

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Darko, on February 9, 1989, at 3:10 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: Chairman Darko appointed a subcommittee to work on HB 482 and HB 562. The subcommittee will be Rep. Wyatt, Chair, Rep. Rehberg and Rep. Johnson.

HEARING ON HOUSE BILL 505

Presentation and Opening Statement by Sponsor:

Rep. Ted Schye, District 18, stated that there is presently a law allowing counties to collect up to 2 mils to be used for funding county museums. This bill would enable counties to allocate some or a portion of those funds for cultural facilities such as the Fort Peck Theatre.

Testifying Proponents and Who They Represent:

Jack W. Nichols, Jr., Fort Peck Fine Arts Council
David Nelson, Montana Arts Council
Keith L. Colbo, Montana Cultural Advocacy Project

Proponent Testimony:

Jack Nichols stated that he supported this bill. Exhibit 1

David Nelson stated arts centers and performing arts centers have been developing throughout the state. and there is a great potential for cultural tourism if these centers can keep operating. The bill does not ask for more mils for this funding but only that county commissioners be given the opportunity to extend these permissive mils to art centers if they so choose. It is not a new tax but a broadening of the use of a tax.

Keith Colbo concurred with previous testimony and asked for the committee's support.

Testifying Opponents and Who They Represent: None

Opponent Testimony: None

Questions From Committee Members: Rep. Gould asked Rep. Schye how much money one mil raises. Rep. Schye responded that in Valley County one mil raises about \$29,000. Rep. Gould asked Mr. Nichols how many mils they would request from the county commissioners. Mr. Nichols stated that they are hoping for one mil.

Rep. Johnson asked Rep. Schye if the Board of County Commissioners and the Board of Trustees were the same. Rep. Schye responded that they are two entirely different bodies.

Closing by Sponsor: Rep. Schye stated that all counties are permitted to levy this 2 mils but it can only be granted by the county commissioners. It will benefit cultural centers statewide.

DISPOSITION OF HOUSE BILL 505

Motion: Rep. Stickney moved HB 505 DO PASS. Rep. Gould seconded.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: HB 505 was recommended DO PASS unanimously.

HEARING ON HOUSE BILL 501

Presentation and Opening Statement by Sponsor:

Rep. Jessica Stickney, District 26, stated that this bill would eliminate county contributions to the Department of Family Services. The counties do not think they have been treated fairly by the department.

Testifying Proponents and Who They Represent:

Carlo Cieri, Park County Commissioner
Bonnie Holman, Broadwater County Home Director
Wanda Stout Jefferson County Human Services
John Witt, Chouteau County Commissioner

Proponent Testimony:

Carlo Cieri stated that he felt the counties were misled by the Department of Family Services by saying it wouldn't cost them more to have the department handle certain services. The counties are absorbing administrative costs and travel costs over and above what they were led to believe. The counties should not have to pay costs that are, in some cases, redundant since DFS split from SRS.

Bonnie Holman stated that DFS is not concerned about costs because they are not picking up the tab. The counties are simply billed for costs and they have no control over how the money is spent. The counties are in a position where they must tighten their belts and they cannot control costs.

Wanda Stout stated that the county continues to pay the county's share even though a position may be vacant. DFS should be made accountable for the county's money. The counties are having trouble preparing budgets because they cannot control DFS's spending but must give the authority to spend.

John Witt spoke in favor of this bill. It would plug spending holes in the county's budget and make DFS somewhat accountable for their spending.

Yellowstone County Commissioners sent a letter of support. Exhibit 2.

A. R. Hagener, Hill County Commissioner, sent a letter of support. Exhibit 3

Testifying Opponents and Who They Represent:

Bob Mullin, Director, Department of Family Services

Opponent Testimony:

Bob Mullin stood in opposition to this bill. Exhibit 4

Questions From Committee Members: Rep. Good asked Mr. Witt what percentage the county pays. Mr. Witt did not know the dollar amount but will get it for her.

