

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By CHARIMAN STEVE BENEDICT, on January 6, 1993,
at 8:00 a.m.

ROLL CALL

Members Present:

Rep. Steve Benedict, Chairman (R)
Rep. Sonny Hanson, Vice Chairman (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (X) D
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 45, HB 51, HB 74
Executive Action: HB 45, HB 49, HB 74

HEARING ON HB 51

Opening Statement by Sponsor:

REP. ROYAL JOHNSON, House District 88, Billings, said HB 51 is at
the request of the Board of Architecture. It request changes in

the definition of buildings, the practice of architecture and public buildings, and clarifies exemptions for architecture. He said in section 1, subsection (3), it states a building is any type of structure intended for human occupancy or use. He said the engineers were afraid the intent of the bill would take away some of the things they have normally been doing in the building process, it was an error and an amendment is proposed to make the change.

Proponents' Testimony:

Robert C. Utzinger, College of Arts and Architecture, MSU, introduced information on the changes of the definitions.
EXHIBIT 1

Susan D. Bjerke, President Montana Chapter of American Institute of Architecture, said in the complex field of architecture the move toward consistency between the rules and regulations governing their practice and the uniform building code definitions and those of the American Disabilities Act is a welcome change. She commended the effort of those involved in the introduction of HB 51.

Pamela Hill Bancroft, member of the State Board of Architects, Associate professor at MSU, expressed her support for the changes of HB 51.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. BRANDEWIE asked REP. ROYAL JOHNSON if this bill only affects public buildings that are owned by the state? REP. JOHNSON said it does affect all buildings, public or private, that have an assembly of 10 or more people.

REP. ELLIS asked if this only refers to construction of the building and not with a businessman's options when buying or selling an existing building. REP. JOHNSON said that is correct. It will not affect them.

REP. SIMON asked Bob Utzinger how will this bill change what is going on already? Mr. Utzinger said it will request that some licensed professionals use an architect stamp on drawings before issuing a building permit. He said the state is responsible for approving those plans. This law will require a professional stamp. REP. SIMON asked Mr. Utzinger if he would need to have a licensed architecture place a stamp on his commercial plans? Mr. Utzinger said only if the changes affected the health, safety, and welfare of the infrastructure.

REP. HERRON asked Bob Utzinger why 10 or more people? Mr. Utzinger read from the code book of another state from whom this legislation is taken. It says the number of persons allowed to be put at risk is a judgement to be made by each jurisdiction, and the National Building Code and the Uniform Building Codes suggests 10 people.

REP. PAVLOVICH asked Bob Utzinger if a general contractor came in to remodel, would an architect still have to stamp their approval? Mr. Utzinger said if it did not involve major structural changes, the general contractor would probably do it.

REP. BRANDEWIE asked Bob Utzinger asked if the architectural fees are a percentage of the cost of the project? Mr. Utzinger said that is not true. The fees are done on a variety of basis, i.e., hourly, lump sum, and a percentage basis. He said this is negotiable, they are not fixed.

Closing by Sponsor:

REP. JOHNSON closed stating HB 51 is to protect the public for health, safety and welfare. He said most of the larger cities in Montana already do this without the law.

HEARING ON HB 45

Opening Statement by Sponsor:

REP. BOB PAVLOVICH, House District 70, Butte, said HB 45 is at the request of the Department of Commerce. It will provide for the three members of the Board of Athletics to be staggered instead of coming in at the same time and leaving at the same time. The department would like this to start in 1995 under the new governor.

Proponents' Testimony:

Gary Langley, member of the Board of Athletics, said that all three members of the board support HB 45.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

REP. PAVLOVICH closed.

HEARING ON HB 74

Opening Statement by Sponsor:

REP. BILL WISEMAN, House District 33, Great Falls, said the law applies to timeshares and outlines the requirements that developers submit a financial statement either on the registration or re-registration application. It has been in force for the last five years. He said recently there were some problems of reports not being completed. This bill will add the word "audited" so the timeshare developers must submit an audited financial statement.

Proponents' Testimony:

Marsha Allen, Board of Realtors, Licensed Broker/Owner, said the Board of Realty Regulation is submitting this amendment to the current timeshare statute. She said on some of the documents, they need CPAs to help review the documentation. This is only a requirement when the board feels it is necessary to see the financial status of the applicant.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

REP. WISEMAN said HB 74 will protect Montana citizens who have previously invested in timeshares, and the potential citizens who will be buying timeshares in the future from competent developers who will finish the project as they promised to the investor.

EXECUTIVE ACTION ON HB 49

Motion: Executive action continued from 1/5/93.

Discussion: REP. STELLA JEAN HANSEN discussed the amendment to drop the high school requirement and leave it at the two-year high school equivalency. She said the members of the committee are assuming most of these young ladies are welfare recipients, when most of them have come right out of high school and choose this occupation instead of the vo-tech or college. She said the two-year time limit is plenty of time for a part-time student to finish the courses needed to complete this profession.

REP. BRANDEWIE said it is unrealistic for these people to have a specific time frame. He said the testing should be able to show if they qualify.

REP. DOWELL said he is against the amendment because the tests are not encompassing and will not prove the ability of these people.

REP. SIMON said the only thing he is taking out of the law is the requirement that it has to be done in a certain period of time. It does not preclude the private entities from setting their own rules. It does not take out the 2000 hours required for study, and graduate from the school of cosmetology.

