

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 15, 1985

The twenty-eighth meeting of the State Administration Committee was called to order by its Chairman Jack Haffey in Room 331, Capitol, at 6:00 p.m. on Friday, February 15, 1985.

ROLL CALL: All the members were present.

EXECUTIVE ACTION ON SENATE BILL 210: Senator Mohar explained to the Committee that Senate Bill 210 had been studied long and hard in the subcommittee that he chaired. He told the Committee that the amendments would help the bill in that it wouldn't keep the younger contractors out of the market. He also felt that it gave the people applying for a license an opportunity to study all the things they would need to know. He went through the amendments one at a time. Senator Blaylock felt that the amendments took all the "bite" out of the bill. He felt that it still did not protect the public when they hired a licensed contractor. Senator Mohar moved that the amendments be adopted. Question was called, and with Senator Manning voting no, the amendments carried. Senator Mohar moved the bill as amended. Senator Hirsch spoke against the bill saying that the state did not need more boards. Question was called and with Senator Hirsch voting no, SENATE BILL 210 DO PASS AS AMENDED. (For a copy of the amendments see Exhibit "1" attached hereto and by this reference made a part hereof.)

EXECUTIVE ACTION ON SENATE BILL 274: Senator Haffey explained that this was a bill that would allow the Department of Commerce to withhold licenses from people for doing things others, already licensed, would lose their license for. He said the Committee felt the bill was too broad and gave the Department of Commerce too much power. Valencia Lane entered amendments which answered these questions. Senator Mohar moved that the amendments be adopted. Question was called and the amendments were adopted unanimously. Senator Mohar moved the bill as amended. Question was called, and with Senator Lynch and Senator Harding voting no, SENATE BILL 274 DO PASS AS AMENDED. (For a copy of the amendments see Exhibit "2" attached hereto and by this reference made a part hereof.)

EXECUTIVE ACTION ON SENATE BILL 222: Valencia Lane, staff attorney, explained that this bill had to do with rule making authority for the Department of Commerce. The Committee felt that they should not be able to deny licenses without any rules in place. She explained that she has put in rule making, and amendment language, stricken. She went into detail concerning the amendments.

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Since the last two amendments were optional, Senator Mohar moved amendments 1, 2, and 3. Senator Haffey told the Committee that this was a bill that allowed boards to be more caring and flexible in the way they treated people who need disciplinary action. Question was called and with the Committee voting unanimously, amendments 1, 2, and 3 were passed. Senator Mohar moved that the \$500 fine be changed to \$150 and amendment 4 be approved. Question was called and with the Committee voting unanimously, amendment 4 was adopted. With regard to amendment 5, Senator Mohar felt that we should not let them put this money into their own "pot" it should go into the general fund, and then the fines would not become oppressive. With that amendment reading that the money go into the general fund, Senator Mohar moved that amendment 5 be adopted. Question was called and with the Committee voting unanimously, amendment 5 was adopted. Senator Manning moved that SENATE BILL 222 do pass as amended. Senator Lynch spoke against this bill saying that he felt they were giving them too much power to take away that guy's license. Senator Mohar didn't think so, but Senator Lynch remembered the man saying that his competitors would love to serve on this board with that kind of power because they could then take his license away. Senator Haffey told the Committee that he had received a letter from the Cosmetology Association saying that they were in favor of this bill, so he felt there was dissension in the ranks. Senator Mohar wondered if this bill would need a Statement of Intent since they were giving them new rule-making authority. Question was called. Senator Haffey called for a roll call vote. The Committee voted 6-4 against the motion. Senator Manning reversed his motion to a do not pass. Question was called and with Senator Lynch and Senator Haffey voting no, SENATE BILL 222 DO NOT PASS AS AMENDED. (For a copy of amendments and roll call vote see Exhibits "3" and "4" respectively, attached hereto and by this reference made a part hereof.)

EXECUTIVE ACTION ON SENATE BILL 275: Valencia Lane, staff Attorney, explained that this bill regarded Architects. The amendments would define public buildings. She said the Committee was concerned that this was an Architects' relief bill and these amendments would allay that fear. She said that Senator Hirsch was concerned that the bill by-passed the Administrative Procedures Act and the amendments put that back in, together with making sure there was due process under the law. Senator Mohar moved the amendments. Question was called and with Senator Farrell voting no, the amendments carried. Senator Lynch moved to amend all of subsection (2). He felt that they should not be so lazy that they couldn't make up a new test. Ray Johnson, for himself and the Board of Architecture, said that if these tests were made public, the students would know which questions to study for and it would not give the Board and overall view of what they had learned. Senator Lynch moved

