

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
50TH LEGISLATIVE SESSION

February 3, 1987

The meeting of the Business and Labor Committee was called to order by Chairman Les Kitselman on February 3, 1987 at 8:00 a.m. in Room 312-F of the State Capitol.

ROLL CALL: All members were present, with the exception of Rep. Cohen who was excused.

HOUSE BILL NO. 401 - Maintenance Electricians Exempt From Licensing, sponsored by Rep. Joe Quilici, House District No. 71, Butte. Rep. Quilici stated that this bill exempts maintenance electricians from licensing and inspection and changed a few provisions of the electrical act. He commented that there are a lot of maintenance electricians around the state in various entities that are not licensed and are doing major electrical work in public buildings. He commented these jobs do not meet codes and could be a hazard to people that use these facilities, and that is one of the reasons for this legislation. He said Mountain Bell found some problems with the bill as originally written, in that if they went into a house and wired that house for phones, at low voltage, they wouldn't be able to do that with their own employees. Also, he added, Montana Power, who have licensed journeymen electricians, said it would have stopped them from doing repairs on their own buildings, so that is the reason for the amendments. Exhibit No. 1.

Mike Zimmerman, representing the Montana Power Company. Mr. Zimmerman stated that they support the amendments offered to this bill. Exhibit No. 2.

Tom McGree, representing Mountain Bell Telephone Company. Mr. McGree stated he supports the amendments because the way the bill is originally drafted, it would potentially affect the installers of Mountain Bell and perhaps other telephone installers. He said they would not be able to do wiring inside a home or business and it would have caused them to have the same requirements for inspections they already have under the Public Service Commission.

Gene Phillips, representing the Pacific Power and Light Company and the Northwestern Telephone Systems. Mr. Phillips stated the bill and the amendments were a product of cooperation with the industry, labor unions, and the State Electrical Board resulting in amendments that make this bill work for all concerned.

OPPONENTS

None.

QUESTIONS

None.

CLOSING

Rep. Quilici made no further comments.

EXECUTIVE ACTION - February 3, 1987

Rep. Driscoll moved that House Bill No. 401 DO PASS.

Rep. Driscoll moved the amendments as proposed. The motion carried unanimously.

Rep. Bachini moved the Statement of Intent. The motion carried unanimously.

Rep. Brandewie moved that House Bill No. 401 DO PASS AS AMENDED. The motion carried with Rep. Cohen opposed.

HOUSE BILL NO. 411 - Changing the Definition of Line Truck, sponsored by Rep. John Harp, House District No. 7, Kalispell. Rep. Harp stated a telescoping boom is an extension on a line truck, and this bill as originally drafted, provides extending the footage from 36 feet to 40 feet. He stated the change on page 1, line 24, completely eliminates the telescoping boom truck (see picture of line truck) because line trucks are being excluded from the licensing and hoisting requirements in state law. Each time this is done, he said, they refer to the length of the boom, and the industry continues to get bigger trucks. He added that the people that operate these line trucks are qualified, have gone through apprenticeship programs, many are journeymen linemen, and have their own safety requirements, and that is the reason for licensing certain heavy cranes and hoisting equipment. Exhibit Nos. 2-3-4.

PROPONENTS

Bob Quinn, representing the Montana Power Company. Mr. Quinn stated that the truck in the photos would meet the current law if it didn't have the tip on the end of it. He commented they would like to have the bill amended to strike the reference to boom length so that they wouldn't be asking for another 4 feet in 1989. He said the amendment was worked out between the operating engineers and the utilities and is acceptable by both.

OPPONENTS

None.

QUESTIONS

None.

CLOSING

Rep. Harp made no further comments.

HOUSE BILL NO. 389 - Provide Process for Real Estate Licensee to Renew License After Lapse, sponsored by Rep. Brandewie, House District No. 49, Bigfork. Rep. Brandewie stated this bill addresses the problem that if a person fails to renew his license by January 1, he is out of business, and has to retest for his brokers license or sales license, and if he is a broker, other people could be out of work also. He stated this would also allow the Board of Realty Regulation to ask why the license has lapsed, and possibly charge a fee, and allow some time if the reason is because of some extenuating circumstances that a person has a lapse in his license, such as a family emergency, or something happens at the time of renewal. He said tests for licensing for real estate brokers are every two months or five or six times a year, so it could create a hardship.

