

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

February 16, 1979

The twenty-sixth meeting of the State Administration Committee was called to order by Chairman Pete Story at 10:00 A.M. in Room 108 of the Capitol Building on the above date.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILLS No's. 385, 387, 388, 390, 391, 411, 422, 443, 457, 458, 460, 486, 489 and 498: Senator Story, Chairman, opened the meeting by welcoming those present and explaining the kinds of bills that would be before this meeting. He noted that copies of materials were available at the door, along with a list of the various boards which would be affected by the Sunset Law this year. He then said that Senators Himsl, Brown and Lockrem, followed by the authors of the other bills, would be heard first. After that, the committee will discuss the matters before them and, while doing so, they will actually be considering boards which are not presently subject to the Sunset Law. They will also discuss the fate of the bills before the committee today, some which are not before this committee, and some which have not yet come up from the Legislative Council for introduction. He noted that SB 442 was misnumbered and that they would hear instead SB 422, which deals with boards. He officially opened the hearing on SB 385, 387, 388, 390, 391, 411, 422, 443, 457, 458, 460, 486, 489, and 498. He then called upon Senator Himsl to make his presentation.

Senator Matt Himsl, Senate District 9, Kalispell, told the committee that he was appearing as sponsor of SB 388 and spoke not from a personal standpoint, but as one of the Audit Committee which had made a two-year study under the mandate of the Sunset Bill. He said they questioned state licensing: was it's purpose to protect the public interest or was it of a self-serving concern. The Sunset law calls for the review of 46 boards and agencies in 6 years, with 14 done in 1977-1979. In the present system, there are 31 boards with 144 board members and involving a staff of 35 people, plus an administrator. Their budget is over \$1 million in 1979 which is earmarked money and adds to the consumer cost because it's collected in the market place. Licensing is done in two major ways - one of them is by an occupational registration fee and licensing (70 are done this way). Since a review of the 14 boards or agencies, it has been recommended by the Legislative Audit people that 4 not be reinstituted: landscape architects, abstractors board, warm air heating, board of institutions, and they suggested putting the board of realty under the business regulation department. The "super board" concept was to put these boards into three lines of interest. One would be the business, professional and occupational-type thing under the Department of Business Regulations; another would be the health delivery-type agencies under the Department of Health; and the other would be put in the Department of Administration, including the public safety types of alignments. If you buy this concept, then SB 388 makes the alignment. You will have to decide whether you are going to put it under the Department of Professional and Occupational

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Licensing or under the Department of Business Regulation. One problem we've had in the study of the Sunset bill is getting public input.

SB 388 proposes and is structured with the presumption that the "Super Board" concept will prevail and so this bill abolishes the board of professional engineers and surveyors and puts the regulation of the practice to the board of professional service under the Department of Business Regulation and that board would be composed of three public members appointed by the governor and approved by the Senate. They would truly be a public service board.

This bill also provides for the licensing of teachers of advanced engineering as well as practitioners and allows the board to set the fees. It also authorizes publication of a roster of licensees, and this is up to the board. He then proceeded to explain the remainder of the bill to the committee. He noted that 61% are non-residents of Montana of the 2565 registered engineers. He also said the complaint section should be considered in that this board has had 50% of its complaints from the public, but that the public is told to work out their differences or go to court.

If you believe that the board should serve the public interest then you should have public members on the board. He also reminded the committee that when they made an evaluation, they consider the fact that the final resolution of complaints rests with the court which is public and has no professionals on it of the type covered by this bill.

Sen. Story next requested Senator Steve Brown to testify on SB 460. He distributed an exhibit which was a chart of the current representation on all professional licensing boards. The representation as proposed under SB 460 and the other column would occur if some other bills are passed. This bill does not deal with the question of Sunset. It does not address whether or not any of the agencies studied by the Legislative Auditor should be sunsetted. The second thing it does not do is address certain boards where representation is already governed by statute. There may be a need to amend into Brown's bill, some of the boards that he did not include in the bill if it is the intention of this committee to not sunset those boards.

SB 460 answers the question of whether the function of a professional licensing board is to protect the public or simply to restrict access to a profession. Both of these things should be in the bill. The boards should both protect the public and restrict licensing of incompetent doctors, etc. His bill adds public members to each board. We have to involve the public in all professions. That is the major point of his bill. The second major portion of his bill is to set up a board of professional and occupational appeals, comprised of three people whose duty would be to hear contested cases. This would introduce an element of fairness and hopefully, a new element of due process that will insure all complaints or disputes are fairly resolved. The bill calls for one member of the appeals board to be an attorney for \$25 because a lot of cases would be

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short hearings and this might save on costs because the attorney could serve as the hearings officer. Every board will have to pay for its appeals before the board - transcriptions, etc. Therefore, this bill will not require any money from the general fund.

Senator Brown then went on to explain the various sections of the bill. At this point he proposed amendments that he was going to make later on. He said that if this bill is enacted, the Legislature will have addressed all of the concerns about professions and occupations that have been studied by the Legislative Audit Committee.

Senator Brown then recommended three amendments; the first being on page 2, line 21. He wanted to change the amount of \$25 to \$35 for the attorney on the appeals board. Second, on page 4 of the bill, lines 5 through 7, section 3, specifies that no later than 30 days after receipt of the petition for appeal, the appeals board should hold a hearing and render its decision. He wanted to recommend that this subsection be deleted because he felt it was unnecessary for the appeals board to have to come to Helena 50 or more days a year when they could come less often and hold four or five hearings in a row. He felt the 30-day time frame was a little short.

Page 4, line 12, after "licensee" and before ".", insert: "if an appeal is undertaken to the appeals board as provided in this section until the time for judicial review has expired". With those amendments, he urged the passage of the bill.

Senator Cornie Thiessen, Senate District 27, a member of the Legislative Audit Committee was chief sponsor of SB 411, an act to amend the statutory provisions relating to the licensing of architects. After a study, the Audit Committee found that there was a need for the regulation of architects as they were trying to bring better input and better service to the public, as well as to the profession itself. The purpose of this bill is to abolish the board of architects and transfer regulation of the profession to the board of professional service regulation under the Department of Business Regulation. This act would consolidate several regulatory boards under one entity and make the resultant board more responsive. Senator Thiessen then went through the bill section by section explaining its provisions. (Copy of his statement is attached.)

Senator Lloyd Lockrem, Senate District 32, agreed with Senator Hims1 on SB 390 and 391. Discovery by the Audit Committee indicated that the existing boards really have been self-serving in the past. He pointed out that the opportunity that this committee of the legislature has is to streamline and make the state government more effective. He explained, as Senator Brown did previously, the way that this series of bills worked.

SB 390 pertains to the existing State Electrical Board. It abolishes the State Electrical Board and transfers the regulation of electrical work to the Board of Public Safety under the Department of Administration.

Senator Lockrem also stated that SB 390 requires that an individual work experience be in the electrical construction industry before his application can be approved. Sen. Lockrem explained SB 390 by section to the committee.

Sen. Lockrem then discussed SB 391 which relates to public accountants in Montana. This bill recommends the termination of the current board and reestablishing the regulation under the Board of Service Regulation. This new board would consolidate regulation of various professions and would be administratively attached to the Department of Business Regulation. It also would make regulation more responsive to the public.

Senator Greg Jergeson, Senate District 3, chief sponsor of SB 385, SB 387 and SB 443, explained that these bills were pretty well covered by the previous speakers. SB 385 deals with the plumbing profession. This bill is to do away with the plumbing board and place it under the Department of Public Safety. Sen. Jergeson stated that there were several new sections contained in his bill that were not in the other bills that deal with the plumbing industry. He went on to explain all of the bills and tied them together with what they would accomplish. He stated that SB 387 would abolish the Warm Air Heating, Ventilation and Air Conditioning Board and place the administration of that industry under the Board of Public Safety. He explained certain sections of the bill, stating the Committee may want to add in certain materials or delete it. He felt that if SB 247 was killed, the bills pertaining to the individual industries and professions could be amended to contain the materials in SB 247.

Senator Jack Healy, District 44, sponsor of SB 458, introduced Mitch Mahovolich of the Plumbers Union to explain the bill. At this time, the Chairman asked if Senator Himsl could speak as he had another engagement and had to leave the meeting. He read, for the record, a letter from the Director of Professional Development of the National Council of Architectural Registration which stated, "If the Montana board of architects is terminated and a new state agency or board took over the examination, registration and licensing of architects and if this new agency or board met the definition of the state board and was a member board as noted above, NCARB registration would be provided for Montana." He felt the Committee should have that information. Sen. Himsl commented regarding the engineers that there seems to be some question that there should be an engineer on the licensing or supervisory board.

Regarding SB 458, the Chairman gave the floor back to Senator Healy and Mitch Mahovolich again. Mr. Mahovolich stated that there were several people present who would be presenting written testimony supporting SB 458. He stated that he and the members he represented were in favor of SB 458 and also SB 460, as amended, to include the board of plumbers. He stated that there would be more testimony to follow later on in the day to support these bills.

At this time, Chairman Story offered Senator Healy and Mr. Mahovolich the opportunity to address the distinctions between their bill and the Audit Committee bill. He advised them further that they did

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not have to do this but could, if they so desired.

Mr. Maholovich said since there were some changes in SB 458, he would address them. He then proceeded to outline their differences for the Committee. He said that SB 458 puts it back to a 7-member board which they support.

Chairman Story then called upon Senator Sandy Mehrens of Anaconda, District 45. He turned the testimony over to John Buckley of the State Electrical Board. Mr. Buckley said that he was speaking for SB 457 which would reestablish the State Electrical Board which was terminated by SB 162 and the sunset law. He said this would return the State Electrical Board to the Department of Professional and Occupational Licensing and further that the inspections should be returned to the department.

The next senator called upon was Senator Tom Hager of District 30, sponsor of SB 422. Senator Hager said that this bill would re-establish the Board of Professional Engineers and Land Surveyors. The first section is to reestablish the board and the second section strikes the reference to the board of professional engineers and land surveyors from the sunset provision of 7-1-79 and reinserts it in the July 1, 1985 one. The third section increases the number on the board from 7 to 9. The two new members are both public members. It also states that a member may not be reappointed after serving three consecutive terms on the board; term of office declines from 5 to 4 years. He then explained the remainder of the bill to the Committee, noting on the bottom of page 14 and the top of page 15, there is an error and in both cases the number should be "5".

Senator Bob Peterson was scheduled to be the next sponsor to testify; however, since he was ill, Chairman Story allowed Harry Garberg, representing the Sheet Metal Workers, to explain SB 486 on behalf of Senator Peterson. (See Exhibit attached.) At this time the Chairman asked for a show of hands of how many people were present in support of SB 486, which deals with reconstituting the Board of Warm Air Heating, Ventilating and Air Conditioning. There were four present.

Chairman Story then called for the sponsor of SB 489 to explain the bill. Senator Tom Rasmussen of District 16, Helena, was present and said that the bill would reestablish the board of public accountants. He asked that Mr. Larry Huss discuss the bill for the Committee. Mr. Huss represents the Montana Society of CPA's. He said that there were amendments proposed on this bill and explained the differences between this bill and that of the Legislative Audit Committee.

Chairman Story thanked Mr. Huss and placed SB 498 before the Committee. Senator George Roskie of District 21, Great Falls, chief sponsor of the bill, explained it to the Committee. Sen. Roskie said that SB 498 dealt with the Board of Architecture and basically, reconstitutes the board in essentially the same form, conditions and requirements, with two exceptions - one public member has been added. and it has a new section dealing with continuing education.

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He asked to have Sonny Hanson or Mr. Crenna speak on the bill. Sonny Hanson then spoke on SB 498. He represents the Professional and Registered Architects. Basically, SB 498 includes the majority of items recommended by the Committee, excluding the "Super Board" concept.

