Garbage Programs.

We feel that we as the elected councilmen for the town of Bainville, Montana, best represent the interests and understand our local problems. Therefore we are in the best position to administer a Garbage Program for Bainville, Montana.

We strongly support your bill to remove the M. R. C. permit requirement for local Garbage hauling.

Sincerely,

*James DeFalcon Mayor*  
*James Fawcett, Councilman*  
*E W DeFrenno " "*

SENATE

COMMITTEE

BILL

VISITORS' REGISTER

DATE

2-16

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
William L. Romine	Solid waste Contractors	S.B. 441		X
William L. Romine	Clerk & Recorders	S.B. 437	X	
Walter Wilson	Butler Root Disposal	SB 441		X
Walter Wilson	LWV MT	SB 437		X
Donna Hullett	Hartley Sanitation Nelson	SB 441		X
Henry A. Hoge	Wes Houl	SB 441		X
Walter Macomber	Wes Houl	SB 441		X
Charles Kelly	Evergreen Disposal	SB 441		X
Paul D. Smith	BFI & Montana Inc	SB 441		X
J.C. Fay	City Sanitary Service	SB 441		X
Paul D. Smith	City Alderman	SB 441	X	
Scott & Rita Orr	MSWC	SB 441		X
Margaret Kelly	MSWC	SB 441		X
James J. Jaskowski	Self	SB 441		X
W.E. Bollinger	GSS	SB 441	X	
Paul D. Smith	MT ASSN of REALTORS	SB 405 432	Amend. X	
Robert D. Pratt	MT Funeral Directors Assoc	SB 432		
Richard Hallman	North Valley House - Trash	SB 441		X
Gary M. Zedek	MSWC	SB 441		X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

DATE \_\_\_\_\_

2-16

COMMITTEE ON

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
John PALACE	GREENS	441		✓
R. W. Miller	1st District Milton	441		✓
W. J. ...	...	441		
Dale ...	Plantation Sanitation	441		X
Lester E. Foley	1st 7 Sanit	441		X