

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

February 19, 1985

The meeting of the State Administration Committee was called to order in Room 312-2 at 5:15 p.m. on the above date.

ROLL CALL: All members present but Rep. Jenkins left his votes because he had to be present at another hearing.

CONSIDERATION OF HOUSE BILL NO. 747: Rep. John Phillips, District #33, told the committee that this bill would exempt certain members of the armed forces from having to possess a Montana driver's license. Any member on active duty that has a valid license doesn't have to have a Montana driver's license. This would be in conformance with the Soldier's and Sailor's Act and would just be putting it in the Montana codes. The only thing we aren't doing now is exempting the spouse if the spouse is not gainfully employed in Montana. The Soldier's and Sailor's Act was enacted so these people would not be harrassed from state to state. Even for members of the armed forces returning from overseas, if they have a valid license, would have 45 days within which to get a Montana license. He said that Larry Majerus of the Motor Vehicle Division of the Department of Justice is in support of the bill.

PROPOSERS: Rep. Clyde Smith wished to be shown on the record as supporting HB 747.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 747: In answer to a question from Rep. Pistoria, Rep. Phillips replied that if they have a valid driver's license from another state they don't have to purchase a Montana license. Rep. O'Connell said they don't even have to renew them if they are on active duty.

Without further comment, Rep. Phillips closed.

The committee then went into executive session for action on the preceding bill and those heard at the hearing at 8:00 a.m.

DISPOSITION OF HOUSE BILL NO. 747: Rep. Smith moved that HB 747 DO PASS, seconded by Rep. O'Connell. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NOS. 788 and 762: Rep. Smith asked if they could consider 788 first.

Rep. Harbin moved that HB 788 DO PASS, seconded by Rep. Garcia.

Rep. Smith commented that this bill was prepared by a former administrator of the workers' compensation division and the Willis decision was actually the result of the Waite decision. This would put it back to prior to that and everybody can live with that.

Rep. Harbin, who is in the insurance business, felt this was a good bill and said it puts it back where it was. He stated that there is a council that is going to work on the workers' compensation laws during the interim and they will report back to the 1987 Legislature.

Chairman Sales moved ADOPTION OF THE AMENDMENT on page 3, line 7 following compensation by inserting "court", seconded by Rep. Smith. Motion CARRIED UNANIMOUSLY.

Rep. Smith said that this council that has been appointed to study the workers' compensation division is an 18 member council that is very representative of all concerned and is a well mixed group. He said he was very impressed with the first meeting and there will be proposed legislation at the next session.

Rep. Harbin moved ADOPTION OF THE AMENDMENT for an effective date on passage and approval, seconded by Rep. Fritz. Motion CARRIED UNANIMOUSLY.

The original DO PASS AS AMENDED CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 762: Rep. Smith moved that HB 762 BE TABLED, seconded by Rep. Harbin. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 774: Rep. Smith moved that HB 774 DO PASS, seconded by Rep. Phillips.

Rep. O'Connell moved ADOPTION OF THE AMENDMENTS providing for an applicability date, seconded by Rep. Campbell. Motion CARRIED UNANIMOUSLY.

The original DO PASS AS AMENDED CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 754: Rep. Fritz moved that HB 754 DO PASS, seconded by Rep. O'Connell. He said that this is an appropriate place to spend this money as that is what it was intended for when it was created in 1910. The motion CARRIED with Rep. Sales voting "no".

DISPOSITION OF HOUSE BILL NO. 775: Rep. Phillips moved that HB 775 DO PASS, seconded by Rep. Compton. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 739: Rep. Smith said that

some of the witnesses present had some questions about the bond and said it should be a \$4,000 bond. The bonding issue will be addressed in the future by the council, along with other items. An amendment was suggested on page 3, line 15 to make these rules in conformance with those of the department of health and environmental sciences. An amendment was also proposed on page 10, lines 3 through 8 by striking lines 3 through 8. Rep. Cody asked why the bond was being lowered to \$4,000. Rep. Harbin said that in order to insure the harmony of everybody, they agreed to lower it to \$4,000. When the new rules are enacted they will address that issue again. Rep. Cody questioned why the small drillers wouldn't qualify for the bond. Rep. Harbin said for a \$10,000 bond they would have to have net assets of \$100,000. Rep. Cody said that in her business as a real estate agent she had to be bonded but didn't need such assets, however, Rep. Harbin told her that was a fidelity bond and drillers would have to obtain a performance bond. On page 3, line 8 it was proposed to strike "contract" which means that contract means a written contract.


Rep. Peterson expressed her concern for the protection of the small operation with two men and one truck. Rep. Fritz said that was the concern of the opposition but these amendments have partially cleared up those concerns. Rep. Harbin said that this bill addresses all equally.

Rep. Smith said that the decision to put this into the department of natural resources and conservation was done for a very good reason - because our water is becoming an increasing problem and he pointed out some of the situations the state is going to be faced with. He said this should be in this department. Subdivisions that drill wells are going to have to have an impact statement thus protecting the surrounding ground water and wells.

Rep. Harbin moved ADOPTION OF THE AMENDMENTS, seconded by Rep. O'Connell. Motion CARRIED UNANIMOUSLY.

