

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Bartlett, on March 11, 1993, at
3:00 p.m.

ROLL CALL

Members Present:

Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Ed Kennedy, Sen. Mignon Waterman

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

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

Committee Business Summary:

Hearing: HB 301, HB 367, HB 368, HB 550
Executive Action: None.

HEARING ON HB 301

Opening Statement by Sponsor:

Representative Diana Wyatt, House District 37, stated HB 301 was a bi-product of Title 7 code revisions as recommended by the Local Government Center at Montana State University. She said HB 301 would establish a penalty for the violation of a municipal or local government ordinance relating specifically to retreatment standards. Representative Wyatt stated the penalty for violation would result in a six-month jail term or a fine not to exceed \$1,000 a day. She said HB 301 would make no changes to local government ordinances except as they affect retreatment facilities. According to Representative Wyatt, HB 301 is a

critical piece of legislation because current law allows the Environmental Protection Agency (EPA) to fine the community for violation of environmental regulations. Recently in Great Falls, a sewer pipe from the community retreatment center broke and dumped untreated sewage into the river downstream of Ft. Benton. She said under current law, the EPA could have fined the City of Great Falls \$1,000 per day and the City of Great Falls would have been responsible to pay it because it was a community treatment center. She said HB 301 would also apply when a local government was not responsible for EPA damage and has no recourse to recover the EPA fine which may be levied.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Weldon asked Representative Wyatt if counties were included in the definition of local governments, to which she replied they were.

Senator Weldon asked Representative Wyatt if HB 301, in its original form, gave municipalities the authority to impose fines for any violation of any ordinance. Representative Wyatt replied the authority to impose fines was narrowed because the House did not want to give local governments this broad-based authority.

Senator Weldon asked Representative Wyatt if she supported the House amendments to narrow the scope of HB 301. Representative Wyatt replied HB 301, in its original form, was voted down on second reading and was resurrected by amending it to pertain only to retreatment facilities. She said there were many proponents to HB 301 in its original form and added she would prefer the broad based authority be retained. Representative Wyatt stated she would not ask the Committee to reinstate the language because she knew it was not supported by the House.

Senator Gage asked Representative Wyatt if "retreatment centers" pertained only to sewage treatment centers. Representative Wyatt replied she was unsure but stated Senator Gage was probably correct in his assumption.

Senator Gage asked Representative Wyatt if each day would be a separate violation of an environmental standard and could be fined as such. Representative Wyatt replied it would but added the fine would be negotiable with the EPA. She said when the sewer pipe in Great Falls broke, the EPA never levied a fine against the city because the sub-zero weather prevented crews from containing the spill immediately.

Senator Gage asked Representative Wyatt if fines were imposed for the time during which the violation was being remedied. Representative Wyatt replied she thought it would be up to the discretion of the EPA.

Senator Eck asked Representative Wyatt if retreatment standards applied to water and air quality or was more specific in its application. Representative Wyatt replied she was unsure, but added she hoped the discretion to impose fines would be broadly applied.

Closing by Sponsor:

Representative Wyatt concluded HB 301 was a compromise and hoped the Committee would give it a Do Pass.

HEARING ON HB 367

Opening Statement by Sponsor:

Representative Diana Wyatt, House District 37, stated HB 367 would clarify the requirements for the oath of office for elected and appointed municipal officials. She said HB 367 would require the elected or appointed official's oath of office be filed before the officer may perform any official duty. Representative Wyatt concluded appointed officers must file their oath with the city clerk while elected officers must file their oath with the county election administrator.

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support for HB 367. He said HB 367 would provide uniformity for oaths of office.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Gage asked Representative Wyatt if HB 367 pertained to all elected and appointed local offices. Representative Wyatt replied HB 367 would apply to municipal officers only.

Senator Bartlett asked Mr. Hansen why elected and appointed municipal officers would be required to file their oaths of office in different offices. Mr. Hansen replied the purpose of HB 367 was to provide uniformity in filing oaths of office.

