

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

February 7, 1985

The subcommittee meeting of the State Administration was called to order by the selected Chairman, Senator John Mohar, at 12:00 noon, Thursday, February 7, 1985 in room 331 of the State Capitol.

ROLL CALL: All members of the sub committee were present; those being Senator Mohar, Senator Farrell, Senator Harding and Senator Manning.

The meeting was open to deliberate S.B. 210.

Valencia Lane, Staff Attorney, presented an amendment that asks for the preparation and information be presented to licensees and/or applicants. See Exhibit 1.

Senator Mohar questioned his concern about a board that might be easy on those that have been around for awhile and the newer or unknown contractors that will have to have their skills tested.

Senator Harding said "it isn't what you know, it's who you know". She said that she believes everyone should have to take a test.

Barbara Martin stated that there is not a grandfather clause in this bill. It is written to permit states with similar tests to waive the test if an individual passed it in their state, providing that the state they passed it in offers the same provisions.

Bill Olson with the Montana Contractors Association, asked about those who already hold contractor's licenses.

Senator Mohar stated that the electricians have a problem in that the existing electrical contractors were licensed automatically and all new people must take a test.

Senator Harding stated that she believed those on the board should be able to take the test.

Senator Farrell asked what will happen to the small contractors, such as in schools.

Phil Hauck said we have many small contractors that we count on.

Mr. Olson said this applies to those contracts under \$5000.

Senator Farrell questioned the bonding process and asked why contractors don't require subcontractors to post bonds. This was discussed and it was mentioned that in the state of Montana bonding is up to the contractor.

Senator Farrell stated that in Missoula county they require practically what is written in this bill. He asked if they do pass this will they be able to get rid of Missoula County licensing.

Mr. Hauch said "no". City and counties may also require licenses. He and Mr. Olsen said that the word "licensed" should have a meaning. It is placed in front of names in the phone book indicating so.

Gene Fenderson, Laborers 254, said if they do not get licenses at state level it will all be done at county level.

Senator Farrell asked if they were setting themselves up for a liability as far as the private sector goes.

Valencia Lane stated the situation already exists but by the passage of the bill it could help because those that are licensed will be liable.

It was noted that many contractors are going broke.

The concerns are not what is in the bill, but what would come out in the rules and regulations.

Phil Hauck stated that he feels this licensing is necessary and it does not bother him that language is put in "not to restrict new people".

Valencia pointed out a grandfather clause on page 16.

Barbara Martin stated it would not be difficult to take that out.

Senator Mohar stated that they allow existing contractors to get their licenses now so it will allow the little guy to get his licenses. The "bad guys" will be weeded out by their performances.

Mr. Hauck said, "we have no protection; if the bid is the smallest, we must accept it".

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Valencia asked if there is a national association that prepares people for trades and licensing?

Barbara Martin said that there is. This is to come up with a standard of testing.

Valencia said that the bill should say what the intent of this committee is. The rule making authority should be directed.

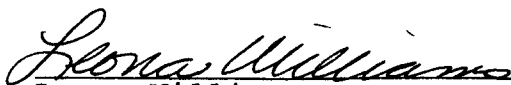
Senator Mohar referred to page 13-14 talking about applicants, and the word "may", and lines 13 thru 15 on page 14 and line 1, asked why "may" rather than "must". He asked if in this whole section, were they giving wide discretion to the board in their licensing procedures.

Barbara Martin said that it is a possibility but it is not the intent, but it was so they could use that word for financially responsible if that is the criteria to take but if they wanted to use other reasonable criteria they could do that. The point of using the word you could have a situation that could turn out to be a "good ole boy".

Because the amendments that are submitted must be decided on a meeting was called for again at 9:00 a.m. on Friday.

The meeting adjourned at 1:00 p.m.

  
Subcommittee Chairman, Senator Mohar

  
Leona Williams, secretary

Proposed Amendment to SB 210 (white copy)

1. Page 14, line 19.

Following: "classifications only."

Insert: "The board shall prepare and make available to  
applicants an information pamphlet pertaining to all state  
laws or rules which may be covered in the examination."

"From 1120-1125"

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-7-85

SB 210

[illegible]