

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 22, 1977

The meeting of this committee was called to order at 9:30 a.m. by Senator Turnage, Chairman, in Room 442 of the State Capitol Building on the above date.

ROLL CALL:

All members of the committee were present with the exception of Senator Roberts who was excused.

WITNESSES PRESENT TO TESTIFY:

H. S. "Sonny" Hanson - Montana Technical Council
William Scribner - Montana Society of C.P.A.'s
Al Dougherty - Montana Chiropractic Association
Sharon Dieziger - Montana Nurses Association
Cliff Christian - Montana Association of Realtors
Chad Smith - Montana Hospital Association
Rod Gudgel - Montana State Pharmaceutical Association
Ed Carney, Director - Department of Professional and Occupational Licensing

CONSIDERATION OF SENATE BILL 125:

Senator Pat Regan, District 31, sponsor of this bill, said that the interim study committee, in looking at the whole question of licensing, decided that the Department of Professional and Occupational Licensing had a problem regarding bonds. She told the committee that the consumer may file a complaint against the licensee with the board in this bill, and that the department may pay the damages to the consumer and then an attorney could take it to the courts to get reimbursement for the department from the licensee. She explained the bill section by section.

At this time, Ed Carney, Director of the Department of Professional and Occupation Licensing, introduced himself and told the committee that he feels that S.B. 125 should be amended.

The Chairman then called for proponents of the bill. There being none present, the opponents were called upon for their testimony.

The first opponent was H. S. "Sonny" Hanson, representing the Montana Technical Council, who told the committee that he felt his group should not be included in this bill. He pointed out three things to the committee, namely, 1. A regulatory board cannot review a fellow associate's performance without letting personal feelings enter into it; 2. H.B. 65 provides a law judge to hear complaints which is a better approach; 3. Questioned the insurance - a policy on a firm with a \$10,000 deductible may not be covered.

The next opponent testifying was William Scribner, a Helena attorney representing the Montana Society of C.P.A.'s, who said that his views are essentially the same as Sonny Hanson's on this bill. Mr. G. B. Carlson of the Montana Society of C.P.A.'s was also present but did not comment on S.B. 125. Mr. Scribner said that he would like the committee to delay consideration until he can obtain a concensus of the feelings of their society members.

Al Dougherty, Helena attorney representing the Montana Chiropractic Association, said that they would endorse the views of the first two opponents.

Rod Gudgel, representing the Montana State Pharmaceutical Association, said that his association has the same views as the previous opponents.

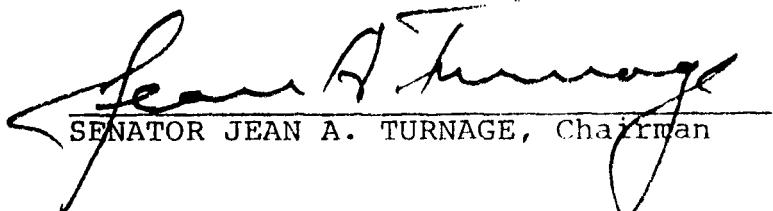
Sharon Dieziger, representing the Montana Nurses Association, also agreed with the views of the previous opponents.

Cliff Christian, representing the Montana Association of Realtors, questioned the bill in several places. He said that he felt the district court appeals should be longer than 30 days, and, regarding section 5, he questioned the good faith effort of paying which it referred to, and said that the trouble with the department paying the bills would be that those paying would be subsidizing the unscrupulous who don't pay. He also believes there is a problem with the funds accumulated and sees a laxity in the awards. He suggested that, after a reasonable time, perhaps the excess moneys could be returned to the Board and earmarked for education.

Chad Smith was the next opponent testifying. He represents the Montana Hospital Association. He said that we already have a system of adjudication in every county and this would be a duplication. He added that they feel that it will be a cost to the state if section 7 is kept in S.B. 125. He further told the committee that what "injury" means may take a court interpretation, and he also questioned *prima facie* evidence.

Ed Carney, Director of the Department of Professional and Occupational Licensing, said that he thinks the legislature should do away with the bonding feature if it is going to apply to all those covered by the bill. However, he said the bill should only cover those who are presently bonded, such as the abstractors, plumbers, well builders, etc..

At this time, there being no further business before the committee, they adjourned at 11:00 a.m.



SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1-22-77

Each day attach to minutes.

NAME: H. S. Hanson DATE: 1/22/77

ADDRESS: Bloway Motel

PHONE: 442-1770

REPRESENTING WHOM? Mont. Technical Council

APPEARING ON WHICH PROPOSAL: SB-125

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS:

1) A Reg. Board can not review a fellow association's performance with out looking personal history - enter into it.

2) HB-65 - Provides a law Judge to hear complaints which is a better approach.

3) Question the insurance - a policy ^{on a firm} with a 10,000 deductible may not be cover ~~because~~ ^{because} of ~~the~~ \$500 limit.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Al Dougherty

DATE: 22 Jan 1977

ADDRESS: Helena

PHONE: 442-1440

REPRESENTING WHOM? Montana Chiropractic Association

APPEARING ON WHICH PROPOSAL: SB 125

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? If not amended, then oppose

COMMENTS:

If bill is amended so that only those professions or licensed trades which are required to be bonded are subject to the bill, then the Chiropractic Association will withdraw its opposition.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Red Gadge DATE: 1/22/77

ADDRESS: Box 908

PHONE: 442-1432

REPRESENTING WHOM? MNHA, MSPA, MOA + MFDA

APPEARING ON WHICH PROPOSAL: SB 125

DO YOU: SUPPORT? AMEND? X OPPOSE?

COMMENTS: The bill should not apply to professions or occupations for which no bonding requirement now exists

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Shawn Megejew DATE: 1/22/77

ADDRESS: 3604 5th Ave So St. Paul, Minnesota

PHONE: 453-1525

REPRESENTING WHOM? Mont. Nurse Assoc.

APPEARING ON WHICH PROPOSAL: SB 125

DO YOU: SUPPORT? _____ AMEND? OPPOSE? oppose If not amendable.

COMMENTS: If bill is amended to include
those professions that require bonding we
would have no opposition.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Andy DATE: 1-27-77

DATE : 1-2-77

ADDRESS: 5070 1/2 S. 29th

PHONE: _____

REPRESENTING WHOM? Dept of P.D.L.

APPEARING ON WHICH PROPOSAL: SR 125

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: only include those licensing fees imposed by law or rule

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

COMMITTEE ON

BILL NO.

VISITOR'S REGISTER

(Please leave prepared statement with Supt.)