Rep. McDonough asked Ms. Stout to explain the 13.5% grant-in-aid from the state. Ms. Stout responded that it was the county's contribution to protective services and that this bill only applies to counties participating in "state assumed" counties.

Rep. Guthrie asked Mr. Witt about the state's promise that there would be no cost to the counties. Mr. Witt explained that was part of the guidelines established when DFS

was formed. He thought that that was a way to try to make the split work (SRS and DFS) but it has resulted in chaos. Mr. Witt stated that the counties assumed they were not under any obligation to DFS but they have since found that they are.

Rep. Good asked Mr. Witt if he felt that the system could work if these problems could be worked out especially in light of I-105 and if the department showed some sign of good faith. Mr. Witt thought there was a possibility but not without changing the law and putting some teeth in it for the county.

Rep. Wallin asked Mr. Witt why these duties were given to the state. Mr. Witt did not know. Rep. Wallin asked if under the present operation certain services were shared responsibilities. Mr. Witt answered that when DFS split, the budgeting was also split and this is when the problems began.

Closing by Sponsor: Rep. Stickney stated that the bill does not intend to destroy DFS but is a vehicle for trying to address some of the problems. She felt that the bill should be taken very seriously and the Legislature should become fair about what is expected at the local level.

HEARING ON HOUSE BILL 549

Presentation and Opening Statement by Sponsor:

Rep. Jan Brown, District 46, stated that this bill addresses the financial condition of the county. It would authorize counties to charge a fee for services performed by the county if the fee is not otherwise provided for in state law.

Testifying Proponents and Who They Represent:

Linda Stoll Anderson, Lewis and Clark County Commissioner
Carlo Cieri, Park County Commissioner
Tom Harrison, Montana Sheriffs Association

Proponent Testimony:

Linda Stoll Anderson stated that the bill would enable counties to charge a fee for services that they provide free of charge, such as: certificate of survey - would cover the cost that the county spends to hire a surveyor to review surveys before the certificate is issued, notary public services, genealogical searches, autopsies and abstract and title searches.

Carlo Cieri stated that this bill would enable counties to enhance their revenue.

Tom Harrison stated that this bill doesn't affect the sheriffs directly but they feel that this bill would help overall county budgets. It is attempt to collect user fees.

Testifying Opponents and Who They Represent: None

Opponent Testimony: None

Questions From Committee Members: Rep. Guthrie asked Ms. Anderson if she had an accompanying fee schedule. Ms. Anderson did not but the bill provides for protracted hearings and that is where the fee would be determined. This would not make the fees consistent throughout the state.

Closing by Sponsor: Rep. Brown closed.

DISPOSITION OF HOUSE BILL 549

Motion: Rep. Jan Brown moved House Bill 549 DO PASS. Rep. Good seconded.

Discussion: Rep. Hoffman asked what types of services would be covered by this bill. Rep. Brown stated that she was unsure what services would be covered besides the ones mentioned during the hearing by Linda Stoll Anderson. Rep. Hoffman asked if this bill intended to charge fees for services that have already been rendered. Rep. Brown answered that this would only include services for which fees are not presently charged for.

Rep. Good stated that this bill will reinforce the public's demeanor upon leaving the courthouse. They will be angry at paying fees for all services received in the courthouse.

Rep. Gould stated that Gary Buchanan (father of I-105) should be sentenced to one session of the legislature and have to serve on Judiciary, Local Government and Education committees. Rep. Hansen agreed.

Rep. Wallin asked Rep. Brown if the fees would only be on new services or on services provided free in the past. Rep. Brown stated that would be strictly up to the county but they would have to go through the hearing process to get the fee established.

Rep. Stickney suggested that I-105 should be repealed.

Rep. Rehberg asked Rep. Brown if copying fees charged in the counties could be duplicated. With the permission of the committee Linda Stoll Anderson responded that if the service is not presently addressed in state law then a fee could now be charged with the passage of

this bill. Rep. Rehberg stated that it can be argued that such fees are not necessary fees but income the county is using to enhance revenue. He felt that the bill would receive much more opposition when it is heard on the floor.