PROPONENTS

John Dudis, Chairman, Montana Board of Realty Regulations, Kalispell. Mr. Dudis stated this has caused a considerable amount of administrative problems at the Department of Realty Regulations. He said these renewals come at a difficult time, December 31, and about 30-40 a year let the licenses lapse, and the brokers then come before the Board for an extension or some kind of absolution so they can continue to keep their license. He said the Board tries to be as cooperative as they can, but the law is against them; therefore, they feel this change in the law will work to the benefit of the realty industry in the state of Montana.

Helen Garrick, Realty Regulation member and licensed realtor. Ms. Garrick stated that the bill clarifies the law and is not unusual, most of the surrounding states are already doing this, and most of the licensing bureaus within our state. She said they do have a late licensing ability as well as a fee for being late, some fees are up to twice the amount of the annual renewal, and some a minimal amount.

OPPONENTS

Robert Holding, representing the Montana Association of Realtors. Mr. Holding stated that the Association of Realtors passed a resolution in opposition to this matter. They feel that there is ample time and notice given to all licensed realtors to renew their licenses, and they want to strengthen the act and make the various salesmen more responsive. They also feel that there is ample time to renew, and some just don't renew their licenses on time.

QUESTIONS

Rep. Swysgood asked Rep. Brandewie if he objected to putting a time limit on the renewal. Rep. Brandewie responded he would have no objection to a three month limit.

Rep. Pavlovich asked if there was a grace period involved. Rep. Brandewie responded there was no grace period; if the January 1 deadline is missed, the license is no longer effective. In the case of a broker, he said, all the sales people that work for that broker will be out of business because they can't operate without the broker.

Rep. Bachini asked if the brokers receive a renewal notice, and how many days prior to the expiration date. Rep. Brandewie responded that a renewal notice is received early in December.

Rep. Smith asked if the realtors would have a problem with the 3 month grace period. Mr. Holding responded that they feel adamant that they need to strengthen it; they feel there is too much laxity now, and thinks they would have a problem with the 3 months.

CLOSING

Rep. Brandewie stated that realtors are a professional organization. He said there are licensed real estate sales people in the state, but a realtor is a trademark, and does not represent everyone that is licensed to do real estate in the state.

EXECUTIVE ACTION - February 3, 1987 - 8:45 a.m.

ACTION ON HOUSE BILL NO. 411

Rep. Driscoll moved that House Bill No. 411 DO PASS.

Rep. Driscoll moved the amendments as proposed. The motion carried unanimously.

Rep. Smith moved that House Bill No. 411 DO PASS AS AMENDED. The motion carried unanimously with Rep. Cohen opposed.

ACTION ON HOUSE BILL NO. 389

Rep. Wallin moved that House Bill No. 389 DO PASS.

Rep. Swysgood moved an amendment that the realtors be given a 45-day grace period. The motion carried with Rep. Cohen and Rep. Nisbet opposed.

Rep. Swysgood moved that a late fee be imposed of no less than \$100 or twice the annual fee, whichever is greater. The motion carried with Rep. Nisbet and Rep. Cohen opposed.

Rep. Brandewie moved that House Bill No. 389 DO PASS AS AMENDED. The motion carried with Rep. Cohen opposed.

ACTION ON HOUSE BILL NO. 228

Rep. Brandewie moved that House Bill No. 228 DO PASS.

Chairman Kitselman moved the amendments as proposed. The motion carried with Rep. Swysgood, Rep. Driscoll, Rep. Bachini, Rep. Nisbet, and Rep. Cohen opposed.

Rep. Swysgood moved that House Bill No. 228 DO PASS AS AMENDED. The motion carried with Rep. Cohen opposed.

ACTION ON HOUSE BILL NO. 334

Rep. Driscoll moved that House Bill No. 334 DO PASS. The motion carried with Rep. Cohen opposed.

ACTION ON HOUSE BILL NO. 386

Rep. Brandewie moved to lift House Bill No. 386 from the table. The motion carried with Rep. Cohen opposed.

Rep. Driscoll moved to strike all the amendments placed on the bill before it was tabled. The amendments before the bill was tabled were moved by Rep. Simon to insert "inactive status" on pages 3 and 4; and amend the title and the motion carried with three opposed. Rep. Driscoll's motion carried with Rep. Cohen opposed.

Rep. Brandewie moved that House Bill No. 386 DO PASS. The motion carried with Rep. Cohen opposed.

COMMITTEE BILLS

Rep. Driscoll moved that the committee be allowed to draft a bill to limit the number of keno machines, limit the hours of casino operation, and address the taxing of the machines. The motion carried with roll call vote of 13 to 5. Roll Call Vote No. 1.