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that Subsection (2) be stricken in its entirety. The Committee voted 6-4 in favor of the motion after Senator Haffey called for a roll call vote. Senator Manning made a motion that SENATE BILL 275 as amended do pass. Senator Hirsch opposed the bill on the grounds that anyone who has gone to school for five years should be able to practice Architecture in the state of Montana. Mr. Johnson said this was set up for reciprocity. It is a pretty standard thing in all states for an Architecture graduate to have to serve a three year apprenticeship. Question was called and Senator Haffey asked for a roll call vote on the motion. The Committee voted 6-4 in favor of the bill, so SENATE BILL 275 DO PASS AS AMENDED. (For copies of roll call votes and amendments see Exhibits "5" through "7" attached hereto and by this reference made a part hereof.)

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 15: Senator Manning made a motion that SENATE JOINT RESOLUTION 15 do pass. Question was called, and the Committee voted unanimously that SENATE JOINT RESOLUTION 15 DO PASS.

Peg Krivec, Commissioner of Political Practices, wrote Senator Haffey a letter requesting that the Committee meet and rule on whether the term of office for the Commissioner should be 8 years instead of 6 in order to coincide with the Governor's term. Senator Haffey explained that it would take a three-fourths majority of the Committee to have a committee bill drafted. Senator Haffey called for a roll call vote. The Committee voted 7-3 in favor of the motion, but this was not sufficient so the request is denied.

The meeting was adjourned at 7:15 p.m.



SENATOR JACK HAFLEY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date ^{6:00} 2:15:55

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFHEY, Chairman	✓		
SENATOR LES HIRSCH, Vice-Chairman	✓		
SENATOR JOHN ANDERSON	✓	was	
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓	was	
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH	✓	was	
SENATOR DICK MANNING	✓		
SENATOR JOHN MOHAR	✓		
SENATOR LARRY TVEIT	✓	was	

DATE _____

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

Exhibit "j"
SB-210
2-15-85

Proposed Amendments to SB 210 (white copy)

1. Page 1, line 25.
Following: "one"
Strike: "electrical contractor"
Insert: "journeyman from the building trades"
2. Page 4, line 12.
Following: "road"
Insert: ", unless it is financed entirely or in part with federal funds"
3. Page 4, line 13.
Following: line 12
Strike: line 13 in its entirety
Re-number: Subsequent subsections
4. Page 4, line 19.
Following: "through"
Strike: "(7) (a) (v)"
Insert: "(7) (a) (iv)"
5. Page 9, line 18.
Following: "exclusively"
Strike: "with"
Insert: "to do construction work for, or any construction work performed for"
6. Page 10, line 12.
Following: "engineers"
Insert: ", when acting solely in their professional capacity"
7. Page 13, line 22.
Following: "health,"
Insert: "labor, taxation,"
8. Page 14, lines 13 and 14.
Following: "may"
Strike: The remainder of line 13 through "it," on line 14.
Insert: "adopt reasonable rules in accordance with the provisions of this chapter to"
9. Page 14, line 19.
Following: "only."
Insert: "The board shall prepare and make available to applicants and licensees an information pamphlet pertaining to all state statutes or rules which may be covered in the examination."
10. Page 23, lines 20 through 22.
Following: "(p)"

Strike: The remainder of line 20 through "board" on line 22.

Insert: "willful or deliberate failure to pay any city, county, or state tax"

11. Page 24, line 1.

Following: "work"

Strike: "in excess of his limit or"

Exhibit "2"
SB-274
2-15-85

Proposed amendments to SB 274, Introduced (White)

1. Title, line 7.

Following: "LICENSE"

Insert: "OR ISSUANCE OF A PROBATIONARY LICENSE"

2. Title, lines 8 through 10.

Following: "APPLICANT"

Strike: the remainder of line 8 through "ISSUED" on line 10

3. Page 1, line 17.

Following: "license"

Strike: "are"

Insert: "may be, under appropriate circumstances,"

4. Page 1, line 18.

Following: "grounds for"

Insert: "either issuance of a probationary license for a period not to exceed 1 year or"

5. Page 1, lines 19 through 22.

Following: "(2)"

Strike: the remainder of line 19 through "period."
on line 22

Insert: "The denial of a license or the issuance of a probationary license under subsection (1) must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

Exhibit "3"
SB-222
2-15-85

Proposed amendments to SB 222, Introduced (white)

1. Title, lines 7 and 8.

Following: "SANCTIONS"

Strike: the remainder of line 7 through "RULES" on line 8

2. Page 1, line 23.

Strike: "impose the following"

Insert: "adopt rules specifying grounds for"

3. Page 1, lines 24 and 25.

Following: "~~for~~"