Rep. Darko felt that the counties have been handicapped and if county commissioners choose to impose such fees then let them take the heat.

Rep. Stickney concurred and suggested that it be left to local control.

Rep. Guthrie stated that there is nothing wrong with user fees but he was concerned that there was not a rate schedule and that the fees would not be uniform throughout the state.

Rep. McDonough was also concerned about the lack of uniformity throughout the state. She also objected to the bill because she felt that many people who must use the services at the courthouse would not be able to afford these services.

Rep. Rehberg agreed that counties need additional options but this may not be the way to do it.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Roll call vote was taken. The motion CARRIED 9 to 7. The bill will be recommended DO PASS.

HEARING ON HOUSE BILL 482

Presentation and Opening Statement by Sponsor:

Rep. Vicki Cocchiarella, District 59, stated that this bill is a pro-small business bill. It would enable small businesses to get back in business quickly after they have had a problem with their sewer and waters systems. It is an effort to allow the state and county to become more efficient in a small way because it delegates review powers to qualified county health officials for small public water and sewer projects.

Testifying Proponents and Who They Represent:

Tom Barger, Environmental Health Department, Missoula County
Dan Fraser, Manager of Public Water Supply Program, Department of Health and Environmental Health

Proponent Testimony:

Tom Barger stated that he requested this bill to eliminate some of the frustrations experienced in his department in insuring that the law is followed and providing citizens with efficient service. The procedure for giving permits is a duplication of review since it requires both the county and the state to review the plans. The small businessman is forced to stay closed until the process is completed.

Dan Fraser stated that the department is in general agreement with the intent of the legislation. They would like to recommend a few minor changes. Exhibit 5

Testifying Opponents and Who They Represent: None

Opponent Testimony: None

Questions From Committee Members: Rep. Rehberg asked Mr. Fraser if this bill is an amendment to the statutes, why is it being restated as a new section. Mr. Fraser responded that the bill specifically gives the authority to delegate the review so the state does not need to review it. Rep. Rehberg asked Mr. Fraser if they were bound by a time requirement. Mr. Fraser stated that they are not under the public water supply act and the average turnaround time is about 30 days so this legislation might speed up the process.

Closing by Sponsor: Rep. Cocchiarella stated that she is agreeable to amend and also to Rep. Rehberg's concern that this would become a whole new section and not just an amendment to the existing statute. She reiterated that this legislation would let small businesses open their doors quicker and there appears to be no cost to the counties.

HEARING ON HOUSE BILL 562

Presentation and Opening Statement by Sponsor:

Rep. Diana Wyatt, District 37, stated that this bill may not be necessary if some amendments are included on HB 482. With amendments that bill would address the concerns of HB 562.

Testifying Proponents and Who They Represent:

Stu Pearson, City Engineer, City of Great Falls

Proponent Testimony:

Stu Pearson stated that this is a local development issue and reduces the review time necessary for minor development to occur within local jurisdictions. The review time would be cut considerably.

Testifying Opponents and Who They Represent:

Dan Fraser, Department of Health and Environmental Sciences

Opponent Testimony:

Dan Fraser stated that the department opposed the bill as it is currently written but believes that the intentions of the bill can be covered with an amendment in HB 482. Exhibit 6

Questions From Committee Members: Rep. Rehberg asked Chairman Darko if she would appoint a subcommittee to amend HB 482 and combine it with the intention of HB 562. Chairman Darko responded that was her intention.

Closing by Sponsor: Rep. Wyatt closed.

EXECUTIVE ACTION

DISPOSITION OF HOUSE BILL 205

Hearing Date: January 24, 1989. Re-entered committee on January 30, 1989.

Motion: Rep. Wyatt moved HB 205 DO PASS. Rep. Dave Brown seconded.

Discussion: Lee explained amendments.

Amendments, Discussion, and Votes: Rep. Gould moved the amendments. Rep. Wyatt seconded.

Recommendation and Vote: Rep. Gould moved HB 205 DO PASS AS AMENDED. Rep. Gould seconded. The vote was unanimous.