Senator Gage asked Mr. Hansen how often action has been taken against municipal officers on the grounds they violated their oaths of office. Mr. Hansen replied that charges filed against municipal officers were usually more serious in nature than violation of their oath of office. He said it was not common.

Senator Weldon asked Connie Erickson if bills with immediate effective dates were problematic. Ms. Erickson replied bills with immediate effective dates were problematic because of the time lag between the date the bill is passed and the date the updated code books are published. She concluded the Legislative Council prefers to avoid putting effective dates on legislation they draft.

Closing by Sponsor:

Representative Wyatt stated she would not object if the Committee decided to change the effective date and urged the Committee to give HB 367 a Do Pass.

HEARING ON HB 368**Opening Statement by Sponsor:**

Representative Diana Wyatt, House District 37, stated HB 368 would make all ordinances effective within thirty days of approval and all resolutions immediately effective unless specified in the resolution. She said HB 368 would also authorize the commission, by two-thirds vote, to pass emergency resolutions.

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his organization's support for HB 368. He said HB 368 would make the approval process less cumbersome and more efficient.

Ms. Beverly Gibson, Montana Association of Counties, stated her organization's support for HB 368. She said Section 3 of HB 368 would make these requirements consistent for both counties and cities.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Weldon asked Mr. Hansen if there were any exceptions to the instances in which ordinances would not require a thirty day waiting period. Mr. Hansen replied the waiting period would not apply to emergencies.

Senator Weldon asked Mr. Hansen if the commission was defined as the municipal governing body, to which he replied it was.

Senator Gage asked if HB 368 would apply only to commissioner managed forms of government. Connie Erickson replied Section 1 pertains to municipal commissions.

Senator Gage asked Mr. Hansen if a commissioner managed form of government differed from a mayor managed one, to which Mr. Hansen replied they were different.

Senator Gage asked Mr. Hansen if HB 368 applied to both mayors and commissions, to which Mr. Hansen replied it would.

Senator Bartlett asked Connie Erickson to identify 7-5-4203, to which Ms. Erickson said it applied to municipal ordinances and resolutions. She said Sections 1 and 2 of HB 368 pertain to municipalities while Section 3 pertains to counties.

Senator Eck asked Ms. Gibson what Section 3 of HB 368 repealed. Ms. Gibson replied the repealed sections were inconsistencies in the resolution and ordinance requirements.

Closing by Sponsor:

Representative Wyatt stated HB 368 would make resolution and ordinance code uniform.

HEARING ON HB 550**Opening Statement by Sponsor:**

Representative Ellen Bergman, House District 26, spoke from prepared testimony in support of HB 550 and submitted two letters in support of the measure. (Exhibit #1)

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated current conflict of interest laws hurt people in small communities by discouraging participation. He said the public disclosure requirements mandated by HB 550 would safeguard against any abuses of the system. Mr. Hansen noted that in small towns, nearly everyone is related to one another in some way. He stated smaller towns have an especially difficult time trying to find qualified people to serve in local government.

Mr. Hansen noted that the House and Senate Committees on Local Government now meet at the same time and apologized for not being present during the hearing on HB 301. He submitted a letter in support of HB 301 (Exhibit #2) and stated his support for HB 301.

Mr. Jim Richard, White Sulphur Springs, stated his support for HB 550. He said there have been a number of situations in White Sulphur Springs which have highlighted the need for a change in the conflict of interest law. He said the aggressive press in larger communities do a better job of guarding against the arrangement of "sweetheart deals" than would any enforcement measure contained in HB 550.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

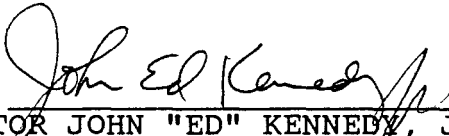
None.

Closing by Sponsor:

Representative Bergman stated HB 550 was also supported by the Montana Association of Counties. She said many smaller towns have experienced problems with current conflict of interest laws and added she would not be surprised if larger cities experienced it as well.