The board is given more flexibility in the application of the National Council of Rules and Procedures to reflect the situations germane to Montana or situations as the public sees them. This bill excludes specifically training because it might jeopardize the reciprocity with other states. It reestablishes the board in the Department of Professional Licensing and Occupations.

Chairman Story then called on members of the audience, asking them to be brief, and if anyone hadn't signed a slip, he requested them to show their hands and to identify themselves.

The first to identify himself and speak to the Committee was Tony Gerharz, a practicing CPA from Billings, Montana, appearing on behalf of the Montana Society of CPA's in support of SB 489 with amendments. Other members of his family are members also of this society and are very proud of it. This is the bill to reestablish the board of public accountants. The society has cooperated with the Legislative Audit Committee in their review of this board. The society has grown very much in Montana. He urged passage of this particular bill for the good of the public and said he would be available for questioning.

The next person to speak was Joe Martin, president of the Montana Association of Journeyman Plumbers who spoke in behalf of SB 458. This bill would reestablish the board of plumbers under the Department of Professional and Occupational Licensing. This bill should be amended to put the inspection of plumbing under the board of plumbers instead of under the Department of Administration or vice versa. At the present time they are separated. The journey-men plumbers have no objection to being under SB 460 which establishes an appeals board. We oppose the concept of a "super board", SB 247, as there is no representative of the industry on the board. The board structure does not represent the public under the super board and the board structure at the present time does represent the public. The members of the board are from the plumbing industry plus the public, the engineers and the department of health. The Board, at the present time, supplies the expertise by having members of the industry on the board, where under the super board concept, they would not have the expertise for examinations. They would have to hire outside people to give these examinations. The Legislative Audit Committee has recommended that the Board of Plumbers be in existence. I won't take up any more of your time and thank you for your time and hope that you pass Senate Bill 458 with amendments.

The Chairman then advised the audience the Committee was aware of the importance of these bills, apologized for the time constraints and asked for out-of-town persons who are not accountants or plumbers who wanted to testify.

Don Beaver from Missoula, opposing Senate Bills 486 and 387 stated they are one and the same thing. As it has already been pointed out, the Board of Warm Air Heating, Ventilating, and Air Conditioning and what have you, has already been through the legislative process. The board had some problems on a constitutional basis, so much so, that the people in our industry, the individual heater contractors, got together quite a significant force to come over to meet with that board and the governor - not only ourselves, but the Montana Power Company, Montana-Dakota Utilities, natural gas people, and the Boise Cascade. There was quite a few people involved in that process. We were instrumental in getting the courts to place an injunction on that piece of legislation and that's kind of where it is held up in this place and time, so all they are trying to do now is to get the thing back into the ball game, and quite frankly, I just wonder where it is going to stop. If we take the little guys out there putting in tin pipes for homeowners and have some direction in that process, are we going to stop there, or are we going to run down to the grocery stores and start setting up regulations for the carry-out boy or, maybe, we are going to start on the baby sitters. But, you don't want to go on with the ramifications of this thing. It's something we should be looking at from the standpoint of overall, excessive regular activity. One other thing that I would like to point out here is that this thing is set up with the exemption of the homeowner himself. If we were to go back over all the accidents of the last ten years, what caused fires, what caused this in our industry in this state, you would find that in a great many cases, perhaps, that the homeowner himself was the person responsible for the problem; so, I don't see how you can regulate an entire industry when you can't control the individual who is causing the problem that this thing is propagated toward.

Bill Egan from Great Falls, representing the IBEW, stated they are proponents of 457. This bill contains laws that pertain to the Sunset report and recommendations. Also, there is talk about the funding of this through the industry. It does come from the public as consumers. The fact that it is a very competitive business, I am sure that the contractors are aware of the costs, and they were in favor of raising the permits, and the members are also in favor of raising the licensing fees. So, the members and the people doing the work in competitive bidding are in favor of this and they are very much aware of the cost to the public as I negotiate with them every year, but it is so minimal, they feel it is of more benefit to have the regulation and to have a good state product than to let it go helter-skelter. Also, this bill brings together the licensing and inspection. It was brought up at the last legisaltive session, and it has not worked very well. This would bring those back together. They would have some kind of communication and it would be a lot better than it has been since the last legislative sessions. We are not opposed to going with 460 - we are a proponent for that. I would like to ask the sponsor of that bill that they set the board of licensing and the board of appeals for warm air; for the plumbers, they set the appeals board only and for the electrical board, they set nothing.



Chairman Story commented that what will happen if a new bunch of bills are started here is, we'll miss the deadline. These should go to the House.

Mr. Egan agreed and was just concerned as to why these were not mentioned. Warm air in that bill has a board of appeals as well as a board of licensing; plumbers, they have the appeals only; the electrical had nothing. I wouldn't get into amendments here, like you say, probably bring them up as it goes on. But, I would like to get with the sponsor and find out what the reasons were for this and I wouldn't be opposed to 460 if we could incorporate this 457 into it.

James Verzuh, President of the Montana Section of the American Society of Civil Engineers, from Billings, testifying in support of Senate Bill 422, introduced by Tom Hager, said that bill incorporates everything essential for a sound regulation of the engineering profession. From a technical point of view, it also incorporates public representation and also adds what we do have for continued professional competency in our society.

Harry Garberg, Business Manager of the Sheet Metal Workers Local #103 which is a statewide local, testified in support of 482. Copies of written testimony is Attachment #1.

Chairman Story asked for further testimony from out of town persons. There being no other out of town people to testify, the testimony from local persons was called for.

Les Loble, representing the Montana-Dakota Utilities Company, in opposition to Senate Bills 387 and 486, stated the Board of Warm Air Heating, Air Condition and Ventilation has never operated. When the law was originally passed, it was actually enjoined - the entire statute regarding warm air heating, air conditioning and ventilation was declared unworkable, unconstitutional. Since that time, the effects of that would not have been dramatic if the hearing itself on the question of the bill and the examples used were examples which would not appear under the bill. The problem which this poses for MDU is that it does provide service in small Montana towns and limits its service to very narrow areas and the bill is too broad. Because of the rush of time which Senator Story mentioned, there hasn't been time to sit down and work on these bills so that they will fit the facts as they exist in Montana. Since this regulation has not been in effect ever in the state of Montana, I suggest that it does not hurt to abandon these two bills or clean them up and prepare them for introduction at the next legislative session. I really ask that you do not pass SB 387 and 486.

The Chairman announced that before committee members and members of the audience left, if the members of the Committee have any questions of those who came from out of town and have no chance to answer their questions after this hearing, to ask their questions now.



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Sen. Rasmussen inquired of Mr. Garberg on SB 486, if he agreed that the Board has not been functioning, to which Mr. Garberg responded that the board has met; however, were unable to take any action due to the lawsuit. We have authorized something like 700 licenses prior to the time of the injunction. Sen. Rasmussen asked if the board was created in '75, and was answered yes by Mr. Garberg.

Continuing, Sen. Rasmussen asked how long it operated before the lawsuit was filed and was told that in February, 1976 the lawsuit was filed against their board. Sen. Rasmussen commented, the board operated less than a year; and the business has been going along unregulated since then. Mr. Garberg stated that houses have been burning down and fireplaces have been put in wrong because there is no regulation on it.

Ross Cannon, representing the Montana Manufactured Housing Association, opposed reconstitution of the Warm Air Board and provisions of SB 387 and 486 which purport to do this. His view was if there was ever a board which richly deserved to be sunsetted, it is this one. It is probably the least well-drafted piece of regulatory legislation that any of us who have been forced to work with regulatory agencies have ever been exposed to, and in Helena, perhaps, we are called upon to do this more frequently. It is an unworkable act; it richly deserves to be characterized as unconstitutional. As a matter of fact, it is equally unconstitutional in the amended form as it was in the original form. A specific instance is with respect to the modular or mobile home people. It made no provisions enabling our people to work on their own products, and we don't need a license to work on these or any other kind of work that our customers request on these boards; we have to go through this very complex process of obtaining three different licenses of some combination which would qualify us to do warm air work on the Empire State Building instead of just our own units. It is absolutely an awful board and should be disposed of.

Sen. Roskie questioned the engineers on the effect, as far as the engineers are concerned, if this proposal of 247, referring to reciprocity in your profession - what effect it would have on the interstate agreement.

Al Kersich from Billings and the current vice-president for the Western Zone of the National Council of Engineering Examiners, replied their duty basically is to prepare, administer, evaluate and verify the national exam given for engineers and surveyors; and, quite frankly, if 247 is passed, the chances are 90-100 we will not be able to use the national exam. Our people who are graduating, as they take the EIP exam, will have to take an exam that will be put together by Montana, but under their provisions, this will not be accepted by any other state.

Senator Roskie asked if that would be true of 460? Mr. Kersich responded he was not familiar with 460. Mr. Loble added that it would not be true.

Senator Story questioned Mr. Lobleif, in effect, we do not pass the

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two bills required to reconstitute the warm air, etc., are there statutes on the books that people will have to comply with, although they have no means of complying, and create more confusion?

Mr. Loble responded he didn't think there would be any more confusion as we're leaving it exactly as it was in 1975, and there are large parts of heating systems that are already covered, such as the electrical and plumbing. Fireplaces are exempted any way from this act and any masonry parts are exempted from this act. I don't know if they were covered then, but they are not covered now. Does that answer your question?

Senator Story restated his question that at the time we constituted this board, we created certain statutes that required we comply with the rules of this board, and by sunseting the board, we are asking people to comply with rules for which there is no rulemaker. If you don't know the answer, we'll go and you can figure it out.

In other words, if we sunset a board, do we have left, in some other part of the statutes, requirements of certain things to be done in accordance with the rules promulgated by that board?

Mr. Loble replied the case took care of that; if you do not pass the warm air bill, the court has held that those statutes are never to be enforced. So, there are not statutes on the books which require someone to make rules, and then you sunset the board and then someone is stuck.

Neil Lynch, representing the Licensed Public Accountants in opposition to SB 391 and SB 489 - amendments have been offered by the CPA's on SB 489. They were housekeeping amendments. He introduced Mr. Paul Lehmunr, President of the Montana Society of Public Accountants to testify and offer amendments to SB 391 to take care of the licensed public accountants, and they are working on amendments for 489.

Paul Lehmunr, regarding opposing SB 391, stated the CPA professional board was written mainly for testing functions. They feel that the CPA is the only one who can protect the public interest in providing financial statements. He pointed out that since the Board of Public Accountants had been set up, no evidence had been offered to show that the public has been harmed or deceived by the existence of the licensing program or the examination that has been given. Secondly, no evidence has been offered that the public accountant is less competent than the CPA in rendering the auditing and accounting services to the public. He clarified a point in regard to the test function. This has been generally made in one statement. There is actually two parts to this - the opinion which is usually given when a set of records has been completely audited and the accountant feels he can give an opinion.

The second case, we have the disclaimer in which the records have been looked at, statements have been made that the accountant feels he cannot provide a complete opinion statement. Now, we feel that the Montana LPA provides a very vital and necessary service to the business community of our state. Statistics provided by the

licensed public accountants shows that the average LP firm earns its income in the following manner: 31% from tax services, 44% from write-up work, 16% from accounting and 5% from auditing. Thus, you can see that the LPA is mainly handling the write-up work for his client. He then provides the financial statement that a businessman needs for his third party use. In providing these services, he usually does not audit the records completely, and thus, he cannot express an opinion, and provides a disclaimer statement. This disclaimer statement, as I have mentioned, is an attest function, and you can see why the LPA must maintain the attest function for himself. We feel, too, that the public has not been harmed because the LPA has not passed the auditing section of the test, and we feel that the test should follow the same procedure problems and that he have the option of passing either the auditing or a series, or if he has a treasury care which he receives from the Internal Revenue, this would take the place of auditing or theory. The public interest is, I feel, more protected by a Treasury card than it is by the auditing as far as what the LPA is performing. Restricting the licensing of public accountants to CPA's would only tend to promote the availability of practitioners to perform auditing work which, in turn, would increase costs to the consumer. You do not increase competition by restricting the licensing services of accountants; that would create a monopoly without rational reason, evidential basis or need. Until factual evidence is offered which would provide proof that public accountants are less competent than CPA's and the public has been harmed by the existing program, no changes should be made in the accountant's law. Thank you.