Rep. Pavlovich moved that the committee be allowed to draft a bill to deal with the problem of reinsurers. The motion carried with Rep. Cohen opposed.

ADJOURNMENT

The meeting adjourned at 10:00 a.m.



REP. LES KITSELMAN, Chairman

DAILY ROLL CALL

BUSINESS & LABOR

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date FEBRUARY 3, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	✓		
REP. FRED THOMAS, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. RAY BRANDEWIE	✓		
REP. JAN BROWN	✓		
REP. BEN COHEN			✓
REP. JERRY DRISCOLL	✓		
REP. WILLIAM GLASER	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. TOM JONES	✓		
REP. LLOYD MCCORMICK	✓		
REP. GERALD NISBET	✓		
REP. BOB PAVLOVICH	✓		
REP. BRUCE SIMON	✓		
REP. CLYDE SMITH	✓		
REP. CHARLES SWYSGOOD	✓		
REP. NORM WALLIN	✓		

ROLL CALL VOTE

BUSINESS & LABOR

COMMITTEE

DATE Feb. 3, 1987 BILL NO. Proposed bill NUMBER 1

NAME	AYE	NAY
REP. LES KITSELMAN, CHAIRMAN	✓	
REP. FRED THOMAS, VICE-CHAIRMAN	✓	
REP. BOB BACHINI	✓	
REP. RAY BRANDEWIE	✓	
REP. JAN BROWN	✓	
REP. BEN COHEN		✓
REP. JERRY DRISCOLL	✓	
REP. WILLIAM GLASER	✓	
REP. LARRY GRINDE	✓	
REP. STELLA JEAN HANSEN	✓	
REP. TOM JONES		✓
REP. LLOYD MCCORMICK	✓	
REP. GERALD NISBET	✓	
REP. BOB PAVLOVICH	✓	
REP. BRUCE SIMON	✓	
REP. CLYDE SMITH		✓
REP. CHARLES SWYSGOOD		✓
REP. NORM WALLIN		✓

TALLY

13

5

Claire Armstrong
Secretary

Les Kitseleman
Chairman

MOTION: Rep. Driscoll moved to allow the committee to draft
a bill to limit the number of keno machines, limit the
hours of casino operation and address the taxing of
said machines. Motion carried - 13 to 5.

STANDING COMMITTEE REPORT

FEBRUARY 3

19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 386

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. LES KITSELMAN

Chairman

FIRST

reading copy (

WHITE

)
color

STANDING COMMITTEE REPORT

February 3

19 37

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report ~~HOUSE~~ BILL NO. 401

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. LES KITSELMAN

Chairman

Amendment As Follows:

1. Page 1, Line 18.

Following: "city."

Insert: "For purposes of this exemption, "communications equipment" includes telephone wire inside a customer's premises. Nothing in this chapter prohibits a public utility from doing inside wiring to install, alter, repair or maintain electrical equipment, installations or facilities in buildings owned by the public utility if the work is accomplished by an employee who is a licensed electrician. If the building owned by the public utility is open to the public and the inside wiring constitutes major renovation or construction, the installation, alteration, repair, or maintenance of electrical equipment, installations, or facilities is subject to permits and inspections required by law."

J.M.
First

reading copy (White)

color

STATEMENT OF INTENT

A statement of intent is required for this bill because section 4 expands the rulemaking authority of the state electrical board to set requirements for continuing education for master and journeyman electricians.

The intention of the legislature is that the board adopt rules to require a master or journeyman electrician to attend classes to inform him of changes in the codes and safety standards, developments of new equipment, and other matters pertinent to the performance of his work.

STATEMENT OF INTENT

HB Bill No. 401

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The intention of the legislature is that the board adopt rules to require a master or journeyman electrician to attend classes to inform him of changes in the codes and safety standards, developments of new equipment, and other matters pertinent to the performance of his work.