ADJOURNMENT

Adjournment: 4:40 p.m.


SENATOR JOHN "ED" KENNEDY, Jr., Chair


ROSALYN COOPERMAN, Secretary

JEK/rlc

ROLL CALL

SENATE COMMITTEE Local Government

DATE 3-11-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy			✓
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman			✓
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

TESTIMONY OF REP. BERGMAN
before the Senate Local Government Committee

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 3-11-93

House Bill 550: Waiver of Conflict of Interest Statutes

BILL NO. HB 550

At present, federal regulations and Montana conflict of interest laws prohibit local government officials, employees or their relatives from benefitting from contracts or programs entered into by the governing body. Section 2-2-201, MCA states that public officers, employees and former employees may not have an interest in public contracts. Section 7-5-4109, MCA, which refers specifically to cities and towns, states that the mayor, any member of the council, any city or town officer, or any relative or employee cannot be directly or indirectly interested in the profits of any contract entered into by the council during their term of office.

While these statutes are important to prevent abuse of local government office, situations arise that create unfairness where people who are otherwise eligible to participate in a program are denied the opportunity because of these statutes.

The federal funded Community Development Block Grant (CDBG) program, administered by the state Department of Commerce, is one program where inequities frequently occur. The CDBG program makes federal money available to rehabilitate substandard homes of low and moderate income families. Because of conflict of interest laws, people who otherwise qualify for assistance are denied the opportunity because they are related to a local official or are an employee but have no involvement in the administration of the program. For example, the aunt of a city councilman could not participate in this program because she is related to a member of the governing body. Numerous situations have occurred in recent years where low income dog catchers, street employees, and policemen have been denied the opportunity to have their houses refurbished even though they had no involvement in the administering the program.

Under federal regulations, the city council is allowed to waive the prohibition after advertising and publicly disclosing the conflict and holding a public hearing. However, Montana conflict of interest laws are absolute and offer no avenues for waiver in instances where the prohibition unfairly denies an otherwise qualified person the benefit of the program.

Many examples of unfairness have occurred in Montana. In White Sulphur Springs a person serving part time as city dog catcher and a city public works employee had their applications for housing rehab denied. Neither of these city employees had any decision-making or administrative role in the CDBG housing program, and both qualified as low income people. Similar denials were necessary in Wolf Point for a dog catcher, parttime city mechanic and a city councilman's mother living on social security.

In Miles City a policeman, who rents a 4-unit apartment to low income families, was unable to receive assistance to renovate his apartment building.

The fact that relatives of municipal government officers and employees come under state conflict of interest laws is particularly a problem in small communities. Because these rural communities have many families with third and fourth generation residents, a local government employee may be related to many families living in the community.

The state's conflict of interest statutes can have adverse effects on communities. In White Sulphur Springs, a man under contract with the city to serve as building inspector was appointed to fill a vacancy on the city council. Montana's conflict of interest laws forced him to either resign as building inspector or to serve with no pay. His resignation as building inspector has created a hardship for White Sulphur Springs, because almost no other resident is qualified.

HB 550 proposes to deal with these problems by adding a provision to Montana statutes that would offer an opportunity for waiver of the prohibition after full public disclosure and a public hearing. The bill sets out four considerations that governing bodies would have to consider in deciding whether to grant a waiver.

HB 550 presumes that the requirement for full public disclosure and the right for public comment will deter "sweetheart deals" and other forms of abuse. The process would operate similar to the federal process. Even if an occasional questionable arrangement were made, on balance the public interest is better served by providing a relief mechanism where absolute application of the law creates unintended hardship or discrimination.

Situation #3. In still another conflict, the City of Hardin was forced to drop a concrete supplier from the "subcontractor" bidding list because he was the cousin of the Mayor. Since this person was a potential beneficiary, and even though the bids were opened in public, because of his relationship to the Mayor, he could not bid. The net result was that the only other cement supplier in the area had a monopoly on all concrete work. Given the lack of competition in the market place, the price of concrete began to rise noticeably. In short, the taxpayers paid more, project schedules deteriorated because the incentive to perform was lost, or the remaining contractor became too busy, and the public became critical of the City and State for such unreasonable practices.

