

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

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

10 Section 3. Section 37-43-311, MCA, is amended to read:

11 "37-43-311. Suspension and revocation of license --
 12 grounds -- procedure. (1) A license issued under this
 13 chapter may be suspended or revoked by the board in cases
 14 other than failure of a licensee to renew the license after
 15 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 obtaining a
 20 license;

21 ~~(c) 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

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 NEW SECTION. Section 4. Repealer. Section 37-43-304,
 14 MCA, is repealed.

15 NEW SECTION. Section 5. Extension of authority. Any
 16 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 NEW SECTION. Section 6. Effective date. This act is
 20 effective July 1, 1985.

-End-

STATE OF MONTANA

REQUEST NO. FNN209-85

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25 19 85, there is hereby submitted a Fiscal Note for H.B. 422 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

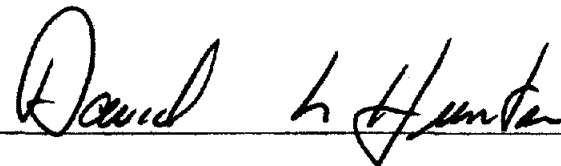
To revise the law relating to Water Well Contractors' providing for board compensation; providing for grounds for disciplinary actions against licensees, removing authority for temporary licenses; and providing an effective date.

ASSUMPTIONS:

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

FISCAL IMPACT ON STATE SPECIAL REVENUES:

	<u>Fiscal 1986</u>	<u>Fiscal 1987</u>
Expenditures:		
Increase	\$ 475	\$ 475



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 25, 1985