Art Clarkson, State Board of Health Representative on the Board of Plumbers, stated he served as Secretary to the Board of Plumbers. They are in favor of SB 458 to retain the Board in its present complexion because it has a pretty well-rounded representation with the mechanical engineer working with the design part of the Board and the Department of Health being represented to protect public health. They do have a lay member on the Board, plus representatives of both Master and Journeymen Plumbers. The Board is in opposition to SB 385 primarily because putting it in a department or a bureau of safety connotes an accident-type hazard rather than a true public health hazard. Faulty wiring may give one person a shock or kill one person, whereas faulty plumbing, as in the case recently in Big Sky, where 40% of 1500 people visiting Big Sky became ill because of an unsatisfactory piping arrangement which was put in during the construction of Big Sky, and part of this time during which Big Sky was constructed was not under the jurisdiction of any plumbing inspection. Later on, it did come under the law; so, where there is no inspection, no proper control of plumbers, accidents or public health hazards can exist which will upset a lot more people than a safety-type operation. Therefore, we would like to retain the Board in its present complexion under Professional and Occupational Licensing rather than under a board of safety, or a bureau of safety or something like that.

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Gertrude Malone, Board of Nursing, Executive Secretary of the Board, regarding SB 460, speaking, like the weatherman says, partly cloudy, partly sunny - opposed part of it and supported part of it. She spoke only to the fact that the appeals should not include denial of licensure because the applicant does not meet statutory qualifications. Our law specifically states who may receive a license to practice nursing and there is one rule added and that is they must satisfactorily pass the licensing examination. Now, if all those people who write to the Board say they want to be a nurse and are considered denied, this Board of Appeals would be very busy. We have no objection to public members, even though four Registered Nurses and two public members in professional nursing administration is effective in comparison to some of the other boards.

Bill Tangen, representing Montana Board of Professional Engineers and Land Surveyors, in support of SB 422 and against SB 388, stated the two bills are similar in parts; in fact, the statutory legislative part of the bills are very similar. We have no problem with either bill there. The only problem we have is with the board make-up, and I might mention that in connotation with that. Senator Brown's bill 460 has made light of the fact that he would like to keep the present number of members by adding public members. However, the Board would rather see the additional members, making a nine-member board, two of which would be public, mainly because the current law states that no more than two engineers of one discipline can be on the Board at any time. Engineering does encompass several branches, in fact, numerous branches of engineering, such as mechanical, electrical, civil, agricultural and right down the line; so, the Board currently does have a cross-representation of different engineering disciplines, as well as two land surveyors. We do not feel that three public lay members would be able to administer even one of the branches of engineering or land surveying, let alone all the many disciplines that are involved. The application review procedure which does number probably in the neighborhood of two to three hundred per year would have to be handled almost by a technical staff, not by a lay member, to properly qualify people to become registered. There was quite a bit of discussion of whether they were being treated fairly or not. A technical board was the only way to determine that. Senator Himsel did mention that he did have some correspondence from the National Council of Engineering Examiners. They apparently are requiring at least an engineer on the Board. I think that Mr. Kersich alluded to that earlier. There would have to be at least an engineer on the board to keep the national examination that is now given in Montana for engineers and part of the land surveyors.

Roger Tippy, representing the Montana Dental Association, stated that he too, joined the recent witnesses who have passed a slight cloud on the sunshine of Senator Steve Brown's bill, SB 460. The Montana Dental Association has two problems with it for which written testimony is submitted and he also summarized it briefly.

Two of the sections are inconsistent with the bill amending the dental practice act over in the House. If you send them both to the Governor's Office, and he signs both, someone down at the Legislative Council will have to try and figure out how to make a composite section out of amendments that go in different ways. I've had that experience and it's not a lot of fun. Once I was subpoenaed to appear before the Honorable Nat Allen to explain how I, as the Legislative Council Attorney, had pieced together four different amendments of the assessment data statute in the case entitled, "Louise Rankin Galt vs. Department of Revenue". You can inquire of the Plaintiff's husband, Jack Galt, what a hot time I had in the witness box. If these bills can be harmonized - fine. For an example, the 585 says that the Board of Dentists may censor or place on probation, as well as suspend or revoke a license. Amendments have been drawn up to let the Board conduct administrative hearings on all of these. Now, SB 460, just speaks to incurring the power to suspend or revoke to the Appeals Court. This is a drafting problem in any event. Secondly, the dentists have looked at the experience of other states that have tried this, citizen records and patients and found that the primary workload of the Board is examinations. The dentist board tests candidates for a hygienist's license or a dentist's license each year and a practical demonstration of their skills is given and the lay member has little or nothing to do, particularly when you would take away the power to conduct and impose sanctions in the licensing. The public interest that would call for a lay member seems to be minimized. I really don't know what a lay member would do on the Dental Board, except perhaps, participate in their occasional rule-making that they do.

Irving Dayton, Deputy Commissioner of the Board of Higher Education, speaking in behalf of the Montana University System and addressing Senate Bills 388 and 422 - these two bills relate to engineering and land surveying. The University System takes no position on which board should regulate these two professions. We do feel that both bills propose some amendments which would improve the existing statutes and urge that all of these amendments be given careful consideration in drafting a final bill. He presented his testimony in writing, copy of which is Attachment #2, and sets out in full the proposed amendment dealing with exemption of faculty members.

The Chairman questioned Mr. Dayton if he was referring to re-constitution of these boards or cleaning up statutes, to which Mr. Dayton responded that if the legislature was not going to sunset this board one way or another then he thought they might as well get the statutes in order while doing it. You're going to have to reenact the present legislation or sunset the board. If you reenact, our claim is you should not reenact something that is unconstitutional, and in this respect I would like to ask Mr. Forsell if he would briefly speak on the constitutional question.

Mr. Louis Forsell stated both of the bills, SB 388 and 422, do add the language pertaining to teachers of advanced engineering scientists and advanced land surveying scientists. We ought to make some changes there. Our Constitution, Article X, Section 9, provides that the control of the Montana University System is

vested in the State Board of Regents of Higher Education which shall have full power, responsibility and authority to manage, coordinate, supervise and control the Montana University System. Now, the effect of this is that the framework of our Constitution intended that the Regents have to be independent and it was so held in the Supreme Court case of Regents vs. Judge. That case also went a little further, although not dealing with this, but dealing with the attempt of the Legislature to set the salaries of the college president in the University system, held that such limitation on significant expenditures indicate complete disregard for the Regents constitutional power. An inherent constitution granting the Regents their power is the realization that the Board of Regents is the competent body for determining priorities in higher education. An important priority is the hiring and keeping of competent personnel. The limitations set forth in Section 12(c), House Bill 274 - this was in 1975, specifically denies the Regents the power to function effectively by setting its own personnel policies and determining its own framework. The condition, therefore, is unconstitutional. Now, the Court there did place the Regents in charge of managing the University System and the Legislature cannot determine the qualifications of faculty members. Now, the State of Michigan, with a similar constitutional autonomy for their Board of Regents, held that an attempt of the Legislature to fix the qualifications of several members of the medical schools at the University of Michigan was entirely up to the Regents.

George Bousliman, Budget Director, testified he neither supported nor opposed the Senate Bills but offered some commentary. First, the Administration very much supports the concept in a lot of the bills that increase public membership on these boards. Second, he urged that if you take the "Super Board" route, and he was not urging us to do that necessarily, but if we do, he would ask that you trigger all those boards simultaneously, because as Senator Jergeson has pointed out, to do otherwise may cause real fiscal chaos in the Department of Professional and Occupational Licensing. And finally, he had an amendment to SB 443 which he left with the secretary, which is technical in nature and would have the effect of transferring the Department of Professional and Occupational Licensing to the Department of Business Regulation, and not having buried in the statutes, as is the case in the bills introduced, a division or an administrator. That is merely to make it consistent with the executive reorganization law and principals.

Bob Kelly, State Fire Marshall, spoke as a proponent of SB 486. Our desire to have the Board of Warm Air Heating, Ventilation and Air Conditioning reestablished is because of our concern in the area of public safety. In the past, improper installation of warm air heating systems has resulted in products of improper combustion and has caused several deaths in the State of Montana. Also, improper installation resulted in explosions, fires and, again, in deaths. SB 486, particularly in sections 7 and 8, require qualifications, and an examination of these qualifications for licensing can, in our estimation, insure more safe and proper installation in the heating systems.

Sonny Hanson, representing the architects, stated that they support SB 422, the engineers' bill, as written and in previous statements questioned whether this bill could be opened up. In reviewing the title and the data within the bill, he questioned whether any amendments as proposed by the Regents could be included. As a point of information, he mentioned that the engineering profession at Montana State University and Montana Tech went through the Board of Personnel Appeals, which had themselves specifically excluded, and they upheld our position. It went to District Court before Judge Bennett - it was upheld, and the Board of Regents introduced House Bill 336 which was heard over in the House to exclude specifically the language that he wishes to exclude here; and, it came out of the Committee, I believe with a 16 to 1 Do Not Pass, and it was sustained on the floor. So, we question whether it can be added or modified at this time. We suggest not.

John Hale, representative of the International Association of Electrical Inspectors, Montana Chapter, and also a licensed electrician and formerly of the Electrical Board, stated he opposed 390 and the "Super Board" bill. As a matter of public safety, bringing public members in and reviewing the applications would not solve the objections. Membership of the board is now five members, being a licensed journeyman electrician, licensed practical electrician and electrical contractor, member of the public utilities, consumer member of the REA and a public member. All the utilities and the REA get input and they know the electrical business, and they do help with the examinations and reviewing applications. It takes an awful lot of time reviewing applications. A good student, if he sat down and studied all the books on electricity and the codes, etc., will pass the written examination, but they wouldn't know how to install it. If you don't go by experience and follow through, you would get applicants out there with wiring that would burn down. I do support SB 457 to put the licensing and inspection back in one pit - under one department, division, or what have you. The licensing can be controlled when you're out inspecting. You can see that people are licensed and do the work. You don't have to stand around in the country and in the boondocks to see it. Therefore, I support 457 and 468 and we are in opposition to 247 and 390.

A question from Sen. Brown regarding Sonny Hanson's comments on SB 422, to clarify his position in regards to his statement - Mr. Hanson responded that he was addressing a different issue. The court case Mr. Dayton mentioned and the bill, 336, address the matter of engineers in collective bargaining, and has nothing to do with this; mine addresses the question of whether the statute should have a requirement that a person must be registered in order to teach. These are totally separate issues, and the issue I address has not otherwise been addressed in this legislative session.

Senator Story commented that he didn't see why that isn't pertinent here, if an architect is teaching a method of building and they fall down.



Mr. Dayton responded his entire point, and your example is an excellent one; his point is that there is the problem of the faculty of the institution, and in fact, in order to obtain tenure or become promoted at Montana State University in the School of Architecture, a person must be registered. I am saying it is unconstitutional to put that requirement in the statute. To be hired as a nurse at Montana State University, in the nursing facility, you must be licensed as a nurse. These are imposed by the faculty administration and if the engineering faculty, in their wisdom, wishes to impose the requirement of registration for higher promotion and tenure, they can certainly do so. They have never done so. They have never even asked questions about that in the hiring process, and I have interviewed every engineer that was hired over the past ten years, but that belongs at the University, not in the statute. That's my entire point.