Rep. O'Connell then moved that HB 739 DO PASS AS AMENDED WITH STATEMENT OF INTENT ATTACHED, seconded by Rep. Fritz. The motion CARRIED UNANIMOUSLY.

The meeting was adjourned at 6:05 p.m.

  
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WALTER R. SALES, Chairman

HB774 yes as amended?  
HB754 yes  
HB739 yes as amended  
HB775 yes  
HB762 yes as amended?  
HB778 yes if 762 doesn't pass

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/19/85  
5 P.M.

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde	✓		

## STATEMENT OF INTENT

HOUSE BILL NO. 739

A statement of intent is required for this bill because the bill amends 37-43-202 to require the board of water well contractors to adopt rules for specific water well construction standards. It is intended that any existing standards be substantially reviewed, modified, and incorporated into the new standards. It is further intended that the new standards should be modeled after the existing water well construction standards adopted by the Montana well drillers association and the United States environmental protection agency.

# STANDING COMMITTEE REPORT

February 19

65

19.....

MR. **SPEAKER**.....

We, your committee on **STATE ADMINISTRATION**.....

having had under consideration **HOUSE**..... Bill No. **739**

**First** reading copy (**White**)  
color

**TRANSFER OF THE BOARD OF WATER WELL DRILLERS TO DEPT. OF NAT.  
RES. AND CONSERVATION**

Respectfully report as follows: That **HOUSE**..... Bill No. **739**

**BE AMENDED AS FOLLOWS:**

1) Title, line 12.  
Strike: **"INCREASING BOND REQUIREMENTS:"**

2) Page 3, line 5.  
Strike: **"contract"**

3) Page 3, line 15.  
Following: **"standards."**  
Insert: **"The rules adopted by the board must conform with rules  
adopted by the department of health and environmental sciences  
that pertain to the location, construction, and sanitary  
protection of water wells."**

4) Page 9, line 25.  
Strike: **"\$10,000"**  
Insert: **"\$4,000"**

XXXXXX  
DO PASS

CONTINUED ON PAGE 2

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5) Page 10, lines 3 through 8.

Following: "well-" on line 3

Strike: remainder of lines 3 through 8." on line 8

AND AS AMENDED  
DO PASS

STATEMENT OF INTENT ATTACHED.



Statement of Intent  
House Bill 739

February 19

19 35

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# STANDING COMMITTEE REPORT

February 19

35

19.....

**SPEAKER**

MR. ....

**STATE ADMINISTRATION**

We, your committee on .....

**HOUSE**

**773**

having had under consideration ..... Bill No. ....

**First**

**White**

..... reading copy (.....)  
color

**REVISE ATTORNEY FEE PROVISIONS OF WORKERS' COMPENSATION ACT**

**HOUSE**

**773**

Respectfully report as follows: That ..... Bill No. ....  
**BE AMENDED AS FOLLOWS:**

1) Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2) Page 3, line 7.

Strike: "division of"

Insert: "office of the"

Following: "compensation"

Insert: "judge"

3) Page 3.

Following: line 13

Insert: "NEW SECTION. Section 5. Effective date. This act  
is effective on passage and approval."

**AND AS AMENDED**

DO PASS

**Walter R. Sales**.....

Chairman.

# STANDING COMMITTEE REPORT

February 19

19 85

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 774

First reading copy (White color)

**REVISING METHOD FOR DETERMINING YEARS OF EMPLOYMENT FOR  
PUBLIC EMPLOYEES**

Respectfully report as follows: That HOUSE Bill No. 774

**BE AMENDED AS FOLLOWS:**

1) Title, line 3.

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2) Page 4.

Following: line 1

Insert: "NEW SECTION. Section 5. Applicability. This act applies retroactively, within the meaning of 1-2-109, to service performed after July 31, 1984."

AND AS AMENDED

DO-PASS

# STANDING COMMITTEE REPORT

February 19

1985

**SPEAKER**

MR. ....

**STATE ADMINISTRATION**

We, your committee on .....

**HOUSE**

having had under consideration ..... Bill No. **775**

**First**

reading copy ( **White** )  
color

**CLARIFY DISTRIBUTION OF REFOREST RESERVE MONEY BY THE STATE TREASURER**

**HOUSE**

Respectfully report as follows: That ..... Bill No. **775**

~~DO PASS~~

# STANDING COMMITTEE REPORT

February 19

85

19

**SPEAKER**

MR. ....

**STATE ADMINISTRATION**

We, your committee on .....

**HOUSE**

**754**

having had under consideration ..... Bill No. ....

**First**

reading copy ( **White** )  
color

**RETIREMENT ALLOWANCE ADJUSTMENT UNDER MUNICIPAL POLICE  
RETIREMENT SYSTEM**

**HOUSE**

**754**

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

DO PASS

# STANDING COMMITTEE REPORT

February 19

1935

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE**

Bill No. **747**

**First**

**White**

reading copy ( )  
color

**EXTENDING EXEMPTION FROM HOLDING MONT. DRIVER'S LICENSE  
TO CERTAIN MILITARY**

Respectfully report as follows: That **HOUSE**

Bill No. **747**

~~DO~~ PASS