Strike: the remainder of line 24 through "cases" on line 25

Insert: "action and rules providing for"

4. Page 3, line 1.

Strike: "\$500"

(Optional)

Insert: "\$150"

5. Page 3, line 5.

Strike: "state special revenue"

(Optional)

Insert: "general"

ROLL CALL VOTE

Exhibit 44ⁿ
SB-222
2-15-85

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-15-85 S Bill No. 222 Time 6:35

NAME	YES	NO
SENATOR ANDERSON		✓
SENATOR CONOVER		✓
SENATOR FARRELL		✓
SENATOR HARDING		✓
SENATOR LYNCH	✓	
SENATOR MANNING	✓	
SENATOR MOHAR	✓	
SENATOR TVEIT	yes	no
SENATOR HIRSCH, Vice-Chairman		✓
SENATOR HAFHEY, Chairman	✓	
	4	6

Glenda Pennington
 Secretary, Glenda Pennington

Jack Haffey
 Chairman, Senator Jack Haffey

Motion: _____

Exhibit "B"
SB-275
2-15-85

Proposed Amendments to SB 275, Introduced (white)

1. Page 1, line 25.

Following: "of any type"

Insert: ", with an occupant load of 30 or more persons,"

2. Page 2, line 1.

Following: "or use"

Insert: ", except as provided in section
37-65-103(3)(c)(d),"

3. Page 5, line 8.

Following: line 7

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

4. Page 8, line 5

Following: "~~hearing~~"

Insert: "right to notice and hearing"

5. Page 9,

Following: line 15.

Insert: "(3) A license may not be revoked or suspended
except under the contested case provisions of the Montana
Administrative Procedures Act."

ROLL CALL VOTE

Exhibit "6"
SB-275
2-15-85

SENATE COMMITTEE STATE ADMINISTRATION

Sen. Lynch's Amendment

Date 2-15-85 S Bill No. 275 Time 6:45

NAME	YES	NO
SENATOR ANDERSON	✓	
SENATOR CONOVER		✓
SENATOR FARRELL	✓	
SENATOR HARDING	✓	
SENATOR LYNCH	✓	
SENATOR MANNING		✓
SENATOR MOHAR		✓
SENATOR TVEIT	✓	
SENATOR HIRSCH, Vice-Chairman	✓	
SENATOR HAFLEY, Chairman		✓
	6	4

Glenda Pennington
 Secretary, Glenda Pennington

Jack Haffey
 Chairman, Senator Jack Haffey

Motion: *Strike Subsection (2) in its entirety.*

ROLL CALL VOTE

Exhibit "7"
SB-275
2-15-85

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-15-85 5 Bill No. 275 Time 6:50

NAME	YES	NO
SENATOR ANDERSON	✓	
SENATOR CONOVER	✓	
SENATOR FARRELL		✓
SENATOR HARDING		✓
SENATOR LYNCH	✓	
SENATOR MANNING	✓	
SENATOR MOHAR	✓	
SENATOR TVEIT		✓
SENATOR HIRSCH, Vice-Chairman		✓
SENATOR HAFHEY, Chairman	✓	
	6	4

Glenda Pennington
Secretary, Glenda Pennington

Jack Haffey
Chairman, Senator Jack Haffey

Motion: _____

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Peg Krivie

Date 2-15 Bill No. _____ Time 7:00

NAME	YES	NO
SENATOR ANDERSON		✓
SENATOR CONOVER	✓	
SENATOR FARRELL	✓	
SENATOR HARDING		✓
SENATOR LYNCH	✓	
SENATOR MANNING	✓	
SENATOR MOHAR	✓	
SENATOR TVEIT		✓
SENATOR HIRSCH, Vice-Chairman	✓	
SENATOR HAFHEY, Chairman	✓	
	7	3

Glenda Pennington
Secretary, Glenda Pennington

Jack Haffey
Chairman, Senator Jack Haffey

Motion: Commissioner of Practices term be
extended from 6 years

STANDING COMMITTEE REPORT

Page 1 of 2

February 15, 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE BILL** No. **210**

first reading copy (**white**)
color

BOARD OF PUBLIC CONTRACTORS--REGULATION OF PUBLIC CONTRACTORS

Respectfully report as follows: That **SENATE BILL** No. **210**

be amended as follows:

1. Page 1, line 25.

Following: "one"

Strike: "electrical contractor"

Insert: "journeyman from the building trades"

2. Page 4, line 12.

Following: "road"

Insert: ", unless it is financed entirely or in part with federal funds"

3. Page 4, line 13.

Following: line 12

Strike: line 13 in its entirety

Renumber: Subsequent subsections

4. Page 4, line 19.

Following: "through"

Strike: "(7) (a) (v)"

Insert: "(7) (a) (iv)"

~~XXXX~~

~~XXXXXX~~

(Continued)

Chairman.