John Morrison testified he served as the first chairman of the Montana Registration Board back in 1947. At that time, they had two faculty members on their board - Dr. Dodge and someone from the School of Mines. In the 22 years I served on that board, I don't think this question ever was brought out in the open. I think the main thing that the board used in those years was the fact that many of the faculty did submit evidence to the Board that qualifications for registration as prescribed in the law in which they did use their teaching experience as qualifying experience. And, I think that's definitely where it came in. I can see where possibly the point should be covered.

Jim Kemble, Administrator of the Building Codes Commission that presently administers electrical and plumbing inspections, testified they do not take a stand on any of the bills but asked that the Committee give consideration in considering the bills that no matter where these functions are located, perhaps the Code administration should be handled by one agency, wherever that may be, rather than fragment it through numerous agencies. In the last session, we did group them into one and we would like to see that maintained whatever the case may be.

John Buckley, State Electrical Board, rose in opposition to SB 390. The electrical profession is already regulated by an electrical board. SB 390 is abolishing one board, creating another, the board of public safety, to do the same job that is already being done. The new board would not have any experience that is required to regulate the electrical profession. I will not go into this as you have already heard the hearings on SB 247, but I will say that the Electrical Board already has active public members and two other members that could classify as public members. Sunset review does not indicate that the State Electrical Board should be abolished as indicated by the Legislative Audit Committee. The review does point out some of the areas that need improvement. The State Electrical Board has appeared before this Committee to try to comply with the review. I have already testified to that. The State Electrical Board finds no fault with the idea of the residential electrician. The way the residential electrician classification is written, SB 390 is a sample of what happens if no qualified people are on

the board. Residential electrician classification, as written, opens the door to unqualified people to become journeyman electricians through SB 390. The State Electrical Board has submitted a bill which corrects mistakes of SB 390, as well as other areas of electrical law. For that reason, I oppose SB 390. I would like to oppose SB 443 also. As far as I am concerned, this bill is a farce and a useless bill. We already have a Department of Professional and Occupational Licensing which handles all these problems. If this bill is passed, all it does is eliminate the Director of Professional and Occupational Licensing, and it looks to me as a public vendetta against one person. I feel this bill should be abolished.

Larry Huss commented to the Committee on Senate Bill 489, the note under the title, shows that it is by the request of the Board of Public Accountants. To the best of his knowledge, it is not by the request of the Board of Public Accountants, he said.

Ed Carney, Director of the Department of Professional and Occupational Licensing, stated he was not opposed to or promoting any of the bills the Committee was hearing. He will try to answer any questions that the Committee may have. He did have one board that asked to submit some remarks that they made concerning SB 443, of which copies are available for distribution to the members.

Chairman Story announced that if the members of the Committee could, they would meet tomorrow at 8:00.

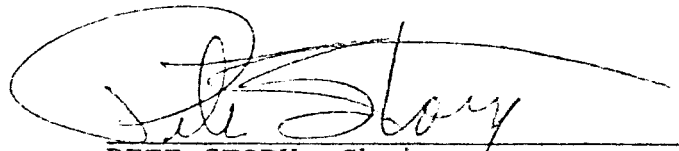
There being no further testimony or questions on these bills, the formal hearings on the various issues were closed.

Chairman Story explained what the Committee was going to do. We have about five or six options. We can keep all these boards in the Department of Professional and Occupational Licensing; we can take them apart and put them under "super boards"; we can keep them in the Department of Professional and Occupational Licensing, but go with different contested case procedures; we can decide that there is only one way we want to go and kill all the bills that go in any other directions, or we could send the whole mess over to the House and let them decide. Tomorrow morning, we will meet at 8:00. We will look over what we consider the viable options - they'll decide whether they want to keep more than one option open or all the options open. They will pass out those bills that do what they decide they want to do accordingly. They also have the option - Senator Jergeson isn't here, of half-way keeping options open by not killing the other bills but merely holding them in Committee beyond the transmittal date. Now, what's going to happen is that any bill that doesn't get transmitted will likely take a two-thirds vote, so we intend that whatever option we decide that we prefer, to get them out of here tomorrow morning. If we decide the bills we want out, and we want to amend them and can't get those amendments signed, we will report them out and meet again Monday.

This is what we plan to do. We must take very fast action - we know we are dealing with at least 42,000 people here - their

occupations, their interests in life - we're sorry that we couldn't have heard these things earlier and acted on them individually. I hope that you won't feel that this business of dealing with 14 bills at one time - we're sorry it had to happen that way, but at the same time, we think that by hearing them all, the Committee is clear on just what all these things are. If we had gone through one bill at a time. we could have ended up with options that were not viable. We could have packed the umbrella concept and something else, and ended up with nowhere to go. We hope you'll go away at least comfortable with the feeling that you had your say. We know what's on your mind. We know which of you oppose the concepts and favor it. We're sorry it's so near the transmittal deadline and our decisions must be hurried. It what comes out of this Committee is not what you like, you'll still have a crack at it in the House, unless of course, we kill the bill you want. But, presuming we come up with viable options to reconstitute all the other boards, and one of the options though is to kill the Board of Warm Air, then that's done. If we decide to not pass those bills, there is nothing that the other body will have to deal with. And there are several other instances that may be similar. Aside from that one, most of these boards we know we are going to constitute in some manner; and, if you don't like the way we're doing it, you've got two months to work on the fellows down at the other House.

Chairman Story announced the Committee had run out of time and must adjourn. There being no further business to bring before the Committee at this time, they adjourned at 12:30 P.M.



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PETE STORY, Chairman

Date Feb 11, 1979

ROLL CALL

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

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NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator George F. Roskie, V. Chmn.	✓		
Senator Bob Brown (alt)	✓		
Senator A. T. (Tom) Rasmussen	✓		
Senator Patrick L. Ryan	✓		
Senator Greg Jergeson	✓		
Senator William F. Hafferman	✓		

Each Day Attach to Minutes.

DATE FEBRUARY 16, 1972

## COMMITTEE ON STATE ADMINISTRATION

## HEARING ON BOARD BILLS

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check On Support	Opp
Jane R. Campbell	Ont. Soc. of CPAs	489	✓	
James M. Engel	Mont. Sect. Am. Soc. Civil Eng.	247		✓
" " "	" " " " "	422	✓	
Thomas Hering	NECA	457	✓	
Harry A. Yelton	Western Safety Bureau	457	—	
HARRY J. GARDERS	Sheet Metal Workers Union	486	✓	
Wm. Egan	I B E W	457	✓	
Jim Nosa	OLA	388		
Jim McLaughlin	OLA			
Terry Viano	OLA	391/489		
Senator Tom Hagan	Sponsor	5422	✓	
A. T. Kersich	Bd of Eng. & L. S.	388	✓	
Jo Anne Kern	Am. of Hygienists Assoc.	460		
Kim Rutter	Senate Med	460	✓	
Ed Egan	Legis. Auditor	422		
Jim Pellegrini	Legis. Auditor	458	✓	
Senator Jack Healy	Eng. - Plumber	489	✓	
Paul M. Lehman	Eng. - Plumber	422	✓	
James A. Wilcox	Mont. Soc. Eng. & S.	388	✓	✓
ED NURSE	Engineers	388	✓	
MIKE HOLLAND	Mont Soc of CPA's	489	✓	
Robert F. Hagan	ASCE	388	✓	
Roland O. Pratt	MT Optometric Assoc	445		✓
Jim Stephens	MT Funeral Directors Assoc	460	✓	
Jim Stephens	AIA	498	✓	
Roger Tippy	MT Dental Assoc.	460		✓

DATE FEBRUARY 16, 1979

## COMMITTEE ON STATE ADMINISTRATION

## HEARING ON BOARD BILLS

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos.
A.W. Clarkson, secy	Board of Plumbers	408 535	-	-
Montana Plumber	Board of Nursing	460	-	-
Robert E. Kelly	State Fire Marshal	416	-	-
Reggie Martin	Montana State	458	-	-
James T. Powell	Journalism Assoc.	460	✓	-
Ken R. Johnson	Plumber Union	385	-	X
W. H. H. H.	Plumber Union	416	✓	-
W. H. H. H.	Plumber Union	416	✓	-
Harry Huss	Mont Soc. CPAs	489	✓	-
W. H. H. H.	Mont. Tel. Council	422 498	✓	-
W. H. H. H.	Mont. State Univ. Lib.	385 458	-	-
Nancy Whitman	Associate Plumbing & Heating Contractors of Mont.	385	-	-
Edward Maras	Montana Nurses' Assn.	458 460	✓	-
Cheryl McDonald	Board of Nursing	443 460	-	-
Gordon Anderson	Mont. Soc. of C.P.A.s	489	✓	-
Anthony Gernhard, Jr.	Mont. Soc. of C.P.A.s	489	✓	-
George D. Anderson	Mont. Soc. of C.P.A.s	489	✓	-
Marty Gernhard	" " Architects	498	✓	-
Paul L. Kildand	Mont. Petroleum Assn.		-	-
BILL TANGEN	BED. OF PROF. ENGRS.	422	-	-
John H. Morrison	Am. Soc. Civil Engrs.	422	✓	-
C. R. THIESSEN	Senate	411	✓	-
W. H. H. H.	I. P.	411	-	-
John M. Bulkley	State Elect. Board	380 443 457	✓	-

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Opp
P.H. BEAVER	BEAVER MCT MTG	SB 484		
Bill Dunbar	Am. Soc. of Civl Engrs	SB 387		
James J. Luedorf	M.M.A.	SB 422	X	
Vincent S. Werner	AIA	SB 388		X
E.A. Braun	MSE	SB 443		
R.E. Billstein	ASCE	SB 460		
Jim Eiler	AIA	SB 388		X
Ed Shely Jr.	M.M.A.	SB 357		
Ross Cannon	M.M.A.	SB 456		
Clayton Sheets	Ord. of Public Accts. and L.P. A's	SB 387		
Walter Halpern	IBEW 185 Helena	SB 391	X	
Kent Kleinkopf	Dept. of Pub. Reg.	489	With Objections	
Erving E. Dayton	Mont. University System	SB 391		X
Wesley Lindsay	Water Works Board	SB 457	X	
John V. Hale	Int. Am. Elec. Soc. NW Div.	SB 390		X
" " "	" " "	SB 460	X	
Harvey S. Jewett	IBEW	SB 457	X	
" " "	"	SB 390		X
Neil J. Lynch	Licensed Public Accountants	SB 457	X	
GEORGE BOUSHIMAN	O.B.P.P.	SB 460	X	
Chas Sumner	Mont. Chap. AIA	SB 391		X
R. Y. Taylor	Mont. Chap. AIA	SB 459		
John Peterson	" " "	SB 460	X	
Margaret Walker		SB 441	X	
Rand Farwell	Mont. U. System	SB 440	X	
		SB 442		



NAME: Les Loble DATE: 2-16-79

ADDRESS: 716 Power, Helena

PHONE: 442 0070

REPRESENTING WHOM? Montana-Dakota Utilities Co

APPEARING ON WHICH PROPOSAL: SB 387 SB 486

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS: Both The Warm Air Heating, Ventilation  
and Air Conditioning Board statutes  
were declared unconstitutional. The Board  
has never functioned and should  
not now be established under either  
bill.

Lester J. Davis

NAME: J. M. Verzijl DATE: \_\_\_\_\_

ADDRESS: Billings Mt.

PHONE: 657-6220

REPRESENTING WHOM? Mont. Traction Am. Soc. of Eng.

