

January 24, 1979

Chairwoman Brand called the meeting to order at 9:10 a.m., roll call was taken with Rep. Azzara absent.

HJR 9-Sponsored by Rep. Frates -- This endeavors to put in the Codes a mandate for door viewers. The senior citizens are concerned about their security in these public housing projects. The viewers cost about \$3.95 each, and \$3.15 when you buy a lot, and take about three minutes to install.

JAMES KEMBLE-Building Codes Administrator, Dept. of Administration -- Mr. Kemble submitted a proposed amendment, (see Attachment #1), clarifying that the language in the introduced bill would tend to throw out everything done previously.

NO OPPONENTS

BRAND-When you have a multiple family dwelling, does the senior citizen have to be the owner? FRATES-The intent is if a senior citizen happens to be managing an apartment, or owns it and has a rental supplement, he wouldn't have to put this on his own door but would be required to do the others. MAGONE-I can't see the reason for the exemption. Why exclude anybody? FRATES-I didn't intend that, so we amended it. I would be pleased if we just dropped the last paragraph on the original bill. BRAND-What if we strike everything after "construction." on line 19? KROPP-This just deals with senior citizens? FRATES-Yes. PORTER-What about long term care facilities -- would this require the same thing of them? FRATES-The intent was only for residences. In your hospitals you have nurses and other people working in them. We are trying to protect them in their own homes. If you could amend that in a way to exclude that.....McBRIDE-What if you change page 2, lines 9 and 10 - Strike: "occupation" and Insert: "residence. What do you mean by "buildings primarily for senior citizens"? FRATES-This means those buildings built by the government and subsidized specifically for senior citizens. FEDA-If I'm a senior citizen living in my own home, does this mean that I have to put a peep-hole in my door? FRATES-No, I don't think the intent was to mandate homeowners. BAETH-The state building code doesn't cover individual homes does it? FRATES-Yes, they do and they could make this mandatory.

HB 23-Sponsored by Rep. Ken Robbins -- This was submitted for the Board of Veterinarians, to let them set commensurate fees for exams. Presently, the fee doesn't cover the cost of the exam and the administration. He spoke about the fee amendments in the bill. Anyone failing can take the test again but must pay the fee again; and the bill provides for an immediate effective date. Robbins pointed out that Ed. Carney, Director of the Department of Professional and Occupational Licensing, was present at the hearing to answer any questions.

NO OPPONENTS

KROPP-What is the 'cost commensurate'? CARNEY-If an exam is a 3 or 4 day exam, with the board meeting on one day; then the vets' exam is one day and the technicians exam is another day. 40 applicants would bring in \$1,000; so, with this the exam would pay its own cost. I think it would go from \$35 - \$40 whereas it is currently \$25. BRAND-In most of the costs for these before you had a set rate, and now we have all these agencies wanting to set their own rates and be flexible. CARNEY-Before reorganization, they would come in and set the fee. Now,

(CARNEY continued) a lot of boards have moved to national examinations; but the vets haven't because the national test costs \$40 - \$45 and they just can't afford it. With this bill, they can have the option of making their own test or using the national exam. BRAND-Would they be regulated by the state as far as not getting outrageous? CARNEY-They are regulated as far as per diem and mileage. This bill would have no affect on what the board members receive. MAGONE-If a board so desired to set a really high fee to keep out new applicants, couldn't they with this bill? CARNEY-All it would take is a judgement saying that this fee wasn't commensurate with the law. The burden of proof is on the board to show that the cost is reasonable. BRAND-Wouldn't the complainant have to pay court costs? CARNEY-No. Where you use discretionary procedures, you go before the Administrative Procedures Committee. McBRIDE-Would you be opposed to a maximum figure on here so that there would be a limit? CARNEY-My only problem is that legislators don't want these piddly little bills in here every session. O'CONNELL-I don't like open ended things and blank checks, so I think we need a firm figure.