DISPOSITION OF HOUSE BILL 105

Hearing Date: January 10, 1989. Left committee on February 2, 1989 with DO PASS AS AMENDED. Re-entered committee on February 7, 1989 and a sub-committee was formed to deal with the problems of the bill.

Motion: Rep. Gould moved HB 105 be TABLED. Rep. McDonough seconded.

Discussion: Rep. Darko stated that the bill has been in committee, on the floor and the sponsor now recommends that the bill be tabled and the problems be worked out between sessions.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The vote to TABLE HB 105 was unanimous.

DISPOSITION OF HOUSE BILL 261

Hearing Date: January 26, 1989.

Motion: Rep. Hansen moved to TABLE HB 261. Rep. Dave Brown seconded.


Discussion: Rep. Hansen stated that she has been frustrated by the committee because they have been willing to help small water systems but not large ones like Missoula. Missoula is running out of options and the problem was misrepresented at the hearing.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion to TABLE HB 261 CARRIED with Rep. Darko opposing.

ADJOURNMENT

Adjournment At: 5:15 p.m.



REP. PAULA DARKO, Chairman

PD/td

3411.min

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

DATE

2/9/89

NAME	PRESENT	ABSENT	EXCUSED
BROOKE, VIVIAN	X		
BROWN, DAVE	X		
BROWN, JAN	X		
DARKO, PAULA	X		
GOOD, SUSAN	X		
GOULD, BUDD	X		
GUTHRIE, BERT	X		
HANSEN, STELLA JEAN	X		
HOFFMAN, ROBERT	X		
JOHNSON, JOHN	X		
MCDONOUGH, MARY	X		
NELSON, THOMAS	X		
REHBERG, DENNIS	X		
STICKNEY, JESSICA	X		
WALLIN, NORM	X		
WYATT, DIANA	X		

ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE 2/9/89 BILL NO. 549 NUMBER

NAME	AYE	NAY
GOOD, SUSAN	X	
GOULD, BUDD		X
GUTHRIE, BERT		X
HOFFMAN, ROBERT		X
NELSON, THOMAS	X	
REHBERG, DENNIS		X
WALLIN, NORM	X	
BROOKE, VIVIAN	X	
BROWN, DAVE		X
BROWN, JAN	X	
HANSEN, STELLA JEAN	X	
JOHNSON, JOHN	X	
MCDONOUGH, MARY		X
STICKNEY, JESSICA	X	
WYATT, DIANA		X
DARKO, PAULA	X	

TALLY

9 7

Tami Dore
Secretary

Paula A. Black
Chairman

Motion: Rep. Jan Brown moved DO PASS. Rep. Good seconded.

The motion CARRIED 9 to 7.

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 205 (second reading copy -- yellow) do pass as amended .

Signed: _____
Paula Darko, Chairman

And, that such amendments read:

1. Page 4, line 2 and line 3.

Strike: "area" on line 2 through "valuation" on line 3

2. Page 4, line 3.

Following: "(1)"

Insert: "(a)"

3. Page 4, line 4.

Following: "of" on line 3

Strike: "this section" on line 4

Insert: "subsection (1)"

4. Page 4, line 8.

Strike: "(2)"

Insert: "(b)"

Strike: "The" through "body"

Insert: "If the district is established by a city or town, the city council"

5. Page 4, line 11.

Strike: "(a)"

Insert: "(i)"

6. Page 4, line 16.

Strike: "(b)"

Insert: "(ii)"

7. Page 4, line 21.

Strike: "(c)"

Insert: "(iii)"

Strike: "governing body"

Insert: "city council"

8. Page 5, line 2.

Strike: "(d)"

Insert: "(iv)"

9. Page 5, line 7.

Strike: "(e)"

Insert: "(v)"

10. Page 5, line 8.

Strike: "(2) (a)"

Insert: "(1) (b) (i)"

Strike: "(2) (d)"

Insert: "(1) (b) (v)"

11. Page 5.

Following: line 10

Insert: "(2) If the district is established by a county, each lot or parcel of land within the district must be assessed by the county commissioners for that part of the cost which its assessed value bears to the assessed value of the entire district."

