# HOUSE BILL NO. 422

- 1/23 Introduced
- 1/23 Referred to Business & Labor
- 1/24 Fiscal Note Requested
- 1/29 Fiscal Note Received
- 2/06 Hearing Died in Committee

LC 0998/01

1	HOUSE BILL NO. 422
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3	BY REQUEST OF THE BOARD OF WATER WELL CONTRACTORS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
6	RELATING TO WATER WELL CONTRACTORS; PROVIDING FOR BOARD
7	COMPENSATION AT THE LEVEL OF OTHER PROFESSIONAL BOARDS;
8	REVISING GROUNDS FOR DISCIPLINARY ACTIONS AGAINST LICENSEES;
9	REMOVING AUTHORITY FOR TEMPORARY LICENSES; AMENDING SECTIONS
10	37-43-201, 37-43-307, AND 37-43-311, MCA; REPEALING SECTION
11	37-43-304, MCA; AND PROVIDING AN EFFECTIVE DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 37-43-201, MCA, is amended to read:
15	"37-43-201. Seal compensation of members. (1) The
16	board shall have a seal with the words engraved thereon,
17	"Board of Water Well Contractors", and such seal shall be
18	affixed to all writs, authentication of records, and other
19	official proceedings of the board. The courts of this state
20	shall take judicial notice of such seal.
21	(2) Each appointed member of the board who is not a
22	government employee shall receive as compensation for his
23	services the-sum-of\$20perdayforeachdayactually
24	engagedintheperformanceofthe-duties-of-his-office;

25 including-time-of-travel-between-his-home-and-the-places--at

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which--he--shall--perform-such-duties,-together-with-mileage and-per-diem-expenses-as-provided-for--in--2-18-501--through 2-18-503 pursuant to 37-1-133. The state engineer, the director of environmental sanitation of the state board of health, and other employees of the state of Montana shall receive no extra compensation for their services as members of the board."

8 Section 2. Section 37-43-307, MCA, is amended to read: "37-43-307. Annual renewal -- fee -- revocation for 9 10 nonrenewal. (1) The term for licenses issued under this chapter is from July 1 of each year through the following 11 12 June 30. After the payment of the initial fee under 13 37-43-303, a licensee shall pay, before the first day of 14 each license year, a renewal fee as prescribed by the board. (2) If a licensee does not apply for renewal of his 15 license before the first day of a license year and remit to 16 17 the department the renewal fee, he shall have his license 18 suspended by the board. If the license remains suspended for a period of more than 30 days after the first day of a 19 20 license year, it shall be revoked by the board. However, the department, prior to this revocation, shall notify the 21 22 licensee of the board's intention to revoke at least 10 days prior to the time set for action to be taken by the board on 23 24 the license, by mailing notice to the licensee at the 25 address appearing for the licensee in the records and files

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of the department. A license once revoked may not be 1 2 reinstated unless it appears that an injustice has occurred indicating to the board that the licensee was not guilty of 3 negligence or laches. If a person whose license has been 4 revoked through his own fault desires to engage in the 5 business of water well drilling in this state or contracting 6 therefor, he must apply under 37-43-303 and--37-49-304. 7 Notice of suspension shall be given a licensee when the 8 9 suspension occurs."

Section 3. Section 37-43-311, MCA, is amended to read: "37-43-311. Suspension and revocation of license -grounds -- procedure. (1) A license issued under this chapter may be suspended or revoked by the board in cases other than failure of a licensee to renew the license after notice and hearing:

16 (a) in the event the licensee has violated a condition
17 of the bond maintained by him as a prerequisite to issuance
18 of the license;

19 (b) for the practice of fraud or deceit in c training a 20 license;

- 21 te;--for-gross-negligence;
- 22 (d)--for-incompetence;

23 (c) for unprofessional conduct as defined by board

24 rule;

25 (e)(d) for conviction of a felony; or

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1 (f)(e) for violating the requirements of this chapter.
2 (2) Any person may make complaint against a licensee.
3 Complaints shall be in writing, signed by the complainant,
4 and must specify the charges against the licensee. The board
5 on its own motion or on receipt of a complaint shall hold a
6 hearing on charges.

7 (3) A person bringing the complaint has the burden of 8 proof and may, at the discretion of the board, be required 9 to appear in person. A unanimous vote of the board is 10 required in order to revoke or suspend a license. If a 11 suspension is directed by the board, it may not be for a 12 period in excess of 1 year."

13 <u>NEW SECTION.</u> Section 4. Repealer. Section 37-43-304,
14 MCA, is repealed.

15 <u>NEW SECTION.</u> Section 5. Extension of authority. Any existing authority of the board of water well contractors to 17 make rules on the subject of the provisions of this act is 18 extended to the provisions of this act.

19 <u>NEW SECTION.</u> Section 6. Effective date. This act is
20 effective July 1, 1985.

-End-

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## STATE OF MONTANA

REQUEST NO. FNN209-85

#### FISCAL NOTE

Form BD-15

In compliance with a written request received <u>January 25</u> Note for <u>H.B. 422</u> 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:

To revise the law relating to Water Well Contractors' providing for board compensation; providing for grounds for disciplinary actions against licensees, removing authority for temporary licenses; and providing an effective date.

## **ASSUMPTIONS:**

The number of board meetings in Fiscal 1986 and 1987 will be the same as Fiscal 1984.

FISCAL IMPACT ON STATE SPECIAL REVENUES:

Expenditures:	Fiscal 1986	Fiscal 1987
Increase	\$ 475	\$ 475

BUDGET DIRECTOR Office of Budget and Program Planning

JAN 25 Date:

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