HB 169-Code Commissioner Bill Sponsored by Rep. Kvaalen, Explained by Joan Mayer, Legislative Council Staff Attorney in charge of retirement bills in recodification. The explanation offered by Ms. Mayer is fully elaborated in Attachment #2.

VERN FRICKSON-Montana State Firemens' Association --- We have no problems with this and support it.

LARRY NACHTSHEIM-Administrator, PERS, Dept. of Admin. -- Our staff has looked this over and we find no problems.

#### NO OPPONENTS

KROPP-Did you say there are no substantive changes? MAYER-Yes. SMITH-Are we checking errors from two years ago? MAYER-Some errors, but mostly clarification. Every session it is difficult to make all the bills consistent because you don't know what bills will pass, so this procedure takes in changes each succeeding session. The new section in the bill only applies to Chapter 9 of Title 19.

#### EXECUTIVE SESSION

HB 208-BRAND-We have given you 24 hours, Rep. Pistoria, what is your pleasure? O'CONNELL-I would like to submit an amendment on page 2, line 15, following "sub-division", insert: "except where the manufacturing of said signs can be done or is within the jurisdiction of a collective bargaining contract".

A roll call vote was taken, which passed 13 - 3 (reference roll call vote sheets).

Rep. Porter had suggested a possible amendment relative to "aggregate projects", which he decided would cloud the issue and subsequently withdrew.

O'CONNELL moved AS AMENDED DO PASS, which was carried unanimously.

HJR 9-BRAND-I think his intent is not quite clear in the bill, and I would like to see a subcommittee or something to clean it up. Resolutions don't force anybody to do anything, they just ask people to follow a criteria. This is for the apartment houses in towns.

FEDA moved DO NOT PASS, on HJR 9.

O'CONNELL-You might find that senior citizens have been robbed and beaten and this might help them. MAGONE-Is there a statute like this on the books now? KROPP-I don't see why we are singling out senior citizens. McBRIDE-Because senior citizens are a lot of times all in one building, they are more susceptible. When I was campaigning, some people wouldn't even open their doors.

Feda's motion of DO NOT PASS failed 10 - 8 on a roll call vote (reference roll call sheet). After various discussion of possible amendments, JOHNSTON moved that HJR 9 be placed in a subcommittee, the motion carried with Sales opposing. Brand appointed the subcommittee as Kanduch Chairman, Porter and Staigmiller.

HB 23-KROPP proposed amendments changing the original amendment of "commensurate fee" to \$35, or deleting the inserted material and reinserting the deleted material with the \$35 added as needed.

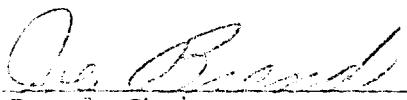
DONALDSON-The problem they are facing is inflationary. \$35 is inadequate; they didn't object to a limit but I think this is not enough and I would like to see this be permissive up to a level. BARDANOUVE-We are always critical about having so many bills, and this is one thing that makes such things. When you put such limits on them they will have to come back again. This is a self-supporting agency, and I think they should be able to set their fees as they see fit.

KROPP withdraws his amendment.

STAIGMILLER moved HB 23 DO PASS as presented, the motion carried with Brand, Magone, and O'Connell opposing.

HB 169-O'CONNELL moved DO PASS, the motion carried unanimously. McBRIDE moved that the bill be placed on the Consent Calendar, but the motion failed with Bardanouve and Johnston voting against it. BARDANOUVE-If it isn't a controversial bill I still like to have someone give me a little clarification -- it leaves me more satisfied. O'CONNELL-I have to agree. Regardless of our committee, I go back to my people and so many of these bills go through that I know nothing about; but on the other hand, so many times we spend two hours on a bill that doesn't need to be spent. KANDUCH-The Consent Calendar saves second reading printing costs. BRAND-I think we should take advantage of it sometimes and see what we can accomplish -- try something new and innovative.

Adjourned: 10:10 a.m.

  
Joe Brand, Chairman

  
Nita Sierke, Secretary