In closing, we like to reiterate our support for your legislation. Not to change the code only leaves the door open for public officials to inadvertently, or even blatantly avoid or violate a law that is both unreasonable, impractical, and most likely discriminatory in nature.

Thank you for your time and attention to our position on this matter. If you would like any additional information or input, please do not hesitate to contact us.

Sincerely,



Rusty Rokita
CDBG Project Administrator

cc: Koebbe, Mayor
Morton, City Attorney



the City of Hardin



CDBG Housing & Community Revitalization Program

Exhibit #1
3-11-93
HB-550

February 4, 1993

Representative Ellen Bergman
Montana State Legislature
Capitol Station
Helena, Mt. 69620

Dear Representative Bergman,

It is my understanding that you are introducing legislation that would modify Montana's existing codes governing conflict of interest (e.g. Section 2-2-2-1 & Section 7-5-4109) to allow employees, officers and their relatives to benefit from public activities when such persons have no decision making role or supervisory role in such activity.

This is to advise you that the City of Hardin would strongly support such changes in the codes.

While we recognize that the public interest must be protected to avoid self-serving benefits and obvious conflicts, we feel that current Montana law creates a discriminatory policy. People who are perfectly eligible to receive services are being denied access to such service due to their employment status.

The following describes how existing codes have adversely affected public officials and employees in Hardin.

Situation #1. Recently, the City of Hardin operated a Community Development Block Grant Project. Because employees are prohibited from benefiting from any activities in which the City has a contract, the person who drives the City's garbage truck was prohibited from applying for a CDBG loan which would have repaired his house. This person and his family met all other CDBG criteria, including being low and moderate income. And, there were plenty of programmatic safe-guards to ensure that the public interest was protected against over-expenditure or favoritism.

Situation #2. As part of the same CDBG Project, the City also implemented a "self-help" house painting project, whereby the project supplied paint and very limited materials to low income families who would in turn, paint their own homes, make minor repairs and remove hazards. All city employees were eliminated as candidates for the program.

BUSINESS SERVICES, INC.
Jim and Barbara Richard
Box 508, 16 W. South Street
White Sulphur Springs, MT 59645
Phone 547-2289 FAX 547-3824

3-11-93
HB-550

**Consultants in
Economic Development**

**Community Development
and Planning**

To Whom it May Concern:

Following are descriptions of circumstances in which the current Montana Conflict of Interest and Ethics laws adversely affected persons belonging to a class of people targeted for assistance by Federal programs, to the point of reverse discrimination, or affected the program to the detriment of the public benefit:

In Wolf Point, two of the foremost rehabilitation contractors had to resign from the City Council before the CDBG with Commerce contract was signed in order to participate as contractors in the program. Eliminating them from the program would have driven costs up by eliminating the majority of competition. Federal law would have provided a public review process to establish that prohibiting these contractors from participating would be contrary to public benefit, and detrimental to the low and moderate income households the program was designed to serve.

In Saco, the 85 year old, blind mother of the volunteer mayor, who desperately needed housing repairs and special handicap installations, was ineligible for the program.

In White Sulphur Springs, the program lost its elderly, retired CDBG housing inspector who had been with the program for three years when he was appointed by the Mayor to the City Council.

Also in White Sulphur, the very low income, single female dog catcher had to quit her \$100 per month job in order to participate in the program.

Also in White Sulphur, the low income public works director, (the only employee of the City in public works) was ineligible for badly needed housing repairs and new windows.

In Malta, the low income, water clerk, a single female mother of two children was ineligible for a new furnace and insulation.