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that
HOUSE BILL 505 (first reading copy -- white) do pass.

Signed: _____
Paula Darko, Chairman

STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that
HOUSE BILL 549 (first reading copy -- white) do pass .

Signed: _____
Paula Darko, Chairman



The Big Sky Country

2/9/89
11:07 am
ja

MONTANA HOUSE OF REPRESENTATIVES

February 9, 1989

Mr. Speaker: We, the committee on Local Government *report*
that House Bill 105 was tabled on this date.

Paula A. Darko
Rep. Paula Darko, Chairman



The Big Sky Country

11.07 a.
2/10/89
jad

MONTANA HOUSE OF REPRESENTATIVES

February 9, 1989

Mr. Speaker: We, the committee on Local Government report that House Bill 261 was tabled on this date.

Paula A. Darko
Rep. Paula Darko, Chairman

EXHIBIT 1
2/9/89
505

Madam Chair, members of the committee, for the record my name is Jack W. Nickels, Jr. I am the Treasurer of the Fort Peck Fine Arts Council, Inc. of Glasgow. I am here to testify in support of House Bill 505, allowing for the change of current statutes dealing with the county permissive mil on museums. House Bill 505 will include cultural facilities and performing arts centers in the permissive mil. We are not asking for an increase in the mil levee which is currently two (2) miles per county but to change the language to allow counties, if they chose, to appropriate any portion of county mils not currently used by the museum for cultural facilities or centers. This is not a new tax and is levied by the wishes of the county commissioners.

The Fort Peck Fine Arts Council asked Representative Schye to sponsor this bill and the Council feels that if this bill becomes law it can help many non-profit arts organizations struggling with historic buildings.

The Fort Peck Fine Arts Council has met with the Valley County Commissioners on this matter and we have their support for the change. Currently the Pioneer Museum in Glasgow is only using 4/10 of one mil. This bill was introduced so that the Fort Peck Fine Arts Council can use a portion of the remaining permissive mil to continue to operate and, in the future, restore the Historical Fort Peck Theatre in Fort Peck, Montana.

The Theatre was built in 1934 by the United States Army Corp of Engineers who continued to pay all the cost of operation and maintenance until 1986 when the theatre along with all the other buildings were turned over to the Town of Fort Peck. The Fort Peck Fine Arts Council purchased the building in 1987.

The Fort Peck Theatre like a lot of buildings built more than 50 years ago was built with little concern for energy conservation. Plus after 54 years it is in need of major restoration. The Valley County Commissioners and the Fort Peck Fine Arts Council agree that the lose of

page 2

this facility would have a very negative effect on all of Northeastern Montana. The theatre is the corner stone to many cultural activities in the region. It should be pointed out that the Fort Peck Theatre is the home of Northeastern Montana's only professional summer stock theatre. Since it is the only facility of it's size in our corner of the state, it has also held District Music Festivals, dance reviews, and concerts sponsored by Dark Horse Entertainment and the Fine Arts Council. Since school auditoriums - the only other facilities in the area give preference to school events and are often booked, the Theatre is a good alternative performance space.

Currently the heating bill alone for the theatre is over \$12,000.00 per year - this does not include the cost of maintenance. These high costs have forced the Council to pickle the building the last two winters. Engineers have pointed out to the Council that several years of pickling of an all wooden building would, in the long run, make the building unusable. Plus by closing the theatre during the winter, performing events no longer have that space as an option. With that in mind the Council hopes to restore the theatre, to make it energy efficient and thereby more economical to operate, and accessable year round to the public.

The Fort Peck Fine Arts Council is not the only organization that has taken on the preservation of a historical building in the state of Montana. Many of these building were at one time owned by a government entity. In Helena, the Helena Film Society is restoring the territorial jail into a cultural center; in Billings there is the Yellowstone Arts Center in a former county jail; the Jail House Gallery is in Harden; there are several in the Deer Lodge/Butte/Anaconda area; plus many more that I can not name.