STANDING COMMITTEE REPORT

FEBRUARY 3

19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 389

- | | | |
|---------------------------------------------|----------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> do pass | <input type="checkbox"/> be concurred in | <input checked="" type="checkbox"/> as amended |
| <input type="checkbox"/> do not pass | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

REP. LES KITSELNAN

Chairman

AMENDMENTS AS FOLLOWS:

1) Page 1, line 15
Following: "before"
Strike: "January 1"
Insert: "February 15"

2) Page 1, line 23
Following: "before"
Strike: "January 1"
Insert: "February 15"

3) Page 2, line 4
Following: "a"
Strike: "reasonable"
Following: "~~fee~~"
Insert: "equal to twice the current renewal fee, but
no less than \$100"

[Handwritten Signature]
FIRST

reading copy (WHITE)
color

CLERICAL

Date: 2/11
Time: _____

House Bill 389

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

House Business and Labor 2/11

Amend. # 3

"..... January 12"

Lee H. [Signature] 87
Sponsor
4:13 PM 2-12-87
[Signature]

Secretary of Senate
or
Chief Clerk

UER
Legislative Council

STANDING COMMITTEE REPORT

February 3

19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 228

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. LES KITSELMAN

Chairman

AMENDMENT AS FOLLOWS:

1) Page 1, line 23

Following: "hearing."

Insert: "Any request for a stay of the commissioner's order must be made within 60 days to run including the 30 days for appeal."

STANDING COMMITTEE REPORT

FEBRUARY 3

19 37

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 334

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. LES KITSELMAN

Chairman

FIRST

WHITE

reading copy ()

color

STANDING COMMITTEE REPORT

FEBRUARY 3

19 37

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 411

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. LES KITZELMAN

Chairman

AMENDMENTS AS FOLLOWS:

1) Page 1, lines 24 and 25, and page 2, line 1

Following: "hoisting," on line 24, page 1

Strike: The remainder of line 24, line 25 and line 1,
page 2, in their entirety.

FIRST

reading copy (white)

color

CLERICAL

Room

Date: 2/2/87

H Bill 401

Time: 4:00

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

House B & L Comm. Rep. of 2/3

Amendment #1

insert on l. 5

following "repair" insert ", "

following "installations" insert ", "
↑

Mitchell/02

(series)

By

Les Whitman

Sponsor

3:21 pm

TP 2-487

OS

Secretary of Senate
or
Chief Clerk

Legislative Council

HOUSE BILL 401 - INTRODUCED BILL

1. Page 1, Line 18.

Following: "city."

Insert: "For purposes of this exemption "operated by" shall include telephone wire inside a customer's premises. Further, nothing in this chapter shall be deemed to prohibit a public utility from doing inside wiring to install, alter, repair or maintain electrical equipment, installations or facilities in buildings owned by the public utility when the work is accomplished by an employee that is a licensed electrician. When the building owned by the public utility is open to the public and the inside wiring constitutes major renovation or construction, then the work to install, alter, repair or maintain electrical equipment, installations or facilities shall be inspected and permitted as may be otherwise required by law."

EXHIBIT 2
DATE 2/3/87
HB 401

February 3, 1987

HOUSE BILL NO. 401 (QUILICI)

Working within the scope of the proposed amendments amending House Bill No. 401, The Montana Power Company (MPC) intends to conduct electrical maintenance, alteration, repair and installation activities that, pursuant to law, it has always conducted through the services of its duly licensed and qualified employees. The amendments are necessary to preserve for utilities the exception previously provided by subsection (2) of section 37-68-103. In supporting these proposed amendments, MPC does not intend to expand the scope of existing exceptions that have always been part of the law. MPC does not intend to expand the scope of maintenance, alteration, repair and installation activities that have been and should be authorized under section 37-68-103.