APPEARING ON WHICH PROPOSAL: SB422

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Larry Fordell DATE: 2-16-79

ADDRESS: Box 174 Clancy

PHONE: 953-8291 Office - 449-3824

REPRESENTING WHOM? Montana U. System

APPEARING ON WHICH PROPOSAL: SB 388 - 422

DO YOU: SUPPORT?        AMEND?        OPPOSE? ✓

COMMENTS: Bill requirement that Teachers  
of advanced engineering & land  
surveying studies be registered  
& licensed as applied to faculty  
members of the University System  
violates the constitutional  
autonomy of the Board of Regents  
of Higher Education to govern the  
system (see Article X, Section 9  
Mont constitution)

NAME: Page Tenny DATE: 2/16/79

ADDRESS: 1601 2nd St. N. Box 975

PHONE: 442-4511

REPRESENTING WHOM? Min. Dist. Association

APPEARING ON WHICH PROPOSAL: SR 460

DO YOU: SUPPORT?        AMEND?        OPPOSE? ✓

COMMENTS: As an attorney, I am not

qualified to comment on this

proposal.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

BEFORE THE  
COMMITTEE ON STATE ADMINISTRATION  
MONTANA STATE SENATE

Senate Bill 460	)	STATEMENT IN OPPOSITION
February 16, 1979	)	MONTANA DENTAL ASSOCIATION

Mr. Chairman and members of the committee, I am Roger Tippy, a Helena attorney representing the dentists of the state through their association. The Montana Dental Association urges you to delete sections 8, 38, 39, 40 and 41 from SB 460, removing any amendments of the Dental Practice Act from the bill. The following reasons support this request:

1. Two of the sections (8 and 40) are flatly incompatible with bills now pending in the House of Representatives, HB 234 by Rep. Bennett and HB 585 by Rep. Gould and others, which bills have emerged from a study group within the dental community. These House bills contain much-needed revisions to Montana dentistry law, but their effectiveness could be jeopardized by the contrary amendments of the same MCA sections in SB 460.

2. The above-mentioned study of dentistry laws conducted last year considered the idea of consumer representation on the Board of Dentists, and solicited comments from dental organizations in other states where the idea has been tried. The input suggested that a lay member did not work out well on boards whose primary function was examination of applicants for licensure. Such is the major role of a member of the Montana Board of Dentists. The MDA suggests that action along these lines await the report of the sunset auditors, who will report to the 1981 legislature just what they found the members of this board to be doing.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: A.W. Clarkson DATE: 2/16/79

ADDRESS: 916 8th Helena

PHONE: 442-7213 449-2406

REPRESENTING WHOM? State Board of Plumbers

APPEARING ON WHICH PROPOSAL: SB458

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Attached

Favor option 2

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Statement in Favor of SB458

I am Arthur W. Clarkson, the Department of Health and Environmental Sciences' representative to the Board of Plumbers and serve as secretary to the board.

I speak in favor of SB458, re-establishing the Board of Plumbers in its present role under the Department of Professional and Occupational Licensing.

As a sanitary engineer in the field of public health for almost 40 years, I have seen, investigated, and read about many water borne disease outbreaks caused by faulty plumbing. Most of these were the result of someone connecting a source of contamination to a potable water supply.

It is important that persons knowledgeable to the hazards of improper plumbing serve on the board to test the qualifications of individuals aspiring to enter the field of plumbing. The present makeup of the board consisting of both journeyman and master plumbers, a mechanical engineer, a representative of the Department of Health on environmental sanitation and a representative of the public is well balanced. All sectors of the regimen of plumbing are represented, the designer, the public health protector, the public, and the profession being regulated.

The licensing of plumbers through both written and practical testing assures that persons passing the examination not only know what the code requirements are, but also that they can perform with the tools of the trade to do an acceptable job of plumbing.

I, therefore, request on behalf of the health of the people of Montana that the committee give favorable consideration to SB458.

NAME: Geoff McInerney DATE: 2/14/79

DATE: 4/10/79

ADDRESS: 1900 Elm

PHONE: 752-1941

REPRESENTING WHOM? Mr. H. H. H.

APPEARING ON WHICH PROPOSAL: 24 260

DO YOU: SUPPORT? X AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS:

Answered the 10th Dec 1891

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LARRY KOO DATE: 4/14/77

ADDRESS: 107 7th

PHONE: 442-3370

REPRESENTING WHOM? Western Union of A.P.D.

APPEARING ON WHICH PROPOSAL: 5B 45

DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: HARRY S. GREENE DATE: 2-12-77

ADDRESS: 2061 Highland Ave.

PHONE: 357-4919

REPRESENTING WHOM? Sheet Metal Workers Union Local 103

APPEARING ON WHICH PROPOSAL: SA #54

DO YOU: SUPPORT? YES AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

5. similar sh. to within sh. to 19.75

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: D.S. Hanson DATE: 2/16/79

ADDRESS: 1600

PHONE: 449-5500

REPRESENTING WHOM? Monte TCHADON Council

APPEARING ON WHICH PROPOSAL: SB-422 & SB 498

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: 1. Deal Books for Relationship w/ other

states

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

John V. Hale

DATE:

2/16/79

ADDRESS:

1808-8<sup>th</sup> Ave Helena

PHONE:

442-3520

REPRESENTING WHOM?

International Assoc. of Elect. Eng. M. Chaple  
Licensed electrician

APPEARING ON WHICH PROPOSAL:

390

457, 460

DO YOU:

SUPPORT?

457-460

AMEND?

OPPOSE?

390

COMMENTS:

SB 390-SB 247 with all public members

could lead to inexperienced persons obtaining election  
license - an opportunity to these bills.

Support SB 457 with consolidation of  
licensing & inspection under one department  
or division and the board be left intact  
or reestablished with membership as is.

NAME: Gartuda Malana DATE: 7-16-77

ADDRESS: Lalanda Building - Helene Hill 50021

PHONE: 449-3737

REPRESENTING WHOM? Board of Nursing

APPEARING ON WHICH PROPOSAL: 460-

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

460 - provision for public - mental -  
health and treatment for children & youth.  
Public services will not be used for  
administrative purposes

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: James W. [illegible] DATE: 5-16-11

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Senate

APPEARING ON WHICH PROPOSAL: SP 411

DO YOU: SUPPORT? / AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JOHN M. BURLLEY DATE: 2-15-76

ADDRESS: LAIKONDE 13 WILSON

PHONE: 447-3737

REPRESENTING WHOM? STATE ELECTRICAL BOARD

APPEARING ON WHICH PROPOSAL: SB457

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: SB 457 reestablishes the  
State electrical board. It includes residential  
electricians, defines apprentice electrician  
and their functions, adjusts fees and  
allows the board to take other  
disciplinary action

NAME:

DATE: 5/10/77

ADDRESS :

PHONE: \_\_\_\_\_

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William H. Hall DATE: 10/10/68

ADDRESS: (Home) 2108 S. 1st St. Phoenix, Arizona 85004

PHONE: (602) 258-2521  
(602) 258-1191

REPRESENTING WHOM? Member Senate of Arizona House of Representatives

APPEARING ON WHICH PROPOSAL: Senate Bill 1007, 1st Session, 1968-1969

DO YOU: SUPPORT? ✓ AMEND?        OPPOSE?       

COMMENTS: SENATE BILL 1007, 1st Session, 1968-1969

Member Senate of Arizona House of Representatives

NAME: Joseph J. Martin DATE: 2-16-79

ADDRESS: P.O. Box 1703 - Great Falls, Montana 59401

PHONE: 452-1973

REPRESENTING WHOM? Montana Assoc. of Journeymen Plumbers

APPEARING ON WHICH PROPOSAL: ~~S.B.~~ S.B. 458 - S.B. 460

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: These bills would establish the  
board of plumbers and would be a  
benefit to the protection of the public.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Man Ego DATE: 2-16-79

ADDRESS: Box 305 C7 Falls

PHONE: 701 0455

REPRESENTING WHOM? LBFI

APPEARING ON WHICH PROPOSAL: 460

DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Wm. E. G.

216-79

Box 385 GT Fall 3

76.1 0455

I B E W

457

L

OPPOSE?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: L. A. Bersich DATE: \_\_\_\_\_

ADDRESS: 2709 Beth Drive

PHONE: 656-1552

REPRESENTING WHOM? *NCF*

APPEARING ON WHICH PROPOSAL: 51120

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Neil J. Lynch DATE: 2/16/79

ADDRESS: 305 E Front Butte, Mt

PHONE: 792-0428

REPRESENTING WHOM? Public Accountants LPA's

APPEARING ON WHICH PROPOSAL: SB 391 & SB 489

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? ☒ \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Amend SB 391 as Follows

Sec. 4, n.4, Line 20

Insert "an licenses" after the word "certificate" and  
insert "and licensed public accountants: after the word "accountants"

Sec. 4, n. 4, Line 23

Insert "and licenses" after the word "certificates:

Section 4, n.5, line 11

Insert "and licensing" after the word "certification"

Sec. 4, p. 5 line 12

Insert "or licensed public accountant" after the word "accountant"

Sec. 5, n. 6, line 8 & 9

Insert the deleted material

Sec. 5, n. 6, line 9

Insert "or licensed" after the word "certified"

Sec. 5, p. 6, line 10

Insert "37-50-314" after the figures "37-50-311"

NAME :

DATE: \_\_\_\_\_

2/16/79

ADDRESS :

PHONE :

442-7213

449-2406

REPRESENTING WHOM?

State Board of Plumbers

APPEARING ON WHICH PROPOSAL:

58385

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

attach -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

## State in Opposition of SB385

I am Arthur W. Clarkson, the Department of Health and Environmental Sciences' representative to the Board of Plumbers and serve as secretary to the board.

The replacing of the Board of Plumbers by a Board of Public Safety in the Department of Administration as proposed in SB385 could place the testing of plumbers under persons who are not as cognizant of the hazards involved in faulty plumbing as the type of persons required on the present board. The connotation of "public safety" leads one to believe the board proposed under SB385 would be more interested in accident protection, rather than the protection of the health of individuals.

Safety hazards generally do not have the far-reaching effect on the public as do health hazards. There are documented cases where one incident of back syphonage through faulty plumbing can cause over 1,000 persons to become ill. A case in point is the water borne intestinal outbreak caused at Big Sky between December 23, 1974 and January 17, 1975 when approximately 40% of 1,500 persons visiting the resort became ill. This was caused by an improperly installed piping from a well bringing contaminated water into the system.

Because of the difference between the true meaning of public safety and public health, it is doubtful if the public health will be protected as well if the licensing of plumbers is placed under a board less aware of health problems. I, therefore, request that the committee give a "do not pass" recommendation on SB385.

NAME: Ross Cannon DATE: 2-16-79

ADDRESS: 2031 11th Ave, Helena

PHONE: 442-9930

REPRESENTING WHOM? Mont Manufactured Housing Ass

APPEARING ON WHICH PROPOSAL: SB 387, 486

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: Board of Warm Air Heating should  
be initiated

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PROPOSED AMENDMENT TO SB 486

1. On page 7, line 15, following the word: "The"  
Insert: "licensing"
2. On page 7, line 22, strike: "or"
3. On page 8, line 1, following the word "Maintenance", strike:  
".",  
Insert: "; or  
3 by employees of and on behalf of any company,  
corporation, cooperative, association or organization lawfully  
engaged in the business of mobile homes, modular home,  
recreational vehicle or camper manufacture, repair, maintenance,  
or sales. However, the work done by any such exempt company,  
corporation, cooperative, association or organization shall meet  
all standards of the applicable mechanical code adopted by the  
board, the same as is required of other work covered by this  
chapter."