In closing, I ask that the committee keep in mind that cultural facilities, centers and organizations contribute a great deal to their community's development and help to attract people, business and tourists to Montana. This all helps the economical environment of Montana.

page 3

To bring that point home, I draw your attention to the recent National Endowment for the Arts report that stated that in 1985 consumer admission expenditures for non-profit performing arts events were three (3) billion dollars. The three billion dollar amount is the largest ever estimated for the non-profit performing arts in the Gross National Product. How does this compare to spending in other areas? For the first time, this figure is equal to spectator sports admissions.

I thank you for your time and hope that you will support this bill.

County of Yellowstone

COMMISSIONERS



(406) 256-2701

Box 35000
Billings, MT 59107

DATE: February 7, 1989

TO: Representative Jessica Stickney
House District #26

FROM: Board of County Commissioners

RE: Support for House Bill 501

Please be advised that we are in total support of your Bill. The State has once again raided the county taxpayers for a State program Department of Family Services. We have no authority, no input on spending, and no control but we pay the administrative cost for the Department of Family Services in unassumed counties. This is extremely discriminating in nature as far as assumed and unassumed counties are treated.

Why should counties fund administrative cost of State programs. What the _ _ _ _ is next?

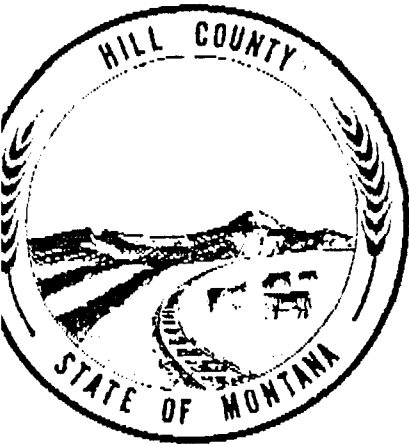
The Schwinden administration said this was an oversight in the Bill when the department was organized and that the costs would be taken care of next session.

We simply ask that the legislative keep its word--about a \$1.7 million dollar word.

DM/pw

(HB501)

*Original Matthew
Mike Matthew
Donna Edwards*



COUNTY OF HILL

STATE OF MONTANA
Havre, Montana 59501

EXHIBIT 3
2/9/89
501

Arthur Rambo, Chairman
A. R. Hagener, Commissioner
Dan Morse, Commissioner

[406]265-5481 Ext. 27

February 8, 1989

House Local Government Committee
Paula Darko, Chairperson
State Capitol
Helena, Montana 59620

Dear Ms. Darko:

I regret that I am unable to present my thoughts regarding HB 501 in person.

I would ask your support for this bill and for additional amendments which would seek to eliminate or cap the administrative costs which counties are now bearing for the Department of Family Services.

County Commissioners have consistently pointed out the multiple problems involved with the creation of the Department of Family Services - problems with the division of responsibility, with supervision and authority and with all expenses and budgets.

Their concerns received little recognition and the problems still exist. This bill presents one progressive step in addressing the many existing problems. The others seriously need addressing in order to ease the concerns of counties and for the Department of Family Services to function effectively.

Sincerely,

A. R. Hagener

A. R. Hagener
Hill County Commissioner
Past President, Montana Association
of Counties

4
2/9/89
501

**TESTIMONY IN OPPOSITION OF HB 501
AN ACT TO ELIMINATE COUNTY CONTRIBUTIONS TO THE
DEPARTMENT OF FAMILY SERVICES**

Submitted by Robert Mullen, Director
Department of Family Services

It is with great reluctance that the Department of Family Services opposes HB 501. As recently as three weeks ago in my capacity as a county commissioner, I advocated this very position for Montana counties. My philosophy has not changed dramatically over the past few weeks, but my view of a realistic resolution of the problem has.

I would like to clarify that it appears a section of law (53-2-322 (2)) dealing with the responsibility of counties to fund proportionate administrative costs should also be repealed. I would assume this was an oversight when the bill was drafted, as it is the administrative costs that lead to the greatest consternation between the two parties.