THE MONTANA POWER COMPANY

Michael E. Zimmerman

IBIT _____ EXHIBIT 2
E _____ DATE 2/3/87
HB 411

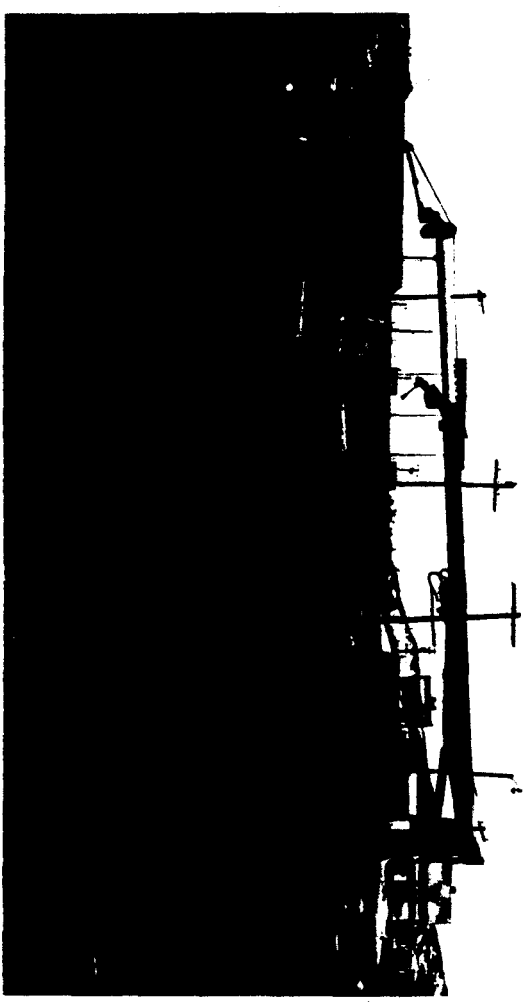
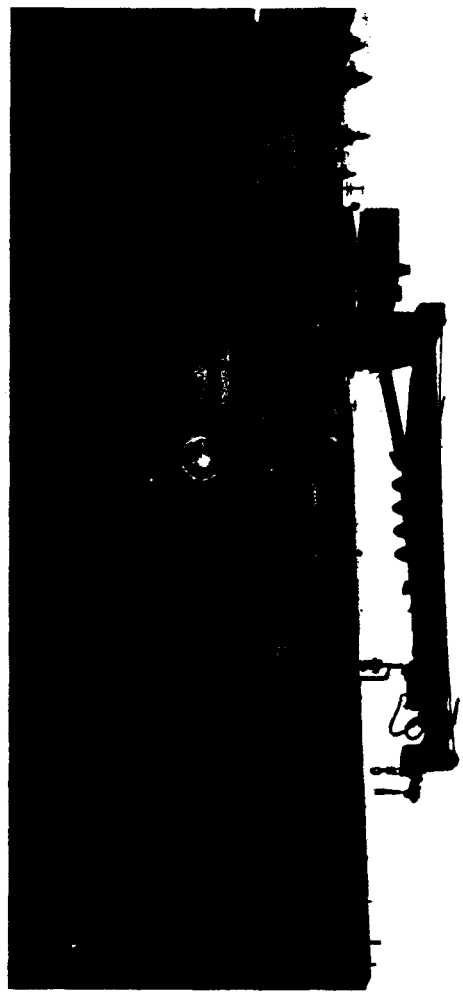


