

SENATE BILL 247

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on State Administration.
January 25, 1979	Fiscal note requested.
January 31, 1979	Fiscal note returned.
February 19, 1979	Committee recommend bill, do not pass.  On motion, Senate reconsider its action taken on Adverse Committee report and ordered printed and placed on second reading. Motion failed.

1 *Asst. BILL NO. 2477*  
 2 INTRODUCED BY *Shirley Lockman Theresa Ferguson*  
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
 6 LICENSING AND REGULATION OF VARIOUS TRADES, INDUSTRIES, AND  
 7 PROFESSIONS BY CREATING A BOARD OF PUBLIC SAFETY IN THE  
 8 DEPARTMENT OF ADMINISTRATION, BY CREATING A BOARD OF  
 9 PROFESSIONAL SERVICE REGULATION IN THE DEPARTMENT OF  
 10 BUSINESS REGULATION, AND BY CREATING A BOARD OF HEALTH  
 11 SERVICE REGULATION IN THE DEPARTMENT OF HEALTH AND  
 12 ENVIRONMENTAL SCIENCES; PROVIDING THAT THE BOARDS ADMINISTER  
 13 THOSE LICENSING AND REGULATORY FUNCTIONS AS ARE ASSIGNED BY  
 14 LAW; AND PROVIDING AN EFFECTIVE DATE."

15  
 16 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,  
 17 MCA, will terminate various state regulatory boards and  
 18 require an evaluation of the regulatory process by the  
 19 legislative audit committee; and

20 WHEREAS, as a result of the evaluation of various  
 21 regulatory boards, the legislative audit committee  
 22 recommends that a board of public safety be created in the  
 23 department of administration, that a board of professional  
 24 service regulation be created in the department of business  
 25 regulation, and that a board of health service regulation be

1 created in the department of health and environmental  
 2 sciences, each board to administer those licensing and  
 3 regulatory functions as are assigned by law.

4  
 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6 Section 1. Board of public safety. (1) There is a  
 7 board of public safety in the department of administration.

8 (2) The board consists of three members appointed by  
 9 the governor with the consent of the senate. No board member  
 10 may be a member of a trade or profession regulated by the  
 11 board.

12 (3) The members shall serve staggered terms of 4 years  
 13 and shall elect a chairman each year.

14 (4) Board members are entitled to receive \$35 for each  
 15 day spent on board business and are entitled to be  
 16 reimbursed for travel expenses, as provided for in 2-18-501  
 17 through 2-18-503, incurred while in the performance of board  
 18 duties.

19 (5) The board is allocated to the department for  
 20 administrative purposes as provided in 2-15-121.

21 (6) The board has the power to adopt and amend all  
 22 rules, including rules of procedure, which may be reasonably  
 23 necessary for the proper performance of its duties and the  
 24 regulation of the proceedings before it.

25 (7) The board shall carry out other duties as assigned

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1 by law.

2 Section 2. Board of professional service regulation.

3 (1) There is a board of professional service regulation in  
4 the department of business regulation.

5 (2) The board consists of three members appointed by  
6 the governor with the consent of the senate. No board member  
7 may be a member of a trade or profession regulated by the  
8 board.

9 (3) The members shall serve staggered terms of 4 years  
10 and shall elect a chairman each year.

11 (4) Board members are entitled to receive \$35 for each  
12 day spent on board business and are entitled to be  
13 reimbursed for travel expenses, as provided for in 2-18-501  
14 through 2-18-503, incurred while in the performance of board  
15 duties.

16 (5) The board is allocated to the department for  
17 administrative purposes as provided in 2-15-121.

18 (6) The board has the power to adopt and amend all  
19 rules, including rules of procedure, which may be reasonably  
20 necessary for the proper performance of its duties and the  
21 regulation of the proceedings before it.

22 (7) The board shall carry out other duties as assigned  
23 by law.

24 Section 3. Board of health service regulation. (1)

25 There is a board of health service regulation in the

1 department of health and environmental sciences.

2 (2) The board consists of three members appointed by  
3 the governor with the consent of the senate. No board member  
4 may be a member of a trade or profession regulated by the  
5 board.

6 (3) The members shall serve staggered terms of 4 years  
7 and shall elect a chairman each year.

8 (4) Board members are entitled to receive \$35 for each  
9 day spent on board business and are entitled to be  
10 reimbursed for travel expenses, as provided for in 2-18-501  
11 through 2-18-503, incurred while in the performance of board  
12 duties.

13 (5) The board is allocated to the department for  
14 administrative purposes as provided in 2-15-121.

15 (6) The board has the power to adopt and amend all  
16 rules, including rules of procedure, which may be reasonably  
17 necessary for the proper performance of its duties and the  
18 regulation of the proceedings before it.

19 (7) The board shall carry out other duties as assigned  
20 by law.

21 Section 4. Codification. Section 1 is intended to be  
22 codified as an integral part of Title 2, chapter 15, part  
23 10, and the provisions of Title 2, chapter 15, part 10,  
24 apply to section 1. Section 2 is intended to be codified as  
25 an integral part of Title 2, chapter 15, part 18, and the

1 provisions of Title 2, chapter 15, part 18, apply to section  
2 2. Section 3 is intended to be codified as an integral part  
3 of Title 2, chapter 15, part 21, and the provisions of Title  
4 2, chapter 15, part 21, apply to section 3.

5 Section 5. Transition. The initial appointments to  
6 each board shall be made by the governor within 30 days of  
7 the date upon which each board is activated. The initial  
8 appointments shall consist of one term of 2 years, one term  
9 of 3 years, and one term of 4 years. All succeeding  
10 appointments shall be for 4-year terms.

11 Section 6. Effective date. Sections 1, 2, 4, and 5 are  
12 effective July 1, 1979. Section 3 is effective July 1, 1981.

-End-

SB 271

STATE OF MONTANA

REQUEST NO. 107-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 1979, there is hereby submitted a Fiscal Note for SB 247 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

SB 247 creates a Board of Public Safety in the Department of Administration, a Board of Professional Service Regulation in the Department of Business Regulation, and a Board of Health Service Regulation in the Department of Health and Environmental Sciences; provides that the Boards administer those licensing and regulatory functions as are assigned by law.

This fiscal note is presented with two separate main assumptions:

ASSUMPTION 1.

The various boards scheduled for sunset will be terminated.

- a. Three boards will be established - each with three members.
b. The three boards will be attached for administrative purposes only
c. The three boards will replace existing boards and will assume the licensing and regulatory functions of the terminated boards.
d. The three boards will be funded with earmarked funds provided by the functions assigned to them.

FISCAL IMPACT: Minimal.

ASSUMPTION 2.

The various boards scheduled for sunset will not be terminated.

- a. Refer to sub-assumptions a, b, and d above which are the same.
b. The new 3 member boards will be in addition to existing boards assigned to it by law until such time as the existing boards are terminated under the sunset law.

FISCAL IMPACT:

The additional cost to each of the three Departments under which the new boards are created will be as follows:

- 1. \$35 per day compensation for 3 board members.
2. Travel compensation for 3 board members.
3. Administrative costs
4. Legal Assistance

Table with 3 columns: Department Estimates, FY80, FY81. Rows include Department of Administration, Dept. of Business Regulation, and Department of Health.

These increased costs will diminish as existing boards are terminated.

Richard L. Young for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/31/79