As you have heard in the testimony of the proponents of this bill, there is a problem with the distribution of foster care, personnel, travel and administrative costs allocated to counties. Those of you who have been in the legislature for several terms have heard similar complaints before when looking at programs jointly funded by state and county government. A classic example of these public partnerships that do not work is the relationship between the Department of Revenue and the county Assessor's office.

The Department of Family Services recognizes that the funding partnership that exists between counties and the department leaves much to be desired. The department would certainly support the removal of the counties' funding obligation if an alternative funding mechanism could be found. To simply remove the funding obligation of counties without adequate replacement funding would only lead to a result that neither party wants -- a reduced level of service to Montana's troubled youth and families in need.

The accompanying Fiscal Note indicates that the fiscal effect of HB 501 would reduce by \$1.87 million the department's budget in each year of the biennium. This amounts to an 11% overall reduction to the budget.

County funds are presently being used to offset approximately 12.5% of the foster care budget and approximately 10% of the protective services workers administrative budget. These are additional costs that must be borne by the state general fund, unless a reduced level of service is deemed appropriate. I know of no one that believes the Department of Family Services could sustain this financial loss. Many feel, and most county commissioners admit, that the department is presently underfunded and understaffed.

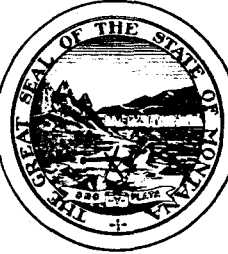
In addition, the Fiscal Note only identifies the fiscal effect to the 43 non-assumed counties. There is perhaps an underlying equity question to be addressed to the 13 state-assumed welfare counties. Certainly a portion of the 12 mills they are assessing on property goes toward providing protective services.

The department feels that working toward the goal of eliminating county contributions is admirable and necessary. But the department also feels that doing so in this session of extremely tight budgets is questionable and, perhaps, unrealistic. Rather, the Department of Family Services would pledge to work with the Montana Association of Counties over the next two years in an effort to resolve this issue. We may find that a more appropriate forum for studying and reaching a resolution to this issue would be the Advisory Commission on Inter-governmental Relations (ACIR), which this legislative body has supported through HB 148.

The Department of Family Services does not question the merits of this bill, only the timing. Therefore, the Department of Family Services urges your opposition to HB 501.

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 5
2/9/89
482



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

DHES Testimony on HB 482

The Montana Department of Health and Environmental Sciences (DHES) is the agency charged with implementation of Montana's Laws Regarding Public Water Supply. One important responsibility under that law is the review of plans and specifications for public water and sewer systems to ensure they will meet current public health and engineering standards. This bill would allow the department to delegate part of that review responsibility to local departments of health having a satisfactory review program. We are in general agreement with the intent of this legislation, but as the agency charged with this review responsibility, we would suggest that the bill include a couple of minor changes that would clarify our responsibility.

Suggestions:

1. The department would like to see the intent of the legislation expanded to include divisions of local government other than health departments and would like to have the bill make it clear that review authority can only be delegated to divisions of local government who request such authority. Also, in order for DHES to delegate authority, the bill should include provisions for the board to adopt rules that establish the criteria that local divisions of government must meet to obtain review authority. We suggest that the opening paragraph be amended to read (changes underlined):

"An act to allow the Department of Health and Environmental Sciences to delegate review powers to qualified local divisions of government, who request those powers, for small public water and sewer projects, and to allow the Board of Health and Environmental Sciences to adopt regulations to establish the criteria that would determine when such delegation of authority can be made and withdrawn; and amending sections 75-6-102 and 75-6-112, MCA."

2. To create the authority for establishment of the criteria for delegation of review authority, and to maintain consistency with the current law, a section could be added as follows:

" The board shall adopt regulations regarding delegation of review authority to divisions of local governments."

A handwritten signature in cursive script, likely reading "Stan Stephens".