Barbara Richard
CDBG Housing Program
Administrator

Linda K. Twitchell dba
TWITCHELL ADMINISTRATIVE SERVICES
Community Development Office
201 4th Avenue South
Wolf Point, MT 59201

February 2, 1993

Business Services, Inc.
Box 508
White Sulphur Springs, MT 59645

Dear Barb and Jim;

As project manager for the City of Wolf Point CDBG housing grants, we have found it necessary to deny several applications for housing rehab due to the present conflict of interest standards. A mechanic working part time for the City with several small children and an evident need for housing rehab, the dog catcher, and a City Council member's mother living on Social Security were all unable to participate in the program.

We must also consider that family members tend to remain in small communities. City Council members are often related to several families within the City. The same is true of City employees. While the City encourages qualified persons to become involved in public service, this commitment can be discouraged by restrictions placed on their families.

Therefore, I am in full support of your proposal intending to give cities some relief from the strict wording of the MCA statutes regarding conflict of interest in CDBG projects. I feel this proposal would prove to enhance life in the rural cities throughout Montana. I can not foresee any negative ramifications of such a proposal.

Please keep us updated as to the progress of this bill and feel free to include this letter in any proposal addressing this issue.

Sincerely



Linda Twitchell



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614

March 10, 1993

MAR 11 1993

93-095

Senate Local Government
Committee Members
Montana State Legislature
Capitol Station
Helena, Montana 59620

Missoula County Senators
Montana State Legislature
Capitol Station
Helena, Montana 59620

RE: SUPPORT FOR HOUSE BILL 301 INCREASING THE MAXIMUM PENALTY FOR
VIOLATION OF MUNICIPAL ORDINANCES TO \$1,000.00

Dear Senate Local Government Committee Members, Representative
Wyatt and Missoula County Senators:

City of Missoula officials urge your support for adoption of House
Bill 301 entitled "An Act Increasing the Maximum Penalty for
Violation of a Municipal or Local Government Ordinance from \$500.00
to \$1,000.00" introduced by Representative Diana Wyatt.

The reason for this state legislation is that federal environmental
protection regulations now require that municipal sanitary sewer
and wastewater treatment regulations seek or assess civil or
criminal penalties up to a maximum amount of \$1,000.00 for each
violation. This penalty is required to be in city ordinances for
sanitary sewer violations in order to obtain and receive federal
environmental protection funds for projects pertaining to sanitary
sewer or wastewater treatment.

In order for a municipality to be able to collect a fine of up to
\$1,000.00 for a violation of a sanitary sewer or wastewater
treatment ordinance, the Montana State Legislature must empower
municipal governments with the authority to impose a penalty of up
to \$1,000.00. This state legislation is necessary so that Montana
municipalities may comply with federal environmental protection
regulations in order to receive federal monies for wastewater
treatment projects. A copy of 40 Code of Federal Regulations (CFR)
403.8(F)(1)(vi)(A) is enclosed for your information.

Thank you for supporting House Bill-301 introduced by Diana Wyatt.

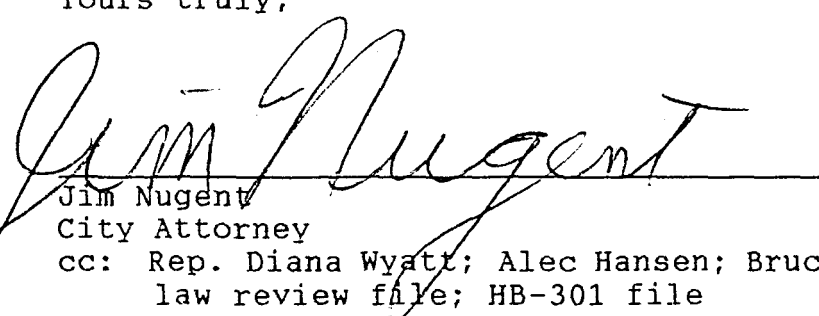
Yours truly,

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE 3-11-93

BILL NO. HB 301


Jim Nugent
City Attorney

cc: Rep. Diana Wyatt; Alec Hansen; Bruce Bender; Local government
law review file; HB-301 file

User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC v. Costle* Consent Decree (12 ERC 1833) for one or more of the following reasons (see Appendix D of this Part):

(1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));

(2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));

(3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph (8)(a)(iii)); or

(4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

(3) *Self-monitoring.* Self-monitoring required to insure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of § 403.12(g).