EXHIBIT 5
DATE 2/3/87
HB 411

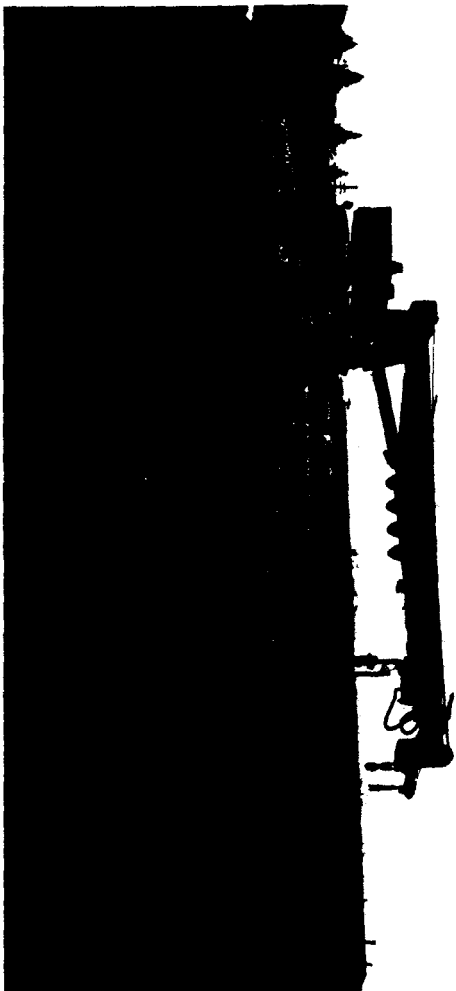
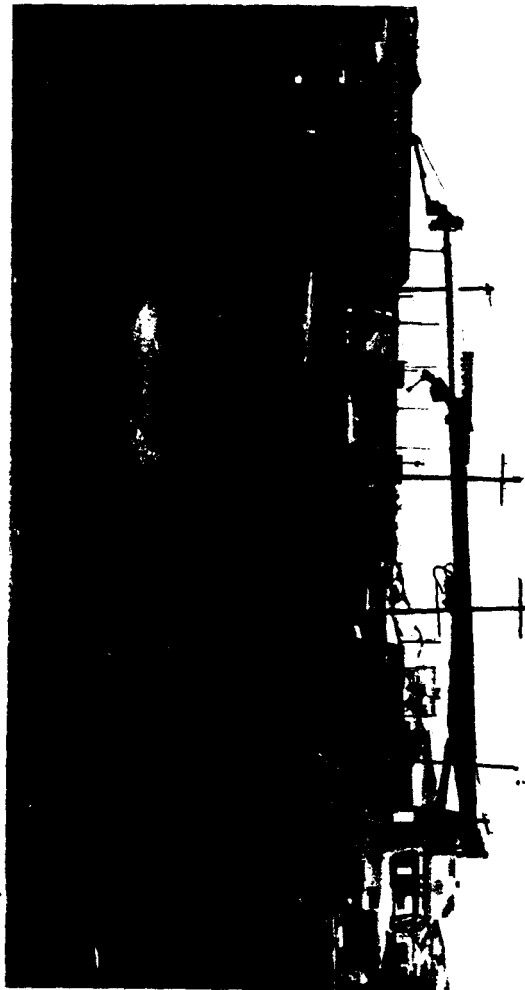
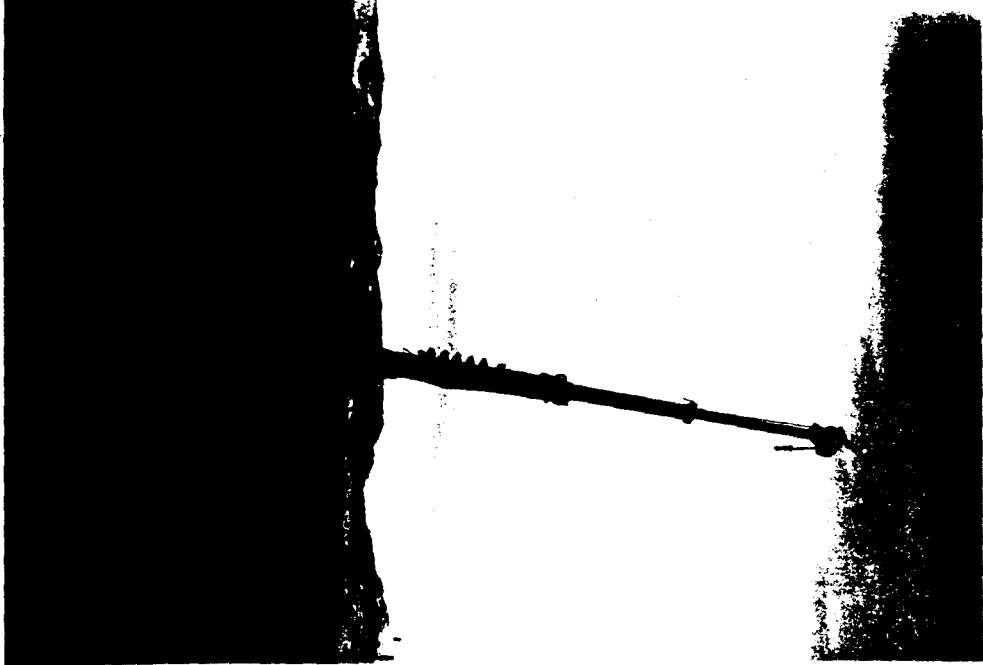


EXHIBIT 4
DATE 2/3/87
HB 411

February 2, 1987

House Bill 411 - Introduced Bill

1. Page 1, line 24.

Following: "hoisting."

Strike: "The telescoping boom does not extend more than 36 40
feet in length when fully extended, as measured from
pivot pin to the center of the furthest pulley or
sheave."

VISITORS' REGISTER

BUSINESS AND LABOR

COMMITTEE

BILL NO. House Bill No. 401

DATE FEBRUARY 3, 1987

SPONSOR Rep. Joe Quilici

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Tom McGree	MT Bell	X	
Mike Zimmerna	MPCO	+	
GENE PHILLIPS	PP&L - NTS	X	
Hal Brakham	IBEW	X	
De Santis	IBEW	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

BUSINESS AND LABOR

COMMITTEE

BILL NO. House Bill No. 411

DATE FEBRUARY 3, 1987

SPONSOR Rep. John G. Harp

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Mike Zimmerman</i>	<i>MPCo</i>	<i>+</i>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

BUSINESS AND LABOR

COMMITTEE

BILL NO. House Bill No. 389

DATE February 3, 1987

SPONSOR Rep. Raymond Brandewie

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Helene G. Garick</i>	<i>Railway Reg.</i>	X	
<i>John Dudas</i>	<i>" "</i>	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.