

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

January 10, 1979

The second meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Olson on the above date in Room 410 of the State Capitol Building at approximately 1:30 p.m. Chairman Olson asked all visitors and testifiers to sign the register.

ROLL CALL: All members were present, except Senator Rasmussen who arrived later in the meeting.

CONSIDERATION OF SENATE BILL NO. 45: Senate Bill 45, by request of the Code Commissioner, would generally revise the law related to professions and occupations.

Chairman Olson asked Senator Himsl, sponsor of Senate Bill 45, to explain the bill. Senator Himsl went through a summary of the changes contained in Senate Bill 45. See Exhibit "A."

Chairman Olson asked if anyone was present to testify for the bill. Bob Pyfer, staff attorney with the Legislative Council, stated that he had drafted the bill and was present to answer any questions. Senator Ryan wanted to know why some boards get \$20 per day and some boards get \$25 per day. Senator Himsl explained that the scales were developed over the years and each board's pay was set at the going rate at the time the board was established. He stated that there will be legislation introduced to equalize the rates.

ACTION ON SENATE BILL 45: Senator Palmer moved that Senate Bill No. 45 "DO PASS." The motion was seconded and carried unanimously.

Senator Ryan asked if the Senate has a consent rule. Senator Norman said that the Rules Committee was meeting this afternoon to decide that. Senator Ryan would like to have Senate Bill 45 put on consent calendar if possible. Chairman Olson said he could hold the bill for a couple of days to see if it could be put on consent calendar. Senator Ryan moved that Chairman Olson place Senate Bill No. 45 on the consent calendar if it is possible to do so. The motion was seconded and carried unanimously.

ANNOUNCEMENTS: Chairman Olson indicated that the Committee would meet on Monday, January 15, 1979, to hear Senate Bill No. 61.

ADJOURN: There being no further business, the meeting was adjourned at 2:00 p.m.


S. A. OLSON, CHAIRMAN

SENATE MEMBERS

CARROLL GRAHAM
CHAIRMAN

FRANK HAZELBAKER
VICE CHAIRMAN

NETTIE BLAYLOCK

LEON GOODMAN

DIANA S. DOWLING
EXECUTIVE DIRECTOR
CODE COMMISSIONER

ELAINE CLARK
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES

EXHIBIT "A"



HOUSE MEMBERS

JOHN B. DRISCOLL

OSCAR KVAALEN

J.D. LYNCH

ROBERT L. MARKS

H. DAVID COGLEY
DIRECTOR, LEGAL SERVICES

ROBERT PERSON
DIRECTOR, RESEARCH

Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

LC 0013

1979 Legislature
Code Commissioner Bill - Summary

SENATE Bill No. 45

AN ACT TO GENERALLY REVISE THE LAW RELATED TO PROFESSIONS
AND OCCUPATIONS.

(This summary does not include discussion of routine form
or grammatical changes.)

Section 1. 37-2-104. In (2)(d), added "of drugs" to
clarify and correct apparent inadvertent omission.

Section 2. 37-2-201. In (3), changed "any member or
nonmember of a nonprofit corporation" to "any member, agent,
or employee of a nonprofit corporation" to correct ambiguity.

Section 3. 37-3-322. In (7), changed "judgment or
conviction" to "judgment of conviction" to correct obvious
error.

Section 4. 37-5-101. In (2)(a), changed "diplomat of
osteopathy" to "diplomate of osteopathy" to correct obvious
spelling error. Webster's defines "diplomate" as "a doctor
who is certified as a specialist by an examining board in a
particular branch of medicine".

Section 5. 37-5-102. Changed "that chapter" to "those
chapters" for consistency with internal reference.

Section 6. 37-6-311. Amended to correct awkward language.

Section 7. 37-7-101. In (9), changed "REG-PH" to
"R.Ph." to conform to current practice of designation of registered
pharmacists.

Section 8. 37-7-104. In (2), added "at least" to clarify and conform to obvious intent that board assistant have 5 or more years of experience rather than exactly 5 years of experience.

Section 9. 37-7-301. In (3), deleted "falsely" as redundant. If an unlicensed person assumes the title of pharmacist, this action is false by definition. Also, as subsection formerly read, it appeared to say that a licensed person could "falsely" assume the title.

Section 10. 37-7-311. In (5), changed "assistant" to "intern" to clarify and make consistent with the rest of the section and pharmacy licensure law.

