

SENATE BILL NO. 259

INTRODUCED BY WILLIAMS, HARPER

BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

IN THE SENATE

JANUARY 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 28, 1989	ON MOTION, REREFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
FEBRUARY 14, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 14, 1989	PRINTING REPORT.
FEBRUARY 16, 1989	SECOND READING, DO PASS.
FEBRUARY 17, 1989	ENGROSSING REPORT.
FEBRUARY 18, 1989	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 7, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 8, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 79; NOES, 14.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 10, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *259*
2 INTRODUCED BY *Walter H. Hays*
3 BY REQUEST OF THE DEPARTMENT OF HEALTH
4 AND ENVIRONMENTAL SCIENCES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT A PROPOSAL
7 ESTABLISHING A LICENSING PROGRAM PURSUANT TO FEDERAL LAW
8 FROM THE REQUIREMENT THAT THE LEGISLATIVE AUDIT COMMITTEE
9 REVIEW THE PROPOSAL AND ISSUE A REPORT ASSESSING ITS MERITS,
10 WHICH REPORT MUST BE ATTACHED TO A BILL CONTAINING THE
11 PROPOSAL BEFORE THE BILL MAY BE REPORTED OUT OF A COMMITTEE
12 DURING A LEGISLATIVE SESSION; REQUIRING A REPORT BY CERTAIN
13 AGENCIES; AMENDING SECTION 2-8-202, MCA; AND PROVIDING AN
14 IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY
15 DATE."
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17 WHEREAS, Title 2, chapter 8, part 2, MCA, requires that
18 a proposal to establish a new licensing board of the
19 Executive Branch of state government that would regulate and
20 certify or license an occupation be submitted to the
21 Legislative Audit Committee for review at least 180 days
22 before the first day of the next regular legislative
23 session; and

24 WHEREAS, the Legislative Audit Committee may not review
25 the proposal and issue a report assessing its merits unless

1 the proposal was submitted to the Committee at least 180
2 days before the first day of the next regular legislative
3 session; and

4 WHEREAS, section 5-4-207, MCA, precludes a bill
5 containing such a proposal from being reported out of
6 committee during a legislative session unless a Legislative
7 Audit Committee report assessing its merits is attached to
8 the bill; and

9 WHEREAS, in Montana and throughout the nation, evidence
10 is accumulating that protection of public health requires
11 that at least minimum training and competence standards
12 should be required of persons who install underground
13 storage tanks containing regulated substances, as well as of
14 those who install, remove, or otherwise work with
15 asbestos-containing materials; and

16 WHEREAS, the Department of Health and Environmental
17 Sciences is required by federal law to create an asbestos
18 workers' licensing program and may be required to administer
19 the federal underground storage tank program if it creates a
20 tank installer licensing or certification program; and

21 WHEREAS, the statutory requirements previously cited
22 effectively prevent enactment during the 1989 regular
23 legislative session of legislation requiring that
24 certification or licensure standards be met by underground
25 storage tank installers or persons working with asbestos and

1 may thereby prevent acceptance or retention of federal
2 grants or a delegation of a federal program; and

3 WHEREAS, protection of public health requires that the
4 1989 Legislature be able to consider and pass such
5 legislation.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 **Section 1.** Section 2-8-202, MCA, is amended to read:

9 "2-8-202. Definitions. In this part, the following
10 definitions apply:

11 (1) "Applicant" means the persons or organization
12 proposing state licensing for an occupation or profession.

13 (2) "Committee" means the legislative audit committee.

14 (3) "License" means a permit, certificate, approval,
15 registration, charter, or other form of permission required
16 by law as a condition of practicing a profession or
17 occupation.

18 (4) "Licensing" means a regulatory process that
19 includes but is not limited to the grant, denial, renewal,
20 revocation, suspension, annulment, withdrawal, limitation,
21 transfer, or amendment of a license.

22 (5) "Licensing board":

23 (a) means an office, position, commission, or any
24 other entity or instrumentality of the executive branch of
25 state government that is responsible for licensing members

1 of an occupation or profession;

2 (b) does not mean an office, position, commission, or
3 other entity or instrumentality of the executive branch of
4 state government that is required by federal law to issue a
5 license or that may, as a result of issuing the license,
6 receive as an integral part of a regulatory program a
7 delegation of primary enforcement responsibility for a
8 program established by state and federal law."

9 NEW SECTION. Section 2. Report required from excepted
10 agencies. An agency to which the exception contained in
11 2-8-202(5)(b) applies shall, before issuing any licenses
12 subject to that exception, file with the legislative audit
13 committee a report demonstrating, to the extent practicable,
14 those matters referred to in 2-8-204(1).

15 NEW SECTION. Section 3. Codification instruction.
16 [Section 2] is intended to be codified as an integral part
17 of Title 2, chapter 8, part 2, and the provisions of Title
18 2, chapter 8, part 2, apply to [section 2].

19 NEW SECTION. Section 4. Retroactive applicability.
20 [Sections 1 and 2] apply retroactively, within the meaning
21 of 1-2-109, to January 1, 1989.

22 NEW SECTION. Section 5. Effective date. [This act] is
23 effective on passage and approval.

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 259
INTRODUCED BY Willie Hagan
BY REQUEST OF THE DEPARTMENT OF HEALTH
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ESTABLISHING A LICENSING PROGRAM PURSUANT TO FEDERAL LAW
FROM THE REQUIREMENT THAT THE LEGISLATIVE AUDIT COMMITTEE
REVIEW THE PROPOSAL AND ISSUE A REPORT ASSESSING ITS MERITS,
WHICH REPORT MUST BE ATTACHED TO A BILL CONTAINING THE
PROPOSAL BEFORE THE BILL MAY BE REPORTED OUT OF A COMMITTEE
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WHEREAS, Title 2, chapter 8, part 2, MCA, requires that
a proposal to establish a new licensing board of the
Executive Branch of state government that would regulate and
certify or license an occupation be submitted to the
Legislative Audit Committee for review at least 180 days
before the first day of the next regular legislative
session; and

WHEREAS, the Legislative Audit Committee may not review
the proposal and issue a report assessing its merits unless

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Audit Committee report assessing its merits is attached to
the bill; and

WHEREAS, in Montana and throughout the nation, evidence
is accumulating that protection of public health requires
that at least minimum training and competence standards
should be required of persons who install underground
storage tanks containing regulated substances, as well as of
those who install, remove, or otherwise work with
asbestos-containing materials; and

WHEREAS, the Department of Health and Environmental
Sciences is required by federal law to create an asbestos
workers' licensing program and may be required to administer
the federal underground storage tank program if it creates a
tank installer licensing or certification program; and

WHEREAS, the statutory requirements previously cited
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legislative session of legislation requiring that
certification or licensure standards be met by underground
storage tank installers or persons working with asbestos and

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