ABOUT THE ATTACHED BILL *HB 48.2*

At present the State of Montana has no general regulations for individual or multi-family subsurface sewage disposal systems. The State does deal with subsurface sewage disposal when a subdivision or a Public system is involved as stipulated in 76-4-104 and 75-6-112 M.C.A. At present the law requires that all new and replacement public systems be reviewed and approved by the State Dep't. of Health and Environmental Sciences. These systems are also reviewed under local regulations.

Individual counties have been given the authority to adopt rules governing the installation of subsurface sewage disposal systems. Many of the counties have developed their own subsurface sewage disposal regulations according to their needs and have active on-going programs governing the installation of all subsurface sewage disposal systems.

In many cases an individual who owns a small establishment that has a water or sewer system defined as public because it is used by 25 or more people per day is burdened with an extra amount of review that is often not needed. This is especially a problem when an establishment owner or sewer system installer comes in to obtain a permit from a local Sanitarian to correct or replace an existing system and finds out that he must send plans to the State for review. When this happens it frustrates people and is yet another cause for the "bad" name that government often receives. County health departments that elect to review such systems can very easily review these systems under State and Local requirements concurrently.

This bill is an effort to allow the State and County to become more efficient in one small area. It will prevent a duplication of effort, decrease burden on the State, and increase efficient service to the citizen.

In some cases a Public non-community system may require additional review due to engineering complexities but this is not very often the case. In such an event the State Water quality Bureau would be asked to review the system. All Public Community systems would still be required to be Reviewed by the State Water Quality Bureau.

The undersigned individuals representing rural businesses have read and reviewed this bill and support it as written.

Paul D. Lucier Box #2 FRENCHTOWN, AICAN BAR

C. B. MacLean Box 394 Frenchtown Frenchtown Shipping Center

David M. Wilmon Box 113 Frenchtown, MT Frenchtown Cape & Pine

Ted Simpson Box 41 Frenchtown MT 59034

Jay L. Kalk - Landip Reno Inn - 3650 Hwy 200 E MSA
Landy H. Kalk - Kalk's Cafe 3650 Hwy 200 E MSA & Diner

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

6
2/9/89

562



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

DHES TESTIMONY OF HB 562

The Montana Department of Health and Environmental Sciences (DHES) is the agency charged with implementation of Montana's Laws Regarding Public Water Supply and the Sanitation in Subdivisions Act. Through the Sanitation in Subdivisions Act, subdivisions are reviewed and approved for various types of water, wastewater, and storm drainage facilities, both public and private. Consideration is also given to lot size, solid waste disposal, depth to groundwater, distance to floodplain, lakes and streams, and other factors affecting public health and the quality of water.

The proposed legislation, HB 562, would modify that section of the Sanitation in Subdivisions Act that allows for the delegation of department review to local governments for subdivisions involving five or fewer parcels. Under that delegation agreement, local government conducts the review in accordance with state standards and if approvable, submits the application to our department for final approval within 10 days.

This bill would allow delegation of one small part of the total review to local government, giving them 50 days for that review and 10 days for us to complete all other aspects of the review.

The bill does not recognize that public water and sewer systems must be reviewed and approved by DHES under Title 75, Chapter 6, Part 1. Currently these requirements are easily coordinated since the Montana DHES is charged with administration of both statutes.

Delegation of one part of the review under one statute would lend to considerable confusion on the part of the regulated community.

Local Government

BILL NO.

482

DATE _____

2/9/89

SPONSOR

Cochiseella

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

CS-33

Local Government

BILL NO. 501

DATE 2/9/89

SPONSOR Stickney

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Local Government

BILL NO. 505

DATE 2/9/89

SPONSOR Schulz

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VISITORS' REGISTER

Local Government COMMITTEEBILL NO. 549DATE 2/9/89SPONSOR J. Brown

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
LINDA STOL-ANDERSON	MT Assn of Counties	✓	
Sheila Cates	MT State Library		
Carlo Cieri	Co comm Park Co	✓	

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VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. 562DATE 2/9/89SPONSOR Wyatt

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Stu Pearson	City of Great Falls	✓	

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

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