Section 11. 37-15-102. In definition of "board", added reference to provision of Title 2 creating the board for clarity and convenience and to make uniform with other licensure statutes.

Section 12. 37-16-203. Changed "\$20 compensation" to "\$20 a day compensation" for clarification.

Section 13. 37-17-102. In (5), changed "motions" to "emotions" to correct apparent typographical error. This change is approved by Dr. Mozer of the board of psychologists.

Section 14. 37-17-104. In (5), added language to clarify and make grammatically consistent with lead-in,

In (8), changed nouns and pronouns to singular form for consistency with rest of section.

Section 15. 37-31-203. In (3), added language for clarification and to make consistent with lead-in. The term "examination" is left out of new subsection (3) since a separate examination is not required for a manager-operator license.

Section 16. 37-31-322. In (2)(a), deleted language redundant with lead-in.

In (2)(b), changed "teachers' training" to "teaching" to make sentence sensible and to conform to obvious intent. Before amendment, sentence literally said that a person licensed to teach who is inactive for 1 year must take teachers' training before resuming active "teachers' training".

Section 17. 37-40-307. Amended to make all nouns singular for grammatical consistency.

Section 18. 37-41-102. Changed "or" to "of" to correct apparent inadvertent error.

Section 19. 37-43-302. Changed "person, as defined in this chapter" to "contractor as defined in this chapter". "Person" is not defined in the chapter. The definition of "contractor" in the chapter is what was apparently intended since this has the effect of requiring licensure only of those who construct wells on other people's land and for compensation. This conforms to 37-43-103 on exemptions.

Section 20. 37-50-308. Changed "American institute of certified accountants" to "American institute of certified public accountants" since the latter is the correct name of that organization.

Section 21. 37-51-308. Changed "a" to "any" to clarify that a branch office is not a requirement.

Section 22. 37-60-304. Changed "Before an application for a license is granted" to "Before a license is granted". Licenses are granted, not applications. The deleted language is surplusage.

Section 23. 37-61-409. Changed "37-61-407 or 37-61-408(1)" to "37-61-408" to clarify the application of this penalty provision. This section was formerly the last sentence of 93-2108, R.C.M., the prior sentence containing a prohibition. The penalty was stated to apply to "the last two sections". It was unclear whether this meant "this section and the preceding section" or literally "the 2 preceding sections". From the context it appears that "this section and the preceding section" (which corresponds with MCA 37-61-408) was intended since those provisions are otherwise without a specific civil or criminal penalty and are of related subject matter.

Section 24. 37-66-103. See explanation for Section 10.

Section 25. 37-67-101. See explanation for Section 10.

Section 26. 37-67-319. Amended to make first part of (1) a complete sentence.

Section 27. 37-69-103. Added "unlicensed" to avoid conflict with 37-69-323 which prohibits licensed master plumbers from hiring unlicensed journeyman plumbers.

Section 28. 37-70-203. Added reference to 2-18-502 which provides for computation of the meal allowance, which allowance is provided for in 2-18-501. Section 2-18-501 was already mentioned in 37-70-203. Since 2-18-502 is inextricably tied to 2-18-501, this amendment makes no substantive change but is merely for convenience.

Section 29. Repealing 66-1701 through 66-1714, R.C.M. These sections consisting of a photography licensure law were declared wholly unconstitutional by the Montana Supreme Court in State v. Gleason, 128 M 485. The Court held the law to be an improper exercise of the police power and therefore an unconstitutional denial of liberty and property under the 14th Amendment.

ROLL CALL
PUBLIC HEALTH COMMITTEE

46th LEGISLATIVE SESSION - - 1979

Date 1-10-79

Each day attach to minutes.

SENATE COMMITTEE

PUBLIC HEALTH

Date 1-10-79

SENATE

Bill No. 410

Time 1:30 p.m.

Secretary

Chairman

Motion: SENATE BILL 45 AS WRITTEN, DO PASS.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE

PUBLIC HEALTH

Date 1-10-79

SENATE

Bill No. 410

Time 1:30 p.m.

Secretary John D. Olson

Chairman *S. Olson*

Motion: SENATE BILL 45 BE PLACED ON THE CONSENT CALENDAR, IF POSSIBLE

(include enough information on motion--put with yellow copy of committee report.)

DATE

COMMITTEE ON

BILL NO. 5645

VISITOR'S REGISTER