(4) *Choice of monitoring location.* Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the Industrial User may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable Pretreatment Standards. If the Industrial User chooses to monitor the segregated process wastestream, it shall apply the applicable categorical Pretreatment Standard. If the User chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this section. The Industrial User may change monitoring points only after receiving approval from the Control Authority. The Control Authority shall ensure that any change in an Industrial User's monitoring point(s) will not allow the User to substitute dilution for adequate treatment to achieve compliance with applicable Standards.

4. Section 403.8 is amended by revising paragraphs (b), (f)(1)(iii), and

(f)(1)(vi)(A), and adding a new paragraph (f)(4) to read as follows:

§ 403.8 POTW pretreatment programs: Development by POTW.

(b) *Deadline for Program Approval.* A POTW which meets the criteria of paragraph (a) of this section must receive approval of a POTW Pretreatment Program no later than 3 years after the reissuance or modification of its existing NPDES permit but in no case later than July 1, 1983. POTWs whose NPDES permits are modified under section 301(h) of the Act shall have a Pretreatment Program within three (3) years as provided for in 40 CFR Part 125, Subpart G. POTWs identified after July 1, 1983 as being required to develop a POTW Pretreatment Program under paragraph (a) of this section shall develop and submit such a program for approval as soon as possible, but in no case later than one year after written notification from the Approval Authority of such identification. The POTW Pretreatment Program shall meet the criteria set forth in paragraph (f) of this section and shall be administered by the POTW to ensure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(f) . . .
(1) . . .

(iii) Control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements;

(vi)(A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTWs shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements. POTWs whose approved Pretreatment Programs require modification to conform to the requirements of this paragraph shall submit a request for approval of a program modification in accordance with § 403.18 by November 16, 1989, unless the State would be required to enact or amend a statutory provision, in which case the POTW shall submit such a request by November 16, 1990.

(4) *Local limits.* The POTW shall develop local limits as required in § 403.5(c)(1), or demonstrate that the are not necessary.

5. Section 403.9 is amended by revising paragraphs (b)(1)(ii) and (2), (c) to read as follows:

§ 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: submission for approval.

(b) . . .
(1) . . .

(ii) Identify the manner in which the POTW will implement the program requirements set forth in § 403.8, including the means by which Pretreatment Standards will be applied to individual Industrial Users (e.g., by order, permit, ordinance, etc.); and.

(2) A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW in its administration of the Program. The Submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW Pretreatment Program if approved;

(e) *Approval authority action.* Any POTW requesting POTW Pretreatment Program approval shall submit to the Approval Authority three copies of the Submission described in paragraph (b) and if appropriate, (d) of this section. Within 60 days after receiving the Submission, the Approval Authority shall make a preliminary determination of whether the Submission meets the requirements of paragraph (b) and, if appropriate, (d) of this section. If the Approval Authority makes the preliminary determination that the Submission meets these requirements, the Approval Authority shall:

(1) Notify the POTW that the Submission has been received and is under review; and

(2) Commence the public notice and evaluation activities set forth in § 403.

6. Section 403.10 is amended by revising the references in paragraphs (d)(1) and (3) to "§ 403.12(h)" to read "§ 403.12(k)" and also by revising paragraph (g)(1)(iii) to read as follows:

§ 403.10 Development and submission of NPDES State pretreatment program.

(g) . . .
(1) . . .

(iii) States with approved Pretreatment Programs shall establish

DATE 3-11-93

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: HB 550, HB 368,
HB 367, HB 301

Name	Representing	Bill No.	Check One Support Oppose
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Gus Byrom	Dept. of Commerce	550		
Benny Gibson	MACO	HB 368	✓	
Jim Richard		550		
Benny Gibson	MACO	HB 550	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY