

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 19, 1979

The twenty-eighth meeting of the State Administration Committee was called to order by Chairman Pete Story on the above date in Room 442 of the State Capitol at 10:00 A. M.

ROLL CALL: All members of the Committee were present.

The Chairman announced this was an executive session to take action on bills which had been heard at a previous meeting but not acted on in order to clear the Committee of all Senate bills prior to transmittal deadline.

FURTHER CONSIDERATION OF SENATE BILL No. 390: Chairman explained this bill had been acted on but the amendments were to be examined to assure they did what the Committee intended before it was turned in to the Senate Secretary.

Upon discussion as to the aptness of the amendments, Senator Rasmussen moved that the Committee reconsider its action on SB 390; motion carried.

Senator Brown questioned the composition of the board to which he wanted more public members added and what was proper terminology. Definitions were checked with the specific section of the MCA pertaining to the electricians' board.

Senator Brown then moved the amendment be adopted which provided that the electricians' board be composed of 2 members of the general public, 2 electricians and 1 master licensed electrical contractor. Motion carried by majority, with Senator Ryan voting "no".

Senator Brown then moved that all remaining amendments for SB 390 be adopted; this also carried by majority, with Senator Ryan voting "no".

DO PASS AS AMENDED motion was then made by Senator Brown which carried by majority vote, with Senator Ryan voting "no". See attached 5-page Standing Committee Report for full reference to all amendments.

Discussion was held on the schedule for hearing House bills. Chairman Story announced he anticipated setting bills for the day after the break.

FURTHER CONSIDERATION OF SENATE BILL No. 460: The Chairman stated he had agreed with Senator Steve Brown to consider the bill if the amendments proposed by Roger Tippy were included.

Senator Roskie was still apprehensive about the inadequate time to consider such a large bill and if it had any real merit. He then

passed out copies of a research paper he had prepared concerning the bill which listed points of contention against its passing at the present time. He also had talked to the sponsor who said he would agree to amend the bill to allow a person to go into an informal session prior to a formal appeals board. This proposed amendment would read: Page 3, following line 8. "(3) Nothing in this act precludes a licensing board from informally resolving disputes with an applicant or licensee as provided in Section 2-4-603, MCA." He went on to say that the Committee had dealt with only those boards which were sunsetted under the first review; this bill would make all those other boards be reconstituted in a different manner than at present, without their knowledge or a chance for input and that putting public members on these boards would not make them wholly honest or upright. A person cited to appear in front of an appeal board not familiar with his particular profession was another point of concern.

Senator Story commented he originally thought this would be a simple vehicle for reconstituting all these other agencies, but was mistaken and the appeal process to still another board would just delay the final outcome of a case.

Senator Jergeson thought the philosophy behind the bill was it would add another step before going into the judicial process and perhaps there is a value to that.

Considerable discussion as to professional people on boards -vs- public boards was held, with Senator Jergeson mentioning the insurance field under the State Auditor seemed to work well. The latest amendments proposed by Senator Steve Brown were also discussed at some length.

Senator Jergeson felt this bill had sufficient value to continue through the process. John Scully didn't agree with the other members of the Audit Committee on these board bills, but didn't offer any other approach. They did want to get away from the "closed shop" routine of the present system.

In further discussion, Senator Rasmussen suggested amending it to delete the provisions for public members. Senator Story's opinion was just the opposite, amending it to delete the appeal process.

Senator Ryan commented on the delay involved in an appeal during further discussion.

Senator Brown moved the following amendment:

Page 3, line 3, following "board". Insert: ", except that the appeals board may not hear an appeal concerning the failure of an applicant to pass an examination given by a licensing board."

Upon roll call vote, the motion failed, with Senators Hafferman, Ryan, Story and Roskie voting "no" and Senator Rasmussen being

absent at this time.

Senator Brown then moved the previous amendment proposed by Senator Steve Brown on Page 3, line 8. This motion also failed by the same vote, with the same Senators voting "no".

Further discussion was held on the appeal process and time of review, with meeting schedule of such a board also considered.

Senator Ryan then moved that Senate Bill No. 460 DO NOT PASS; upon roll call vote, the motion carried by majority vote, with Senators Brown and Hergeson voting "no" and Senator Rasmussen absent at this time.

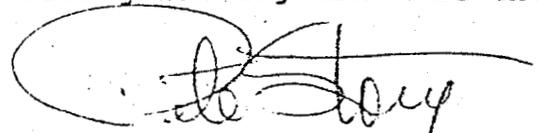
FURTHER CONSIDERATION OF SENATE BILL No. 443: Senator Roskie questioned the disposition of this bill.

Senator Jergeson asked that this bill remain in the Committee in order to leave an option open for the reason that if it should happen a number of these boards would be transferred somewhere else or the duties transferred, then something would have to be done with the DPOL.

Chairman Story then directed that Senate Bill No. 443 would remain in the Committee.

ADJOURNMENT:

There being no further business, the meeting was adjourned at the hour of 11:20 P. M.



Pete Story, Chairman

① Doesn't address sunset
② Doesn't include some bills
bec already have public members

① Public rep. on all bills.
- 3 Odo. members - add 1 pub. mem.
- 4 mem. 3-to 1 6 mem. 4 to 2 8 then 6
- 5 mem 4 to 1 7 mem. 5 to 2 9 mem 6
size

② Creates 3 memb. appeals
bd. to hear contested cases
- \$1
- \$5 \$6 - expenses

46th Legislature

LC 1005/01

LC 1005/01

AMENDMENTS
\$3 + \$5

Purpose: to protect
public or to restrict
entry into a profession
weakest - no public
input under
present situation

Abstract BILL NO. 460
S. Brown

INTRODUCED BY ADMINISTRATION FOR ADMINISTRATIVE PURPOSES ONLY AS
PRESCRIBED IN 2-15-121.

NEW SECTION. Section 2. Definitions. Unless the
context requires otherwise in [sections 1 through 6] the
following definitions apply:

(1) "Appeals board" means the professional and
occupational licensing appeals board provided for in
[section 1].

(2) "Department" means the department of professional
and occupational licensing provided for in Title 2, chapter
15, part 16.

(3) "License" is as defined in 2-4-102(5).

(4) "Licensing board" means a board allocated to the
department of professional and occupational licensing for
administrative purposes or which receives administrative or
clerical services and direction from that department. The
term also includes the director of the department in
relation to his functions under Title 37, chapter 60. The
term does not include the board of athletics.

NEW SECTION. Section 3. Compensation and expenses.
Each member of the appeals board is entitled to receive \$25 ^{per} 35
per day, plus travel expenses as provided for in 2-19-501
through 2-18-503.

NEW SECTION. Section 4. Powers and duties of appeals
board. (1) The appeals board has the exclusive power and

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. Professional and occupational
licensing appeals board created. (1) There is a professional
and occupational licensing appeals board.

(2) The board consists of three members appointed by
the governor and confirmed by the senate. One member must be
an attorney licensed to practice in Montana. No appeals
board member may be a member or engaged in the practice of a
profession or occupation under the jurisdiction of a
licensing board.

(3) Each member shall serve for a term of 3 years.

(4) The board is allocated to the department of

licensing appeals board.

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licensing appeals board.

247 DNP

Please retain this copy of SB 460
be run again in its entirety unless necessary

SB 460
Hearing Bd. - doesn't deal w/ suspension, revocation
by rules

-2-

INTRODUCED BILL

→ except that the appeals board may not hear an appeal concerning the ~~certification of a licensee~~ failure of an applicant to pass an examination given by a licensing board.

LC 1085/01

LC 1085/01

1 duty to decide each contested case as defined in
2 2-4-102(4), arising from the denial, suspension, or
3 revocation of a license by a licensing board.
4 (2) The appeals board may, in its discretion, engage
5 the services of a qualified attorney as hearing examiner
6 whenever it believes that the length or complexity of an
7 impending hearing makes such services necessary or
8 desirable.

(3) *Nothing in this act precludes a licensing board from informally resolving disputed with an applicant or licensee*
9 NEW SECTION Section 5. Procedure for appeal —
10 effective date of licensing board action. (1) Whenever a
11 licensing board denies, suspends, or revokes a license, it
12 shall send by registered or certified mail to the applicant
13 or licensee at his last address of record with the
14 department a copy of its order of denial, suspension, or
15 revocation, together with:

16 (a) a statement of the grounds upon which its action
17 is based; and
18 (b) a statement of the applicant's or licensee's right
19 of hearing on appeal under subsections (2) and (3).

20 (2) The applicant or licensee may appeal the action of
21 the licensing board to the appeals board. The appeal is
22 perfected by filing with the appeals board a petition, Z-4-603,
23 signed by the applicant or licensee within 30 days of
24 receipt by him of the licensing board's order. The petition
25 shall seek review by the appeals board and shall include a

1 copy of all materials received by the applicant or licensee
2 pursuant to subsection (1). The petition may include such
3 other statements or data as the applicant or licensee
4 desires.

5 (3) No later than 30 days after receipt of the
6 petition, the appeals board shall hold a hearing and render
7 its decision.

8 (4) The decision of the appeals board is final,
9 subject to judicial review under Title 2, chapter 4, part 7.

10 (5) The suspension or revocation of a license by
11 licensing board is not effective until 60 days after receipt
12 of the licensing board's order by the licensee. However, the
13 licensing board may make a license suspension or revocation
14 effective at an earlier date if it finds that emergency
15 action is imperative due to an imminent danger to the public
16 health, safety, or welfare.

NEW SECTION Section 6. Licensing board to pay expenses of appeal. All expenses related to the conduct of a
17 hearing by the appeals board shall be paid by the licensing
18 board from which the appeal was taken.

19 Section 7. Section 2-15-1605, MCA, is amended to read:
20 "2-15-1605. Board of medical examiners. (1) There is a
21 Montana state board of medical examiners.

22 (2) The board consists of seven members appointed by
23 the governor with the consent of the senate. Appointments

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-19-74 SENATE Bill No. 460 Time _____

② DO NOT PASS

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman	✓	
Senator Bob Brown		✓
Senator A. T. (Tom) Rasmussen (absent)		
Senator Patrick L. Ryan	✓	
Senator Greg Jergeson		✓
Senator William F. Hafferman	✓	

Jennie L. Palmer Secretary
Pete Story Chairman

Motion: Senator Pat Ryan moved that Senate Bill No. 460

DO NOT PASS; motion carried by majority vote, with
Senators Brown and Jergeson voting "no" and Senator
Rasmussen being absent at this time.

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

STANDING COMMITTEE REPORT

.....February 19..... 19 72.....

MR.President.....

We, your committee onState Administration.....

having had under considerationSenate..... Bill No. 460.....

Respectfully report as follows: That.....Senate..... Bill No. 460.....

Introduced Bill,

~~DO PASS~~

DO NOT PASS

yle

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 21, 1979

The twenty-ninth meeting of the State Administration Committee was called to order by Chairman Pete Story on the above date in Room 442 of the State Capitol Building at 9:00 A. M.

ROLL CALL: All members of the Committee were present, with the exception of Senator Tom Rasmussen, who was absent.

Chairman Story advised the meeting was for the purpose of approving a statement of intent for each of the "board bills" passed out previously.

CONSIDERATION OF STATEMENT OF INTENT FOR SENATE BILL No. 458: In discussing the Statement, the Chairman explained these were all prepared by the Legislative Council by Bob Pyfer's office, with the help of the various trade and occupation representatives; that he had asked Pyfer to draw them up in compliance with the new rules.

Senator Jergeson stated he felt this Statement was proper and moved it be adopted. Motion passed by unanimous vote of the Committee members present and duplicate copy is attached to these Minutes.

CONSIDERATION OF STATEMENT OF INTENT FOR SENATE BILL No. 390: The chairman explained this was the Audit Committee's Bill which had been amended to reestablish the electrical board as it was originally set up.

Question on Intent Statement having been prepared in compliance with the amendments was answered by Kathleen Harrington, Researcher, that it did conform to the amendments.

After receiving permission from the Chair, Senator Roskie read the Statement so that the lobbyists for the electricians could comment on it. Mr. Hale agreed it followed their concerns close enough that they could accept it, although definition of apprentices was left out. Mr. Egan agreed it was acceptable.

Senator Roskie moved that the Statement of Intent for Senate Bill No. 390 be adopted; motion carried without opposition, and a full copy is attached to these Minutes.

CONSIDERATION OF STATEMENT OF INTENT FOR SENATE BILL No. 422: Senator Brown questioned the purpose of a statement of intent. Chairman Story explained it gave guidance as to the intent of the committee pertaining to a certain issue and made more clear the law itself and to establish borders around the law.

Senator Hafferman moved that Statement of Intent for Senate Bill No. 422 be adopted; motion passed without opposition, and a full copy is attached to these Minutes.

CONSIDERATION OF STATEMENT OF INTENT FOR SENATE BILL No. 489: The Chairman called on Larry Huss, lobbyist for the public accountants, to explain this Statement.

Mr. Huss explained he worked with Mr. Pyfer in drafting this; that it defines rule-making authority which was previously given to the board in continuing education and specialty licensing and determines the educational requirements for licensure. They tried to draft it so as not to put constraints in it that people couldn't afford or which would cause undue hardship on people wanting to attend educational programs and seminars. He was not sure how the profession would feel about the equivalency standards on licensing procedures as there was not time to contact people, but they also did not want to give wide-open authority to the board on this.

Senator Story stated it was his understanding that the House could look at this Statement and amend it also; Senator Jergeson agreed.

Senator Jergeson thought it was in proper form and moved that it be adopted; motion carried unanimously, and a duplicate copy is attached to these Minutes.

Senator Ryan encouraged the accountants to work out mutually agreeable proposals before it was considered in the House.

⁴⁹⁸
CONSIDERATION OF STATEMENT OF INTENT FOR SENATE BILL No. 489: The Chairman explained that because of rule-making authority given to the board of architects, a statement of intent must accompany this bill.

Senator Roskie questioned Section 6 on standards; Sonny Hanson responded that the standards would not be reduced, but this did concern a design problem pertaining to buildings; grading is all done on a design basis as to how they approached the problem and did relate differently to locality. Answering Senator Hafferman, he confirmed that it would pertain to the flat roof situation.

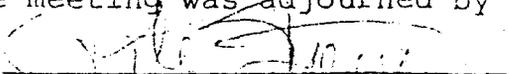
Answering Senator Ryan's question about reciprocity, he advised that it did include that records must be in concurrence with the national regulations.

Senator Roskie moved the adoption of the Statement of Intent for Senate Bill No. ~~489~~⁴⁹⁸; motion carried by unanimous vote of the members present, with Senator Rasmussen being absent. Duplicate copy of the Statement is attached to these Minutes.

Senator Jergeson asked about the procedure in handling these Statements, to which Senator Story replied they would be printed and put on all the Senators' desks by this afternoon.

ADJOURNMENT:

There being no further business, the meeting was adjourned by the Chairman at 9:50 A. M.

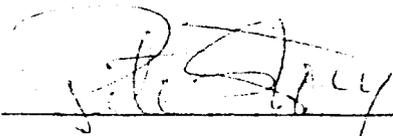

Pete Story, Chairman

STATEMENT OF INTENT RE: SB 458

A statement of intent is required for SB 458 in that it delegates rulemaking authority to the board of plumbers in Section 6.

Section 6 allows the board to prescribe examination and renewal fees. This must be done by rule. It is intended that an examination fee will not exceed the cost of administering the examination for which it is paid, and that a renewal fee will not exceed other administrative costs.

Adopted by the Senate State Administration Committee this 21st day of February, 1979.



Pete Story, Chairman

Adopted by the Senate State Administration Committee on the
21st day of February, 1979.



Pete Story, Chairman

STATEMENT OF INTENT RE: SB 390

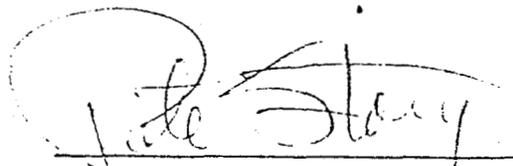
A statement of intent is required for SB 390 in that it delegates rulemaking authority to the state electrical board in Sections 3, 11, and 12.

1. Section 3 defines and, together with other sections, provides for regulation of a new classification of license, the residential electrician's license. Rules relating to the residential license should cover all areas now covered by board rules for journeyman and master electricians. The rules should set forth the basic content and the procedures and passing examination for the residential license. The examination should be tailored to meet the requirements for work as a residential electrician.

When appropriate and in conformance with law, the board may amend existing rules to make them applicable to the residential license.

2. Sections 11 and 12 give the board authority to prescribe various fees. This must be done by rule. It is intended that each fee not exceed the amount necessary to meet the cost of administering the program to which it relates.

Adopted by the Senate State Administration Committee on the 21st day of February, 1979.

A handwritten signature in black ink, appearing to read "Pete Story", written over a horizontal line.

Pete Story, Chairman

- (b) board of athletics, department of professional and occupational licensing, created by 2-15-1661;
 - (c) board of barbers, department of professional and occupational licensing, created by 2-15-1625;
 - (d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613;
 - (e) board of cosmetologists, department of professional and occupational licensing, created by 2-15-1626;
 - (f) board of dentists, department of professional and occupational licensing, created by 2-15-1505;
 - (g) board of hearing aid dispensers, department of professional and occupational licensing, created by 2-15-1616;
 - (h) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627;
 - (i) Montana state board of medical examiners, department of professional and occupational licensing, created by 2-15-1609;
 - (j) board of morticians, department of professional and occupational licensing, created by 2-15-1619;
 - (k) board of nursing, department of professional and occupational licensing, created by 2-15-1610;
 - (l) board of nursing home administrators, department of professional and occupational licensing, created by 2-15-1611;
 - (m) board of optometrists, department of professional and occupational licensing, created by 2-15-1612;
 - (n) board of osteopathic physicians, department of professional and occupational licensing, created by 2-15-1607;
 - (o) board of pharmacists, department of professional and occupational licensing, created by 2-15-1609;
 - (p) board of podiatry examiners, department of professional and occupational licensing, created by 2-15-1608;
 - (q) board of psychologists, department of professional and occupational licensing, created by 2-15-1617;
 - (r) board of radiologic technologists, department of professional and occupational licensing, created by 2-15-1614;
 - (s) board of speech pathologists and audiologists, department of professional and occupational licensing, created by 2-15-1615;
 - (t) board of veterinarians, department of professional and occupational licensing, created by 2-15-1618;
 - (u) board of veterans' affairs, department of social and rehabilitation services, created by 2-15-2202.
- (3) The following units of state government shall terminate on July 1, 1933:
- (a) board of aeronautics, department of community affairs, created by 2-15-1103;
 - (b) state board of hail insurance, department of agriculture, created by 2-15-2003;
 - (c) board of horse racing, department of professional and occupational licensing, created by 2-15-1662;
 - (d) board of livestock, department of livestock, created by 2-15-3102;
 - (e) board of milk control, department of business regulation, created by 2-15-1802;

(Continued)

5. Page 1, lines 16 through 25.

Strike: lines 16 through 25 in their entirety

6. Page 2, lines 3 through 16.

Following: "Section 1."

Strike: lines 3 through 16 in their entirety

Insert: "Board reestablishment. The state electrical board created by 2-15-1654 is reestablished for a period of 6 years pursuant to 2-8-122."

Section 2. Section 2-8-103 is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

- (a) board of abstractors, department of professional and occupational licensing, created by 2-15-1643;
 - (b) board of public accountants, department of professional and occupational licensing, created by 2-15-1641;
 - (c) board of architects, department of professional and occupational licensing, created by 2-15-1651;
 - (d) state banking board, department of business regulation, created by 2-15-1803;
 - ~~(e) state-electrical-board-department-of-professional-and-occupational-licensing-created-by-2-15-1654;~~
 - ~~(f) (e) board of professional engineers and land surveyors, department of professional and occupational licensing, created by 2-15-1653;~~
 - ~~(g) (f) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;~~
 - ~~(h) (g) office of the investment commissioner, state auditor's office, created by 2-15-1901;~~
 - ~~(i) (h) board of landscape architects, department of professional and occupational licensing, created by 2-15-1652;~~
 - ~~(j) (i) board of county printing, department of community affairs, created by 2-15-1102;~~
 - ~~(k) (j) board of plumbers, department of professional and occupational licensing, created by 2-15-1653;~~
 - ~~(l) (k) board of real estate, department of professional and occupational licensing, created by 2-15-1642;~~
 - ~~(m) (l) state board of warm air heating, ventilation, and air conditioning, department of professional and occupational licensing, created by 2-15-1656;~~
 - ~~(n) (m) board of institutions, department of institutions, created by 2-15-2303.~~
- (2) The following agencies shall terminate on July 1, 1981:
- (a) commission for human rights, department of labor and industry, created by 2-15-1706;

(Continued)

STANDING COMMITTEE REPORT

February 19 19 79

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 390

Respectfully report as follows: That Senate Bill No. 390,
introduced bill, be amended as follows:

1. Title, page 1, lines 6 through 9.

Following: "BY"

Strike: lines 6 through 9 in their entirety

Insert: "REESTABLISHING THE STATE ELECTRICAL BOARD IN THE
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING UNDER
EXISTING STATUTORY AUTHORITY AND RULES; REVISING THE LICENSURE
PROVISIONS; PERMITTING THE BOARD TO SET FEES;"

2. Title, line 11

Following: "SECTIONS"

Strike: "2-8-121"

Insert: "2-8-103, 2-15-1654"

3. Title, lines 13 and 14.

Following: "MCA;"

Strike: "AND REPEALING SECTIONS 2-15-1654, 37-63-201, AND
37-63-202, MCA"

XXXXX Insert: "AND PROVIDING AN EFFECTIVE DATE"
DO PASS

..... (Continued)

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 19, 1979 SENATE Bill No. 390 Time _____

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman	✓	
Senator Bob Brown	✓	
Senator A. T. (Tom) Rasmussen	✓	
Senator Patrick L. Ryan	✓	
Senator Greg Jergeson	✓	
Senator William F. Hafferman	✓	

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Tom Rasmussen moved that the Committee
reconsider its action on Senate Bill No. 390; motion
passed unanimously.

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 19, 1979 SENATE Bill No. 390 Time _____

Discussed amendments and voted.

By - [unclear] [unclear] [unclear]

NAME	YES	NO
Senator Pete Story, Chairman	<input checked="" type="checkbox"/>	
Senator George F. Roskie, V. Chairman	<input checked="" type="checkbox"/>	
Senator Bob Brown	<input checked="" type="checkbox"/>	
Senator A. T. (Tom) Rasmussen		
Senator Patrick L. Ryan		<input checked="" type="checkbox"/>
Senator Greg Jergeson	<input checked="" type="checkbox"/>	
Senator William F. Hafferman	<input checked="" type="checkbox"/>	

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Bob Brown moved that Senate Bill No. 390 be amended to provide that the board of electricians shall be composed of 2 members of the public, 2 electricians and 1 master licensed electrical contractor; motion carried by majority vote, with Sen. Ryan voting "no". Sen. Brown then moved that the Bill be amended by adopting the other amendments as previously adopted on Sat., Feb. 17th; motion carried, with Sen. Ryan, again, voting "no".

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 19, 1979 SENATE Bill No. 390 Time _____

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman	✓	
Senator Bob Brown	✓	
Senator A. T. (Tom) Rasmussen	✓	
Senator Patrick L. Ryan		✓
Senator Greg Jergeson	✓	
Senator William F. Hafferman	✓	

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Bob Brown moved that Senate Bill No. 390
DO PASS AS AMENDED; motion carried by majority vote,
with Senator Ryan voting no.

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

STATEMENT OF INTENT RE: SB 422

A statement of intent is required for SB 422 in that it delegates rulemaking authority to the board of professional engineers and land surveyors in sections 6 and 7.

Section 6 gives the board the authority to adopt fees not to exceed the various amounts listed. It is intended that the fees will not exceed amounts necessary to meet administrative costs.

Section 7 gives the board the authority to adopt rules that define the maintenance of competency. The rules shall provide that competency may be evidenced by either continued active practice or other activities.

As regards the continued practice alternative the rules should prescribe the number of hours of practice required during the 2 year renewal period and should define the types of activities which constitute active practice.

As regards the "other activities" alternative the following areas should be addressed:

- (a) types of activities that will fulfill the requirements, including but not limited to classroom instruction, seminars, examinations, intrafirm or intracompany group study programs, or home study;
- (b) standards for determining programs to be approved for fulfillment of the requirements such as adequacy of facilities, qualifications of instructors, and course content;
- (c) the basic content and the procedure and passing grade for examinations, if any, required; and
- (d) methods of monitoring compliance.

STATEMENT OF INTENT RE: SB No. 489

A statement of intent is required by Senate Bill No. 489 in that it delegates rulemaking authority to the Board of Public Accountants in Sections 7 and 13.

1. The Board may establish rules setting standards for determining a practitioner's competency in specialized fields of accounting. It is contemplated the rules should address the following:

- (a) the fields of specialized practice such as auditing of financial institutions, auditing of governmental entities, estate tax planning and other fields requiring specialized knowledge;
- (b) types of programs required for determining competency such as classroom instruction, seminars, homestudy, experience, examination or any combination thereof;
- (c) standards for determining programs to be approved for fulfillment of the requirements such as adequacy of facilities, qualifications of instructors, course content and endorsement by other regulatory agencies or professional or educational groups;
- (d) the number of hours of instruction or experience, if any, required;
- (e) contents of examinations, if any, required;
- (f) alternative methods of fulfilling the requirements such as intrafirm or company programs and a provision for waiver of the requirements for hardship.

The rules may not prohibit the person holding a license or certificate from practicing in any area or field of public accounting nor affect his ability to acquire annual renewal of his certificate or license.

2. The Board may establish rules governing education requirements for certification or licensure. It is contemplated that the rules should supplement and interpret 37-50-305 as amended by the bill by:

(a) making determinations as to recognized colleges and universities. The Board may use the University System schools of business as a yardstick;

(b) determining standards for accepting college graduates with majors other than accounting, including but not limited to:

- (i) the minimum number of accounting credits required;
- (ii) subjects of courses allowed as supplementary business-related courses; and
- (iii) the total number of credits required in business administration.

3. The Board may adopt rules prescribing continuing education for continued practice in public accounting. It is contemplated that they should address the following:

- (a) types of programs required for determining knowledge and competence such as classroom instruction, seminars, homestudy, experience, examination, or any combination thereof;
- (b) standards for determining programs to be approved for fulfillment of the requirements such as adequacy of facilities, qualifications of instructors, course content and endorsement by other regulatory agencies or professional or national groups;
- (c) the number of hours of instruction or experience, if any, required;
- (d) contents of examinations, if any, required;
- (e) alternative methods of fulfilling the requirements such as intrafirm or intracompany programs or prospective programs of study;
- (f) methods of monitoring and enforcement;
- (g) the rules may not deny a person the ability to acquire annual renewal of his certificate or license if continuing education requirements constitute a hardship due to inaccessability to programs or interference with an interstate practice;
- (h) the rules should reflect standards for continuing education programs to ensure equal access, reasonable cost, exceptions for financial or physical hardships or impediments and reference to areas commonly and not

rarely practiced by those engaged in public accounting.

4. The Board may establish rules governing partnerships and corporations practicing public accountancy. It is contemplated that the rules should address the following:
 - (a) the financial ability of a partnership or corporation to protect the public from damages caused by negligence or malpractice, if any;
 - (b) the method of establishing financial ability such as unimpaired capital, professional liability insurance, self-insurance or mutual insurance, or agreement;
 - (c) other areas of regulation regarding firm style, name, title, affiliations, and joint and several liability of members or shareholders are governed by existing statutory law regulating partnerships and professional corporations.
5. The Board may establish rules setting forth terms, not exceeding two years, and areas of experience for original certification or licensure. It is contemplated that the rules should address the following:
 - (a) the duration of experience required, not to exceed two years;
 - (b) the areas of experience such as private, public or governmental accounting, or accounting experience as an educator, researcher, publisher or military

serviceman, or combination thereof;

(c) the rules should not discriminate between the areas
of experience.

6. Section 13 allows the Board to prescribe a reasonable annual renewal fee. It is intended that the fee not exceed an amount necessary to meet administrative costs.

Adopted by the Senate State Administration Committee this
21st day of February, 1979.



Pete Story, Chairman

STATEMENT OF INTENT RE: SB 498

A statement of intent is required for SB 498 in that it delegates rulemaking authority to the board of architects in Sections 6 and 8.

1. Section 6 allows the board to modify the standard national council of architectural registration board's examination and grading procedure. It is contemplated that the board may, in its discretion, adopt rules to modify specific questions for purposes of tailoring them to the Montana situation.
2. Section 8 allows the board to prescribe a reasonable annual renewal fee. It is intended that the fee not exceed an amount necessary to meet administrative costs.
3. Sections 8 and 9 give the board authority to adopt rules imposing continuing education requirements. The board is not required to adopt such rules. It is contemplated that such rules, if adopted, should address the following:
 - (a) types of programs required such as classroom instruction, seminars, examinations, or a combination thereof;
 - (b) standards for determining programs to be approved for fulfillment of the requirements such as adequacy of facilities, qualifications of instructors, and course content;
 - (c) the number of hours of instruction, if any, required;
 - (d) the basic content and the procedures and passing grade for any examinations required;

Statement of Intent Re: SB 498 (continued)

- (e) alternative methods of fulfilling the requirements such as home study, intrafirm or intracompany group study programs or active practice for a prescribed period;
- (f) standards for waiver of the requirements for hardship reasons; and
- (g) methods of monitoring compliance.

Adopted by the Senate State Administration Committee this
21st day of February, 1979.



Pete Story, Chairman

10/1

Steve Rye 99th NO. 498
Robert Rye

1 INTRODUCED BY _____

2 BY REQUEST OF THE BOARD OF ARCHITECTS

3

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE

6 LAW RELATING TO ARCHITECTURE; TO REESTABLISH THE BOARD OF

7 ARCHITECTS AND REVISE BOARD MEMBERSHIP; TO REDEFINE "PUBLIC

8 BUILDING"; TO REVISE REEXAMINATION PROVISIONS; TO ALLOW THE

9 BOARD TO FIX REASONABLE FEES; TO ALLOW THE BOARD TO

10 PRESCRIBE CONTINUING EDUCATION PROGRAMS; AMENDING SECTIONS

11 2-8-103, 2-15-1651, 18-2-101, 37-65-102, 37-65-303,

12 37-65-304, AND 37-65-306, MCA; REPEALING SECTIONS 18-2-115

13 AND 37-65-309, MCA; AND PROVIDING AN EFFECTIVE DATE."

14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 SECTION 1. Board reestablished. The

17 board of architects created by 2-15-1651 is reestablished

18 for a period of 6 years pursuant to 2-8-122.

19 Section 2. Section 2-8-103, MCA, is amended to read:

20 "2-8-103. Agencies to terminate. (1) The following

21 agencies shall terminate on July 1, 1979:

22 (a) board of abstractors; department of professional

23 and occupational licensing, created by 2-15-1643;

24 (b) board of public accountants, department of

25 professional and occupational licensing, created by

1 2-15-1641;

2 (c) board of architects; department of professional

3 and occupational licensing, created by 2-15-1651

4 (d) state banking board, department of business

5 regulation, created by 2-15-1803;

6 (e) state electrical board, department of

7 professional and occupational licensing, created by

8 2-15-1654;

9 (f) board of professional engineers and land

10 surveyors, department of professional and occupational

11 licensing, created by 2-15-1653;

12 (g) office of commissioner of insurance and the

13 insurance department, state auditor's office, created by

14 2-15-1902 and 2-15-1903;

15 (h) office of the investment commissioner, state

16 auditor's office, created by 2-15-1901;

17 (i) board of landscape architects, department of

18 professional and occupational licensing, created by

19 2-15-1652;

20 (j) board of county printing, department of

21 community affairs, created by 2-15-1102;

22 (k) board of plumbers, department of professional

23 and occupational licensing, created by 2-15-1655;

24 (l) board of real estate, department of

25 professional and occupational licensing, created by

-2- SB498 INTRODUCED BILL

10. Page 5, line 14 through line 5 on page 6.

Strike: lines 14 on page 5 through line 5 on page 6 in their entirety

Renumber: subsequent sections

11. Page 13, line 23.

Following: "electrical"

Strike: "board of public safety"

Insert: "state electrical board"

12. Page 14, lines 2 through 25.

Following: line 1

Strike: Sections 18, 19, 20, 21, and 22 in their entirety

Insert: "Section 18. Effective date. This act is effective on passage and approval."

And, as so amended,
DO PASS

.....Pete Story,.....

Chairman.