NAME: BILL TANGEN DATE: 2/16/79

ADDRESS: 3920 Mc HUGH HELENA

PHONE: 443-5646

REPRESENTING WHOM? BOARD OF PROF. ENGINEERS & LAND SURVEYORS

APPEARING ON WHICH PROPOSAL: SB 422

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: This Board should remain under Occupational Licensing  
because of the following reasons: 1) Cost to the State is presently  
non-existent; 2) Reciprocity with other states is currently working very  
well, with the concept of SB 388 this reciprocity would be seriously  
impaired; 3) Review of applications need to be handled by informed  
and professional people and not lay members to be fair and accurate  
in determining the qualifications of potential registrants.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME:

Henry E. Layton

DATE:

Feb 4, 1979

ADDRESS:

Helena

PHONE:

449-3024

REPRESENTING WHOM?

Montana University System

APPEARING ON WHICH PROPOSAL:

SB 388 & 422

DO YOU: SUPPORT?

AMEND?

X

OPPOSE?

COMMENTS:

See prepared testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



# THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH

HELENA, MONTANA

59601

COMMISSIONER OF HIGHER EDUCATION

## Summary of testimony on

SB 388 An Act Providing for the Regulation of the Practice of Professional Engineering and Land Surveying by a Board of Professional Service Regulation . . .

SB 422 An Act to Provide for the Reestablishment of the Board of Professional Engineers and Land Surveyors . . .

We take no position on which board should regulate professional engineers and land surveyors. We do feel that both bills propose some amendments which would improve the existing statutes and urge that all of these amendments be given careful consideration in drafting a final bill.

Our concern with both bills is a matter which is in the existing statutes but which neither bill deals with. The practice of engineering is defined to include "teaching of advanced engineering subjects" (37-67-101(6)) and the practice of land surveying is defined to include "teaching of (advanced) land surveying subjects" (37-67-101(7)(b)).

We have no problem insofar as time engaged in these teaching activities is counted as time engaged in professional practice for purposes of qualifying for registration.

However, if we combine this definition of the practice of engineering (or land surveying) with the fact that it is unlawful to engage in this practice without being registered (37-67-301), we are led to the conclusion that persons teaching advanced engineering subjects (or land surveying subjects) must be registered.

We find this result objectionable on several grounds:

- 1) Such a requirement is not related to public health, safety or welfare and hence goes beyond the purpose of professional registration and is merely self-serving.
- 2) The determination of the qualifications of faculty members in the Montana University System is properly the province of the Board of Regents under the powers conferred by the constitution.
- 3) This statutory requirement has probably been superseded or repealed by implication by the Constitution of 1972.
- 4) This requirement has never been observed or enforced.

5) Any attempt to enforce this requirement from outside the University System would almost surely be met with litigation.

6) No other profession has a statutory requirement of licensing or registration in order to teach at the college or university level. Engineering and land surveying are not distinguished from these other professions in any essential way.

We propose that this problem be eliminated by amending the exemption clause to add an additional exemption, as follows:

37-67-103 Exemptions. The following are exempt from coverage under this chapter:

(6) Faculty members in the Montana University System who are performing duties in connection with their employment.

Irving E. Dayton  
Deputy Commissioner  
for Academic Affairs

NAME: GEORGE BOUSHMAN DATE: 2/16/79

ADDRESS: RM. 237, CAPITOL BLDG.

PHONE: 449-3616

REPRESENTING WHOM? BUDGET OFFICE

APPEARING ON WHICH PROPOSAL: \_\_\_\_\_

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: 1) SUPPORT CONCEPT OF INFUSION OF PUBLIC

MEMBERS ON LICENSING BOARDS

2) URGE THAT, IF SUPER BCARDS ARE

CREATED, THEY BE ACTIVATED SIMULTANEOUSLY

IN INTERESTS OF FISCAL INTEGRITY OF

DEPT. OF PROF. & OCC. LICENSING.

3) PROPOSE AMENDMENT TO SB 443, IF THIS

IS THE DIRECTION TAKEN BY THE COMMITTEE /

LEGISLATURE, WHICH WOULD TRANSFER, DPOL

TO DBB -- NOT ESTABLISH A DIVISION IN THE

LAW (AMENDMENT ATTACHED)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert E Kelly DATE: 2/16/77

ADDRESS: 1409 Helena Ave - Helena

PHONE: 449-2050

REPRESENTING WHOM? State Fire Marshal

APPEARING ON WHICH PROPOSAL: S.B. 486.

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: The fire marshal bureau is  
concerned that warm air heating  
systems be installed properly -  
Improper installation has resulted  
in products of improper combustion  
that has resulted in several deaths  
throughout Montana -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John H. Marriess DATE: 2/15/77

ADDRESS: Wagon

PHONE: 442-7054

REPRESENTING WHOM? San Jose Civil Rights

APPEARING ON WHICH PROPOSAL: S.B. 422

DO YOU: SUPPORT? ✓ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W. JAMES KEMBEL DATE: FEB 10, 1979

ADDRESS: Holmes

PHONE: 449-3733

REPRESENTING WHOM? Public Co. and Div. of Dept. of Admin.

APPEARING ON WHICH PROPOSAL: PR 3, 327, 328, 442, 457, 458, 459, 460

DO YOU: SUPPORT? — AMEND? — OPPOSE? —

COMMENTS: Appearing to answer questions in general  
since the Division is not a general  
SR 457 We would like to express that we  
feel all code enforcement should be  
located in one office rather than spread  
throughout numerous agencies.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John M. Bulkev DATE: 7-14-79

ADDRESS: LAUREL BLDG. HELENA MT.

PHONE: 419-7373

REPRESENTING WHOM? STATE ELECTRICAL BOARD

APPEARING ON WHICH PROPOSAL: SB 390

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: This bill is a negative and  
is of no value



NAME: JOHN M. B. KLEY DATE: 2-15-1979

ADDRESS: LAUREL BLDG.

PHONE: 449 3737

REPRESENTING WHOM? STATE ELECTRICAL BOARD

APPEARING ON WHICH PROPOSAL: SB 443

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: This bill does nothing but

eliminate the ~~department~~ administrator  
of the department of Professional and  
Occupational Licensing

- 1 -

STATE OF MONTANA  
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING  
BOARD OF MORTICIANS



LALONDE BUILDING  
HELENA, MONTANA 59601  
PHONE (406) 449-3737

*from Ed Carney*  
ED CARNEY, DIRECTOR

February 15, 1979

Senator Pete Story, Chairman  
State Administration Committee  
Capitol Post Office  
Helena, MT 59601

Dear Senator Story and Members of the Committee:

The Montana State Board of Morticians would like to go on record as opposing SB 443 which would place the Department of Professional and Occupational Licensing as a division under the Department of Business Regulation.

The Board has found that Mr. Carney and his staff at the Department of Professional and Occupational Licensing to be very helpful and cooperative with the Board in carrying out its functions. The Board feels that there is no logical reason for the bill as all functions would apparently remain the same and there would be no saving of funds by the transfer.

Again, the Board would like to emphasize that Mr. Carney, in his position as Director of the Department, has been very helpful and extremely cooperative with the Board in the past.

Sincerely yours,

*Lorene L. Johnson*  
Lorene L. Johnson *by H.C.*  
Chairman  
Board of Morticians

NAME: ANTHONY STERHART, JR. DATE: FEB 14, 1979

ADDRESS: 410 NORTH BROADWAY, BILLINGS, MONTANA  
2208 NORTH PARK BILLINGS MONTANA

PHONE: (406) 251-1101 (406) 259-2511

REPRESENTING WHOM? MONTANA SOCIETY OF REGISTERED PUBLIC ACCOUNTANTS

APPEARING ON WHICH PROPOSAL: WASTE BILL 1979  
REESTABLISHMENT OF BOARD OF ACCOUNTANCY

DO YOU: SUPPORT? YES AMEND?        OPPOSE?       

COMMENTS: IN SUPPORT OF SENATE BILL 1979 TO REESTABLISH  
THE MONTANA BOARD OF ACCOUNTANCY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mary Whitman DATE: 2/16/79  
ADDRESS: Box 143 Kalamazoo, Michigan  
PHONE: 257-2522

REPRESENTING WHOM? Associated Plumbers & Pipefitters Contractors  
of Michigan  
APPEARING ON WHICH PROPOSAL: Senate Bill 385

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: ① - create more bureaucracy - thus higher cost to  
public. ② - Less citizen involvement or  
participation in government. ③ - A three  
man board can not wear several "hats". be  
knowledgeable in ~~several~~ several industries, thus they  
will have to buy the expertise they lack - Higher

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mary Whitman DATE: 2/16/79

ADDRESS: Box 143 Kalispell Montana

PHONE: 257- 2522

REPRESENTING WHOM? Associated Plumbing and Heating Contractors of Montreal

APPEARING ON WHICH PROPOSAL: *S.B. 458*

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ed Sheehy, Jr. DATE: 2-16-79

ADDRESS: 2031 11th Ave, Helena

PHONE: 442-9930

REPRESENTING WHOM? Mont. Manufactured Housing Assn

APPEARING ON WHICH PROPOSAL: SB 387, 486

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: Board of Warm Air Heating  
should be sunset

NAME: Clifford F. Powell DATE: 7/16/79

ADDRESS: PO Box 30614

PHONE: 252-9371

REPRESENTING WHOM? Plumbers Building Maint

APPEARING ON WHICH PROPOSAL: 458 - 460

DO YOU: SUPPORT? 458 AMEND? 460 OPPOSE?

COMMENTS: These Bills are needed for the  
protection of the public from the  
standing point of Public Health & safety.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LARRY R JOHNSON DATE: 2-16-79

ADDRESS: 1916 WINNE HELENA

PHONE: 443-3744

REPRESENTING WHOM? MYSELF

APPEARING ON WHICH PROPOSAL: 385

DO YOU: SUPPORT? ~~2~~ AMEND?        OPPOSE? X

COMMENTS: I support SB 385 to preserve the protection  
of the existing licensing provisions

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Prof. Knutson DATE: Feb-16-79

ADDRESS: State # Nat. Acad. Soc. S. Carolina

PHONE: 5873719

REPRESENTING WHOM? State Elly. Board

APPEARING ON WHICH PROPOSAL: 385

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

COMMENTS: Written statement attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Don Kustensen DATE: Feb 16 - 79

ADDRESS: 1208 Nelson Road Bremen

PHONE: 5823218

REPRESENTING WHOM? Mont St. Louis B. and

APPEARING ON WHICH PROPOSAL: 458

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: Written statement attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATE OF MONTANA  
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING  
BOARD OF PLUMBERS



ED CARNEY, DIRECTOR

LALONDE BUILDING  
HELENA, MONTANA 59601  
(406) 449-3737

February 16, 1979

Senator Pete Story, Chairman  
State Administration Committee  
Capitol Post Office  
Helena, MT 59601

Dear Senator Story and Members of the Committee:

The State Board of Plumbers would like to go on record as opposing SB 385 and supporting SB 458. SB 385 places the Board of Plumbers under the Department of Administration under a super Board (SB 247). SB 458 re-establishes the Board, which was sunseted, under the Department of Professional and Occupational Licensing, as it is present.

The Board can see no reason to transfer the Board to another department or under another type of Board when it is currently operating efficiently and at the least cost. The current structure of the Department of Professional and Occupational Licensing allows for support of the department through earmarked revenue (license fees and examination fees) funds, at no direct cost to the taxpayers of Montana.

For the above stated reasons the board is opposed to SB 385 and in favor of SB 458.

Sincerely,

*Don Kristensen*

Don Kristensen, Chairman  
Board of Plumbers

cc/ file

NAME:

Don Kristensen

DATE:

Feb 16 79

ADDRESS:

1280 McCombs Road Eugene, OR

PHONE:

5533718

REPRESENTING WHOM?

