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.

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1	Genate BILL NO. 259
2	INTRODUCED BY Will Frage
3	BY REQUEST OF THE DEPARTMENT OF HEALTH
4	AND ENVIRONMENTAL SCIENCES
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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,
LO	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."
16	
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

the proposal and issue a report assessing its merits unless

2	days before the first day of the next regular legislative
3	session; and
4	WHEREAS, section 5-4-207, MCA, precludes a bil
5	containing such a proposal from being reported out o
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, evidenc
0	is accumulating that protection of public health require
1	that at least minimum training and competence standard
2	should be required of persons who install undergroun
3	storage tanks containing regulated substances, as well as o
4	those who install, remove, or otherwise work wit
5	asbestos-containing materials; and
6	WHEREAS, the Department of Health and Environmenta
7	Sciences is required by federal law to create an asbesto
8	workers' licensing program and may be required to administe
9	the federal underground storage tank program if it creates
0	tank installer licensing or certification program; and
1	WHEREAS, the statutory requirements previously cite
2	effectively prevent enactment during the 1989 regula
:3	legislative session of legislation requiring that
4	certification or licensure standards be met by undergroun
15	storage tank installers or Dersons working with ashestos an

the proposal was submitted to the Committee at least 180

And the same of the contract o

- 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 1989 Legislature be able to consider and pass such legislation.

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

- Section 1. Section 2-8-202, MCA, is amended to read: *2-8-202. Definitions. In this part, the following
- 10 definitions apply:

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- 11 (1) "Applicant" means the persons or organization 12 proposing state licensing for an occupation or profession.
 - (2) "Committee" means the legislative audit committee.
- 14 (3) "License" means a permit, certificate, approval. registration, charter, or other form of permission required 15 16 by law as a condition of practicing a profession or 17 occupation.
 - (4) "Licensing" means a regulatory process that includes but is not limited to the grant, denial, renewal, revocation, suspension, annulment, withdrawal, limitation, transfer, or amendment of a license.
 - (5) "Licensing board":
- 23 (a) means an office, position, commission, or any other entity or instrumentality of the executive branch of 24 25 state government that is responsible for licensing members

- of an occupation or profession;
- (b) does not mean an office, position, commission, or 2 other entity or instrumentality of the executive branch of state government that is required by federal law to issue a
- license or that may, as a result of issuing the license, ς
- receive as an integral part of a regulatory program a
- 7 delegation of primary enforcement responsibility for a
- 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 2-8-202(5)(b) applies shall, before issuing any licenses 11 12 subject to that exception, file with the legislative audit 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. (Section 2) is intended to be codified as an integral part 16
- 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.
- [Sections 1 and 2] apply retroactively, within the meaning 20
- 21 of 1-2-109, to January 1, 1989.

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

-End-

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RE-REFFERED AND APPROVED BY COMMITTEE ON PUBLIC HEALTH: WELFARE & SAFETY

Swate BILL NO. 259 1 INTRODUCED BY W/ 2 BY REQUEST OF THE DEPARTMENT OF HEALTH 3 AND ENVIRONMENTAL SCIENCES 4 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT A PROPOSAL 7 ESTABLISHING A LICENSING PROGRAM PURSUANT TO FEDERAL LAW FROM THE REQUIREMENT THAT THE LEGISLATIVE AUDIT COMMITTEE 8 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."

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



the proposal was submitted to the Committee at least 180 days before the first day of the next regular legislative session; and section 5-4-207, MCA, precludes a bill WHEREAS. containing such a proposal from being reported out of 5 committee during a legislative session unless a Legislative Audit Committee report assessing its merits is attached to the bill: and WHEREAS, in Montana and throughout the nation, evidence 10 is accumulating that protection of public health requires that at least minimum training and competence standards 11 should be required of persons who install underground 12 13 storage tanks containing regulated substances, as well as of those who install, remove, or otherwise 14 with asbestos-containing materials; and 15 WHEREAS, the Department of Health and Environmental 16 Sciences is required by federal law to create an asbestos 17 workers' licensing program and may be required to administer 18 the federal underground storage tank program if it creates a 19 20 tank installer licensing or certification program; and 21 WHEREAS, the statutory requirements previously cited 22 effectively prevent enactment during the 1989 regular legislative session of legislation requiring 23 certification or licensure standards be met by underground 24

storage tank installers or persons working with asbestos and

- may thereby prevent acceptance or retention of federal
 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.

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- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
- Section 1. Section 2-8-202, MCA, is amended to read:
- 9 **"2-8-202. Definitions.** In this part, the following 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.
 - (5) "Licensing board":
- 23 <u>(a)</u> 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

of an occupation or profession;

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2 (b) does not mean an office, position, commission, or

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

-End-

1	Senate BILL NO. 259
2	INTRODUCED BY William Language
3	BY REQUEST OF THE DEPARTMENT OF HEALTH
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8	FROM THE REQUIREMENT THAT THE LEGISLATIVE AUDIT COMMITTEE
9	REVIEW THE PROPOSAL AND ISSUE A REPORT ASSESSING ITS MERITS,
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12	DURING A LEGISLATIVE SESSION; REQUIRING A REPORT BY CERTAIN
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18	a proposal to establish a new licensing board of the
19	Executive Branch of state government that would regulate and
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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

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
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- may thereby prevent acceptance or retention of federal grants or a delegation of a federal program; and
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-End-

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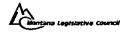
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1	SENATE BILL NO. 259
2	INTRODUCED BY WILLIAMS, HARPER
3	BY REQUEST OF THE DEPARTMENT OF HEALTH
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NEW SECTION. Section 2. Report required from excepted agencies. An agency to which the exception contained in 2-8-202(5)(b) applies shall, before issuing any licenses subject to that exception, file with the legislative audit committee a report demonstrating, to the extent practicable, those matters referred to in 2-8-204(1).

NEW SECTION. Section 3. Codification instruction.

[Section 2] is intended to be codified as an integral part

of Title 2, chapter 8, part 2, and the provisions of Title

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20 [Sections 1 and 2] apply retroactively, within the meaning
21 of 1-2-109, to January 1, 1989.

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

-End-

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