SENATE BILL 210

February 15, 1985

5. Page 9, line 18.

Following: "exclusively"

Strike: "with"

Insert: "to do construction work for, or any construction work performed for"

6. Page 10, line 12.

Following: "engineers"

Insert: ", when acting solely in their professional capacity"

7. Page 13, line 22.

Following: "health,"

Insert: "labor, taxation,"

8. Page 14, lines 13 and 14.

Following: "may"

Strike: The remainder of line 13 through "it," on line 14.

Insert: "adopt reasonable rules in accordance with the provisions of this chapter to"

9. Page 14, line 19.

Following: "only."

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

10. Page 23, lines 20 through 22.

Following: "(p)"

Strike: The remainder of line 20 through "board" on line 22.

Insert: "willful or deliberate failure to pay any city, county, or state tax"

11. Page 24, line 1.

Following: "work"

Strike: "in excess of his limit or"

AND AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

February 15, 1985

MR. PRESIDENT

STATE ADMINISTRATION

We, your committee on

having had under consideration

SENATE BILL No. 274

first reading copy (white)
color

GROUND FOR DISCIPLINARY ACTION AS GROUND FOR DENYING OCCUPATIONAL OR PROFESSIONAL LICENSES

Respectfully report as follows: That

SENATE BILL No. 274

be amended as follows:

1. Title, line 7.

Following: "LICENSE"

Insert: "OR ISSUANCE OF A PROBATIONARY LICENSE"

2. Title, lines 9 through 10.

Following: "APPLICANT"

Strike: the remainder of line 9 through "ISSUED" on line 10

3. Page 1, line 17.

Following: "license"

Strike: "are"

Insert: "may be, under appropriate circumstances,"

4. Page 1, line 18.

Following: "grounds for"

Insert: "either issuance of a probationary license for a period not to exceed 1 year or"

5. Page 1, lines 19 through 22.

Following: "(2)"

Strike: the remainder of line 19 through "period." on line 22

Insert: "The denial of a license or the issuance of a probationary license under subsection (1) must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

AS AMENDED
DO PASS

~~DO NOT PASS~~

Chairman.

STANDING COMMITTEE REPORT

February 13, 19 85

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE BILL** No. **275**

first reading copy (**white**)
color

GENERALLY REVISING LAWS RELATING TO REGULATION OF PRACTICE OF ARCHITECTURE

Respectfully report as follows: That **SENATE BILL** No. **275**

be amended as follows:

1. Page 1, line 25.

Following: "of any type"

Insert: ", with an occupant load of 30 or more persons,"

2. Page 2, line 1.

Following: "or use"

Insert: ", except as provided in section 37-65-103(3) (c) (d),"

3. Page 3, line 8.

Following: line 7

Strike: subsection (2) in its entirety

Re-number: subsequent subsection

4. Page 8, line 5

Following: "hearing"

Insert: "right to notice and hearing"

5. Page 9,

Following: line 15.

Insert: "(3) A license may not be revoked or suspended except under the contested case provisions of the Montana Administrative Procedures Act."

AND AS AMENDED

DO PASS

END

Chairman.

STANDING COMMITTEE REPORT

February 15 19 85

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE BILL** No. **222**

first reading copy (**white**)
color

REVISION OF LICENSING BOARDS DISCIPLINARY AUTHORITY--CIVIL FINES

Respectfully report as follows: That **SENATE BILL** No. **222**

be amended as follows:

1. Title, lines 7 and 8.

Following: "SANCTIONS"

Strike: the remainder of line 7 through "RULES" on line 8

2. Page 1, line 23.

Strike: "impose the following"

Insert: "adopt rules specifying grounds for"

3. Page 1, lines 24 and 25.

Following: "for"

Strike: the remainder of line 24 through "cases" on line 25

Insert: "action and rules providing for"

4. Page 3, line 1.

Strike: "\$500"

Insert: "\$150"

5. Page 3, line 5.

Strike: "state special revenue"

Insert: "general"

AND AS AMENDED

~~XXXXXX~~

DO NOT PASS

Chairman.

STANDING COMMITTEE REPORT

February 15, 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE JOINT RESOLUTION No. 15

first reading copy (white)
color

**CALLING FOR THE PRESIDENT TO SUBMIT TO CONGRESS A BALANCED
FEDERAL BUDGET**

Respectfully report as follows: That SENATE JOINT RESOLUTION No. 15

DO PASS

~~XXXXXX~~
~~DO NOT PASS~~

Chairman.