Mont. State Alky. Board

APPEARING ON WHICH PROPOSAL:

SB 443

DO YOU:

SUPPORT? ☐

AMEND? ☐

OPPOSE? ☒

COMMENTS:

Written Statement attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATE OF MONTANA

DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING  
BOARD OF PLUMBERS



ED CARNEY, DIRECTOR

LALONDE BUILDING  
HELENA, MONTANA 59601  
(406) 449-3737

February 16, 1979

Senator Pete Story, Chairman  
State Administration Committee  
Capitol Post Office  
Helena, MT 59601

Dear Senator Story and Members of the Committee:

The State Board of Plumbers would like to go on record as opposing SB 443 which places the Department of Professional and Occupational Licensing as a division under the Department of Business Regulation.

The Board is very satisfied with the current staff and Director of the Department of Professional and Occupational Licensing. The Board finds both the staff and Ed Carney, Director to be very helpful and cooperative in assisting the Board in carrying out its functions.

The Board is opposed to SB 443 as there appears to be no logical reason for the bill as all functions would apparently remain the same and there would be no saving of funds by the transfer.

Sincerely yours,

A handwritten signature in cursive script that reads "Don Kristensen".

Don Kristensen, Chairman  
Board of Plumbers

cc/ file

FEBRUARY 16, 1979

GENTLEMEN;

MY NAME IS HARRY GARBERG, I AM THE BUSINESS MANAGER OF SHEET METAL WORKERS LOCAL #103, WHICH IS A STATEWIDE LOCAL. THEREFORE I AM SPEAKING ON BEHALF OF OVER 300 JOURNEYMEN AN APPRENTICE'S IN THE WARM AIR HEATING, VENTILATION AND AIR CONDITIONING TRADE.

WE WISH TO GO ON RECORD IN SUPPORT OF SENATE BILL #486, WHICH IS NOW BEFORE YOU. WE FEEL THE LAW IS NECESSARY TO PROTECT THE PUBLIC FROM DEATH, LOSS OF HOME, AND FINANCIAL LOSS DUE TO UNQUALIFIED INSTALLATION AND MAINTANENCE.

WE HAVE MADE THE CODE BOOKS AVAILABLE TO ALL JOURNEYMEN AND REQUIRE OUR APPRENTICE'S TO USE THESE CODE BOOKS AS PART OF THEIR TRAINING TEXT FOR THE FOUR YEARS OF APPRENTICESHIP REQUIRED. HOWEVER, WITHOUT A LAW TO ENFORCE THE IMPLEMENTATION OF THE CODE THERE ARE TOO MANY DOING THIS WORK EITHER UNQUALIFIED OR TAKING SHORT CUTS BY BY-PASSING THE CODE.

THE MEMBERSHIP HAS ASSESSED THEMSELVES FINANCIALLY TO GET THIS LAW AS THEY FEEL IT HAS BEEN NEEDED FAR TOO LONG.

WE FEEL THIS LAW SHOULD BE PASSED, FOR IF IT SAVES JUST ONE LIFE OR ONE HOUSE BY MAKING BUSINESSES AND TRADESMEN COMPLY WITH THE CODE IT WILL BE WELL WORTH THE EXTRA EFFORT, IF ANY, TO LIVE WITHIN THE LAW.

I THANK YOU FOR YOUR TIME AND CONSIDERATION OF OUR REQUESTS.

# Food, lodging offered after fire

By KERRY PECHTER  
Of The Gazette Staff

Priscilla Romero, owner of Maria's Restaurant on Montana Avenue, opened up her heart and her kitchen after the fire Thursday at the Rescue Mission around the corner.

-- On Thursday and Friday, Mrs. Romero fed about 15 of the mission's staff members and residents for free. A body displaced by the fire was welcomed.

Mrs. Romero said she was glad to do it for her friend, the Rev. Jack Martin, who operates the mission. "If

something would have happened to me," she said, "he would have done the same."

Tenants of the mission got help from other areas. The Red Cross paid for nine rooms for them at the Lincoln Hotel near the mission. The Salvation Army took in and fed several men, and paid for two women and a child to stay at the Acme Hotel on Broadway.

The St. Vincent de Paul group, which has a thrift shop on Montana Avenue near the mission, volunteered to pay for housing three people at the Lincoln Hotel Friday night.

Fire marshals inspected the 68-

year-old mission building at 15 S. 25th Street Friday and estimated smoke, water and structural damage at about \$35,000.

The official cause of the fire was given as "improper installation of a heat vent pipe." A worker at the mission said that the fire started along the floorboards in a third-story storage room, where the wood made contact with a pipe from a second-floor furnace.

Gas and electricity were restored to the ground and second floors of the mission Friday.

## Fire damages law firm office

Fire caused "considerable" damage at the law office of Peterson, Herndon, Harper and Munro, 2075 Central Ave., early Friday morning.

There were no reported injuries.

According to the Fire Department, a smoke alarm in the building went off about 6:06 a.m. An overheated furnace was the cause of the blaze.

Damage was reported to the furnace motor, the duct work and the carpet. There was smoke damage throughout the building.

Firemen were standing by at the scene for two hours.

the request, he said:

## Furnace gets blame for Falls house fire

Fire caused an estimated \$8,600 worth of damage to the structure and contents of a house at 109 15th St. N. shortly after midnight Wednesday.

A spokesman for the Great Falls Fire Department said the blaze apparently resulted from an overheated floor furnace which started the flooring on fire. During the fire, the furnace fell into the basement.

No one was in the house at the time.

FACTORY INSULATION  
OR CONTROL MAINTENANCE

FACTORY INSTALLATION?

## MPC will adjust air-gas mixtures, but disclaims furnace maintenance

BUTTE (AP) — The Montana Power Co. will adjust air-gas mixtures in gas-fired furnaces when asked to do so — as well as ignite pilot lights and install thermocouples — but otherwise is not responsible for furnace maintenance, a utility spokesman says.

Bob Amick said Montana Power is not responsible for regulating air-gas mixtures.

Amick's comments came after a Butte man said he and his family nearly died of carbon-monoxide poisoning caused by a faulty fur-

nace that did not have a proper air-natural gas mixture.

Karl Wolz, a Montana Tech student majoring in Occupational Safety and Health Administration, blamed the power company for not ensuring the air-gas mixture was proper. "They nearly cut my life off, but these guys saved me. The gas company didn't volunteer to come down and save me," he said.

Wolz said the family's lives were spared because Bill Kennedy of the Community Action Agency alerted him the gas mixture in the

furnace was improper and he evacuated to a hotel.

Amick, noting Wolz's house has had a history of furnace blockages, said the utility serviceman noticed the furnace vents were plugged with rags and shut off gas supplies after advising Wolz to clean the vents.

Should residents start having headaches or nausea, Amick advised them to have their furnaces examined. For further advice, he suggested residents telephone Montana Power's consumer services department.

2-27-78 *Glenn Bennett*  
**A furnace** exploded in the rented Brady house that they had been living in for just 10 days early Sunday, killing a woman and her 7-year-old son, Brady Fire Chief Kenneth Otness said. Killed were Dixie Payant and her son, Gary. Three other members of the family — Cindy, 13, and David, 12, and their father, Dave Payant — managed to escape from the burning two-story structure, Otness said. The two children were hospitalized in Conrad, suffering from smoke inhalation and burns.

*Billings Gazette* Nov. 8, 1978  
*Action Line*  
 We bought a furnace from Co-Op Service Center two years ago. Last March it began acting up and we called Co-Op to have them get someone out to repair it. One man was out and he said we needed a new pump. We kept calling him to get someone to put it on. Finally another man came out. He said we didn't need a pump but did need a limit switch. Since then, nothing has been done. Can you help us? Cold weather will be here soon and we'd like to have our furnace fixed. A.S. — Broadview

Action Line contacted the Cenex Co-Op Service Center and the manager said their repairman did put a part on your furnace in March. He left their employ a short time thereafter. They no longer have a service man. Although your warranty on the furnace had run out Co-Op contacted another company during the summer and they promised to fix your furnace. Co-Op assumed the work had been done. Since it hadn't they found another man who would fix it. He is sorry to report that they will not be taking any further furnace repair jobs — they simply don't have a man to do it.

BUYER - BEWARE



# Surgeon's scare offers warning for homeowners

Two weeks ago Dr. Adrian Johnson, a Billings surgeon, sat down at home with his teenage son to watch the Sunday afternoon football game on TV.

It was a cold day, and the flame from the gas log in the fireplace warmed the room. A few minutes later, Dr. Johnson "dozed off."

But Johnson was on call that day at Billings Clinic, and when the phone rang his son answered.

The boy came back to the family room and found his father apparently sound asleep. He shook him, but couldn't wake him. So he called an ambulance.

Johnson hadn't had a heart attack as the family first suspected; he was apparently the victim of carbon monoxide poisoning from the fireplace.

Johnson was revived with oxygen and dis-

an insufficient amount of air.

The Johnsons' son wasn't ill at all, possibly because he had been moving around the room.

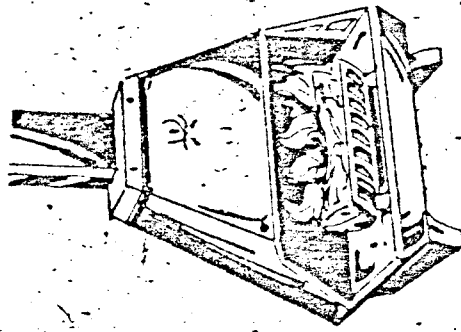
"And I've learned since this happened that carbon monoxide travels in columns," said his mother, "so that only the person sitting directly in its path may be overcome."

The family of another Billings Clinic physician, Dr. Dale Peterson, had a similar scare last fall shortly after they moved into a newly constructed home.

Not with a gas log but with their gas furnace.

The Petersons and their two children woke one morning with headaches and nausea. They thought it was their fireplace until it happened again a few weeks later.

Sicker that time, they had to leave the house.



## Check fireplace hazards before you light up

charged from the hospital the next day. His family spent the night with neighbors, and they all returned home feeling lucky to be alive.

"We don't know how it happened," said Mrs. Johnson. "We've used that fireplace hundreds of times and never had any trouble."

Montana-Dakota Utilities and the local company that sold the Johnsons the gas log five years ago are still trying to determine the cause.

The culprit may be an air current. The Johnsons live right under the fumeroles, and the wind was swirling around in pockets that day. That may have created a cold downdraft that trapped the warm air in the flue.

Carbon monoxide is an odorless, colorless poisonous gas formed when carbon burns with

The problem, said Mrs. Peterson, was that the furnace flue had been installed up through their uninsulated garage. To solve the problem, the contractor came back to encase the flue in six inches of insulation and build housing around it.

Fall is the season to be alert to danger.

Montana-Dakota Utilities provides free inspection service to its customers and recommends that you have it done once a year.

All it takes is a phone call for an appointment and the company will make minor adjustments without charge and recommend major work if you need it.

The burning of a gas log is not in itself a hazard, but you have to be vigilant, says an MDU engineer, who offers the following safety tips:

- Don't burn a gas log in a very large fireplace designed for burning wood. A masonry chimney, for example, requires a tremendous amount of heat to draw hot air up the flue. Wood will give off about 200,000 BTUs per hour, while a gas log will give off only about 30,000 BTUs an hour.
- Charcoal, too, is a slow burner, so for the same reason don't use your hibachi or grill in the fireplace.
- Be sure your gas log has a primary air intake valve. Gas logs with the American Gas Association seal of approval have this feature.

The valve opening can be adjusted to let in air to mix with the gas. The proper combination produces a safe blue flame.

But some people prefer a more realistic fireplace glow in yellow and orange. You can get this effect by having the installer block off the primary air supply. But if you do, you'll increase your risk of carbon monoxide poisoning.

