

HOUSE BUSINESS AND INDUSTRY COMMITTEE

January 24, 1977

The meeting was called to order at 3:30 p.m., in Room 434 with all members present with the exception of Rep. Bradley, who was excused.

House Bill No. 200 was discussed. Rep. Fagg, sponsor, introduced Mr. Gerald Neely, representing the Montana Medical Association. Mr. Neely gave a brief explanation of the bill (testimony attached).

The following men testified as opponents: Mr. Tom Dowling, Montana Trail Lawyers; Mr. Walter S. Murfitt, State Bar of Montana; Mr. Kent Parell, State Bar of Montana; Mr. C. W. Leaphart, Jr., Montana Trial Lawyers (President); Mr. G. Brian Zins, Montana Medical Association; and Mr. Paul T. Keller (testimonies attached).

Rep. Fagg closed in stating that there should be a description of who the professionals are. Also, this bill should be grouped with the other malpractice bills. He said professional people are slandered by the public and this bill would give a certain amount of protection to the professional occupations.

Chairman Vincent stated that this bill was assigned to the Business and Industry Committee at the beginning of the session. The problem will be addressed to the committee in executive session.

There were no questions.

House Bill No. 196 was discussed. Rep. Fagg, sponsor, explained the reason for the bill. He stated that past actions in the legislature resulted in stepping too fast in making decisions.

The following men testified as proponents: Mr. C. A. Wagner, Billings Master Plumber; Mr. James E. Schaff, Missoula Master Plumber; Rep. Sivertsen, representing Mr. Robert Nault of Havre; Mr. Buddy L. Crist, B. L. Crist Plumbing and Heating; and Mr. E. J. Carlson (testimonies attached).

The following men testified as opponents: Mr. Joseph J. Martin, Montana State Association of Journeymen Plumbers; Mr. H. W. Clarkson, State Board of Plumbers; Mr. Elmer Lazure, State Plumbing Board; Mr. R. L. Prussing, Montana State Plumbing Board; Mr. Mitchell Mihailovich, Montana State Plumbers; and Mr. Harold L. Day, Local #459 (testimonies attached).

Rep. Fagg closed in clarifying the bill. He stated it would not abolish all inspections, just the state inspections. Its purpose is to abolish the system of double inspection. He stated that there is not a code written that does not have an overlapping effect. He also said the word "shall" should be stricken and "may" be inserted. Also, "rural areas" should be amended into the bill.

The discussion was open to questions. Rep. Fabrega was concerned as to the local inspections. It was stated that the local inspections were

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"shoddy," therefore, how does one get a decent inspection. Mr. Clarkson answered in saying that all the state inspectors have passed the state plumbing examination. He said things can happen, but the Board has done everything to see that the inspectors are qualified. Also, not all inspectors are licensed plumbers.

There were also questions regarding the state inspectors. Out of ten state inspectors, two possibly three men are also city inspectors. The reason being that the small towns cannot afford to hire a full-time inspector.

Rep. Fagg stated that the boundary for inspections is four and one-half miles out of the city limits. Also, in order to receive a permit, one must go to a Master Plumber.

House Joint Resolution No. 12 was discussed. Rep. Barrett, sponsor, gave a brief history as to the ruling on this particular piece of legislation. He stated that the Administrative Court Committee asked the Board of Electricians to hold this rule until after the legislature had met this year. The Board of Electricians follows the Administrative Court Committee's advice.

The following men testified as proponents: Mr. Jeff Sherlock, MIECA; Mr. Ron Callantine, MIECA; Mr. Geoffrey H. McKnight; Mr. David L. Miller, J. Y. Development Company, Inc.; Mr. Rod Hanson, Montana Associated Utilities; and Mr. Wilbur Anderson, Vigilante Electric Cooperative, Inc. (testimonies attached).

The following men testified as opponents: Mr. Darrel H. Tea, NECA; Mr. William A. Christman, Montana Board of Electricians; Mr. Russell Williams, Montana Brotherhood of Electrical Workers; Mr. John Hale; and Mr. Dick Michaels (testimonies attached).

Rep. Barrett closed in saying he appreciated the people who came to testify on both sides. He said that if this type of restriction on entry of occupation is wanted, it should come through in the form of a law. There was a study made during the interim in finding out how many electricians remained on the job. The Montana Electricians ratio statewide was one apprentice to seven and one-half journeymen. It would appear there is not an over-balance of apprentices opposed to journeymen. Rep. Barrett believes that all electric jobs must be inspected by state inspectors for adequate protection to the consumer.

It was stated that an apprentice may be employed as a journeyman either through an employer or through the Board of Apprenticeship Administrative Committee. There were also questions regarding the three to one ratio. The reason for this ratio is safety precautions. Mr. Christman stated that the rules have been reduced to give every opportunity to have one apprentice if he only has one journeyman. This is to bring more apprentices into the trade. If there were only one apprentice all the way through the business, there would only be apprentices working. It only applies to the rules.

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The committee then went into executive session.

Chairman Vincent stated that House Bill No. 200 would be transferred to the House Judiciary Committee.

There being no further business, the meeting was adjourned at 6:10 p.m.


JOHN C. VINCENT, Chairman