- Never leave the room for any length of time with your gas log burning. The same applies to a wood-burning fireplace, which always requires a securely fastened screen.
- Keep a window open a crack, or open an outside door occasionally for fresh air.

Proper Installation will make Up Combustion Air May Have Prevented.

2-15-77  
**Gas fumes fatal to woman**

TOWNSEND (AP) — An elderly woman was asphyxiated Monday and three other persons hospitalized after gas fumes spread through the family's home in Townsend, officials said.

Sheriff-Coroner Jack McCoy identified the dead woman as Emma Johnston who recently moved from Harlowton to live with her son-in-law and daughter, Mr. and Mrs. Fred Geisser.

The Geisser couple and their son John, about 15, were hospitalized.

Authorities said the four were found in the house by a daughter of the Geisser's.

McCoy said propane gas fumes had spread through the house. He said agents of the state fire marshal's office in Helena were investigating to determine the cause.

*Faulty  
Venting*

*Needs proper  
Venting Plus  
Make up Air  
Supply !!*

**Beware  
fireplace  
dangers**

*Independent  
— Blvd  
Helena 11-5-77*

With the chill of winter breathing down our necks it may be time to install that old wood-burning stove or a fireplace.

But persons who are considering installing their own wood-burning stove or fireplace should seek professional advice. Helena Fire Chief Bob Killeen said today.

Killeen said an improperly installed wood-burning stove or fireplace could prove to be a serious fire hazard.

He urges persons who want to install their own stove or fire place to contact the Helena Fire Department or the city building department.

*Faulty Installation -  
no make up air*

The Billings Gazette Tuesday, Nov. 29, 1977 5-A

## Too much insulation can kill

HELENA (AP) — Some home energy-saving measures are killing people, a Montana utilities engineer said Monday.

Jim Watson of the Montana Public Service Commission said at least two residents of the state have died, including an 11-year-old Helena girl last week, and several others became "near-fatalities" from carbon monoxide fumes accumulating in tightly insulated homes.

Describing a phenomenon he called "reserve draft," Watson said the problem occurs in airtight homes with fireplaces and gas-fired appliances.

Here is how he explained the "new kind of killer" in a report to the state utility regulating body:

When a fire is burning in a fireplace, it creates a strong draft up the chimney. This draft comes from air in the house plus whatever air leaks into the house around the

When all of the air in the house is used up and when there is little air leaking into the house because of sealing and insulation, the only place replacement air can enter the house is through gas-fired appliance flues.

These flues are the exhaust vents on gas water heaters and gas furnaces.

When a strong draft is created by the fireplace, the heated products of combustion in the gas-fired appliance flues, which normally rise up their vents, can be forced to reverse direction and enter the living area of the house.

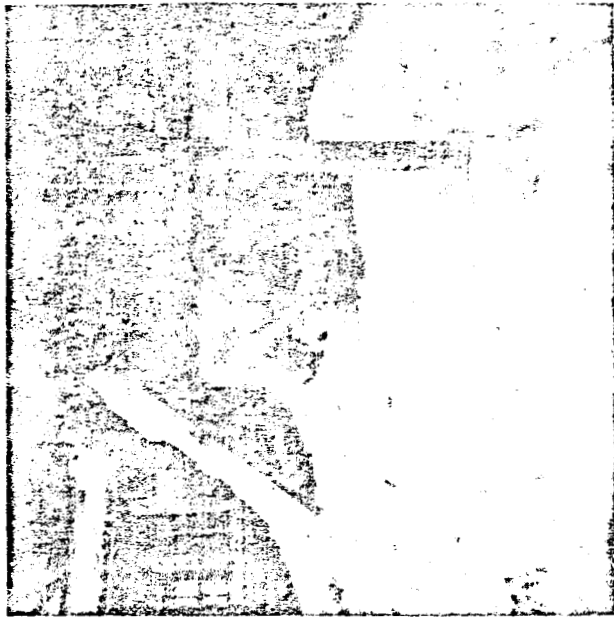
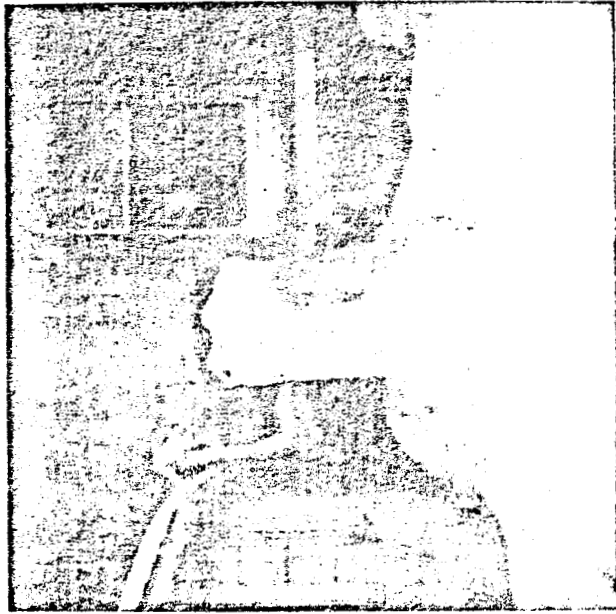
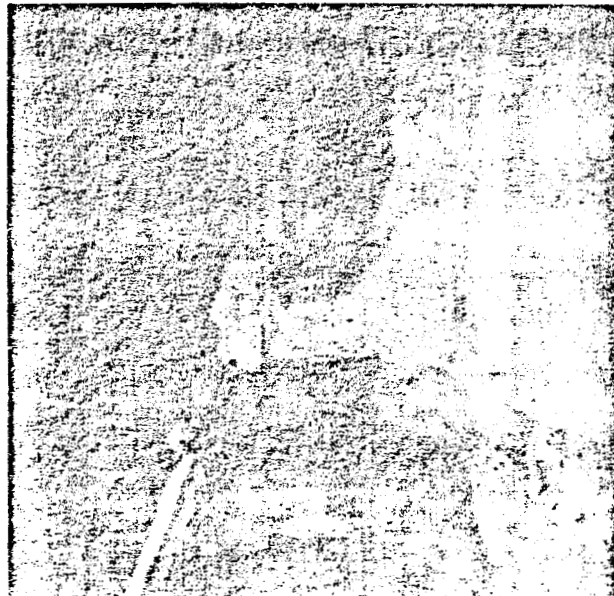
These products of combustion contain, among other things, deadly carbon monoxide gas.

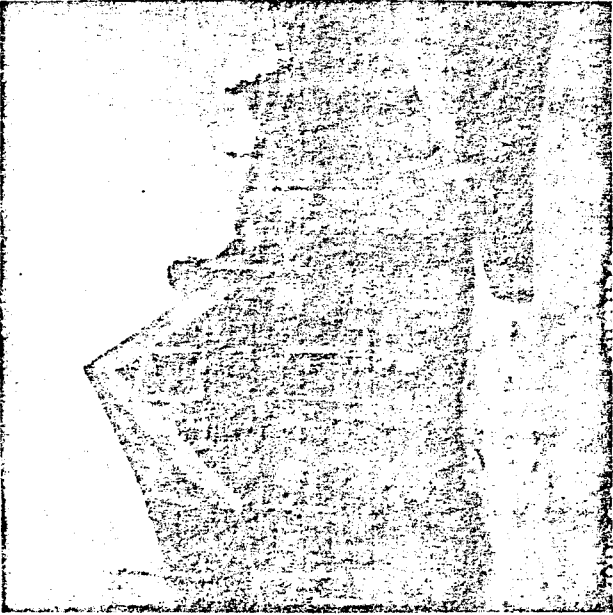
The mixture of gases drawn down the appliance flues is slightly heavier than air and will settle in the lower areas of the house, becoming a potentially lethal dosage.

*Another  
CLEAR CASE  
of needed  
qualified  
design &  
INSTALLATION  
to provide  
make up  
AIR used  
by the fire*

Lewis & Clark County Court House  
Helena, Montana

East side of building vent in picture is venting a blue printing machine which uses ammonia. The vent is broke behind the plywood which could cause down draft.





### Resident in East Helena, MT.

Vent running through wall is a single wall pipe with no clearance. Picture does not show but the wood around pipe has been on fire.

## Food, lodging offered after fire

By KERRY PECHTER  
Of The Gazette Staff

Priscilla Romero, owner of Maria's Restaurant on Montana Avenue, opened up her heart and her kitchen after the fire Thursday at the Rescue Mission around the corner.

On Thursday and Friday, Mrs. Romero fed about 15 of the mission's staff members and residents for free. An body displaced by the fire was welcomed.

Mrs. Romero said she was glad to do it for her friend, the Rev. Jack Martin, who operates the mission. "If

something would have happened to me," she said, "he would have done the same."

Tenants of the mission got help from other areas. The Red Cross paid for nine rooms for them at the Lincoln Hotel near the mission. The Salvation Army took in and fed several men, and paid for two women and a child to stay at the Acme Hotel on Broadway.

The St. Vincent de Paul group, which has a thrift shop on Montana Avenue near the mission, volunteered to pay for housing three people at the Lincoln Hotel Friday night.

Fire marshals inspected the 68-

year-old mission building at 15 S. 26th Street Friday and estimated smoke, water and structural damage at about \$30,000.

The official cause of the fire was given as "improper installation of a heat vent pipe." A worker at the mission said that the fire started along the floorboards in a third-story storage room, where the wood made contact with a pipe from a second-floor furnace.

Gas and electricity were restored to the ground and second floors of the mission Friday.

clipping from the Billings Gazette  
February 10, 1979



# THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH

HELENA, MONTANA

59601

COMMISSIONER OF HIGHER EDUCATION

## Summary of testimony on

SB 388 An Act Providing for the Regulation of the Practice of Professional  
— Engineering and Land Surveying by a Board of Professional Service  
Regulation . . .

SB 422 An Act to Provide for the Reestablishment of the Board of Profession-  
al Engineers and Land Surveyors . . .

We take no position on which board should regulate professional engineers and land surveyors. We do feel that both bills propose some amendments which would improve the existing statutes and urge that all of these amendments be given careful consideration in drafting a final bill.

Our concern with both bills is a matter which is in the existing statutes but which neither bill deals with. The practice of engineering is defined to include "teaching of advanced engineering subjects" (37-67-101(6)) and the practice of land surveying is defined to include "teaching of (advanced) land surveying subjects" (37-67-101(7)(b)).

We have no problem insofar as time engaged in these teaching activities is counted as time engaged in professional practice for purposes of qualifying for registration.

However, if we combine this definition of the practice of engineering (or land surveying) with the fact that it is unlawful to engage in this practice without being registered (37-67-301), we are led to the conclusion that persons teaching advanced engineering subjects (or land surveying subjects) must be registered.

We find this result objectionable on several grounds:

- 1) Such a requirement is not related to public health, safety or welfare and hence goes beyond the purpose of professional registration and is merely self-serving.
- 2) The determination of the qualifications of faculty members in the Montana University System is properly the province of the Board of Regents under the powers conferred by the constitution.
- 3) This statutory requirement has probably been superseded or repealed by implication by the Constitution of 1972.
- 4) This requirement has never been observed or enforced.

5) Any attempt to enforce this requirement from outside the University System would almost surely be met with litigation.

6) No other profession has a statutory requirement of licensing or registration in order to teach at the college or university level. Engineering and land surveying are not distinguished from these other professions in any essential way.

We propose that this problem be eliminated by amending the exemption clause to add an additional exemption, as follows:

37-67-103 Exemptions. The following are exempt from coverage under this chapter:

(6) Faculty members in the Montana University System who are performing duties in connection with their employment.

Irving E. Dayton  
Deputy Commissioner  
for Academic Affairs