Roll call vote was taken. Motion carried 10 - 8 with REPS. COCCHIARELLA, DAILY, DOWELL, STELLA JEAN HANSEN, TUSS, PAVLOVICH AND SONNY HANSON voting no. EXHIBIT 2

Motion/Vote: REP. BRANDEWIE MOVED HB 49 DO PASS AS AMENDED. Roll call vote was taken. Motion carried 11 - 7 with REPS. COCCHIARELLA, DAILY, DOWELL, STELLA JEAN HANSEN, HERRON, TUSS, AND PAVLOVICH voting no. EXHIBIT 3

Vote: HB 49 DO PASS AS AMENDED. Motion carried 11 - 7.

EXECUTIVE ACTION ON HB 45

Motion: REP. PAVLOVICH MOVED HB 45 DO PASS.

Discussion: REP. PAVLOVICH moved to strike section 4, the immediate effective date and let it follow the normal procedure to be effective on October 1. REP. BRANDEWIE called the question. Voice vote was taken. Motion carried 18 - 0. EXHIBIT 4

Motion/Vote: REP. PAVLOVICH MOVED HB 45 DO PASS AS AMENDED. Voice vote was taken. Motion carried 18 - 0.

Vote: HB 45 DO PASS AS AMENDED. Motion carried 18 - 0.

EXECUTIVE ACTION ON HB 74

Motion: REP. BACHINI MOVED HB 74 DO PASS.


Discussion: None

Motion/Vote: REP. MILLS called the question. Voice vote was taken. Motion carried 18 - 0.

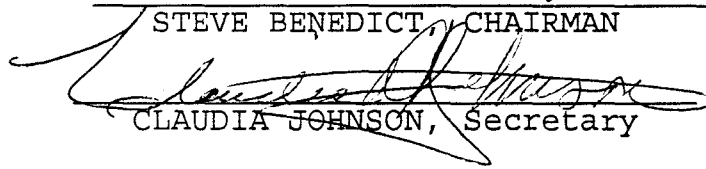
Vote: HB 74 DO PASS. Motion carried 18 - 0.

ADJOURNMENT

Adjournment: 10:30 A.M.



STEVE BENEDICT, CHAIRMAN



CLAUDIA JOHNSON, Secretary

SB/cj

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE

1-6-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993

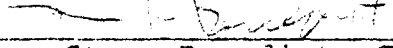
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HOUSE STANDING COMMITTEE REPORT

January 6, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 45 (first reading copy -- white) do pass as amended.

Signed: 
Steve Benedict, Chair

And, that such amendments read:

1. Title, line 3.

Following: ";"

Insert: "AND"

2. Title, line 9.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, lines 18 and 19.


Strike: section 4 in its entirety

HOUSE STANDING COMMITTEE REPORT

January 6, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 49 (first reading copy -- white) do pass as amended .

Signed: 
Steve Benedict, Chair

And, that such amendments read:

1. Title, lines 6 through 9.

Following: "TERMS;" on line 6

Strike: the remainder of line 6 through "SCHOOL;" on line 9

2. Page 5, line 22.

Following: "~~or~~"

Insert: "have completed 2 years of high school or"

3. Page 5, lines 22 and 23.

Strike: "a high school diploma or"

4. Page 6, lines 2 through 5.

Following: "school"

Strike: the remainder of line 2 through "student," on line 5

5. Page 6, lines 8 through 13.

Following: "board." on line 8

Strike: the remainder of line 8 and lines 9 through 13 in their entirety

6. Page 6, line 19 through page 7, line 5.

Strike: subsections (c)(i) through (c)(iii) in their entirety

7. Page 7, line 9.

Following: "must"

Insert: "have completed 2 years of high school,"

Following: "possess"

Strike: "a high school diploma. an"

Insert: "the"

January 6, 1993
Page 2 of 2

8. Page 7, line 11
Following: "or"
Insert: "possess"

HOUSE STANDING COMMITTEE REPORT

January 6, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 74 (first reading copy -- white) do pass.

Signed: Steve Benedict
Steve Benedict, Chair

House Bill No. 51
Introduced by R. Johnson
by Request of the Department of Commerce

Testimony of Robert C. Utzinger
Former Member, Board of Architects
Dean, College of Arts and Architecture
Montana State University

This bill requests changes in definition of "Building", the "Practice of Architecture" and "Public Building" and clarifies exemptions to the practice of architecture.

"Building" means a structure of any type intended for human occupancy or use.

The "Practice of Architecture" has to be restated to describe what architects do.

The definition of "Public Building" has been expanded to include a building that is normally and routinely held open to the public for commercial purposes or for assembly of ten or more persons or houses a public accommodation, as that term is defined by the Americans with Disabilities Act.

This ADA definition of public accommodation incorporates twelve categories of facilities and includes:

1. Places of lodging (hotel, motel)
2. Establishments serving food or drink
3. Places of exhibition or entertainment (theatre)
4. Places of public gathering (auditorium)
5. Sales or rental establishment

Of the fifty states in the Union, as well as Puerto Rico, Guam, District of Columbia, Virgin Islands, and the Northern Marianas Islands, only three states have "title" acts; Mississippi, Montana and North Dakota. All of the rest have "Practice" acts. Also, it is interesting to note that the Cities of Billings, Bozeman, Butte, Great Falls, Helena and Kalispell all require a Licensed Professional's stamp and signature on building plans filed with the City. Adopting this bill will put the rest of the State on a par with its Cities and with 95% of the States in the United States.

However, the real thrust of the change is to help protect the health, safety and welfare of the public and to assure compliance with the Americans with Disabilities Act. Licensed professionals can best provide specific expertise to insure that buildings will meet access and egress requirements, fire safety codes, structural and seismic standards, health and building codes and laws that require "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities."

EXHIBIT 2
DATE 1-6-93
HB 49

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 1-6-93 BILL NO. HB 49 NUMBER _____

MOTION: Rep. Simon Moved Amendment for
2-year equivalent high school education

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS	✓	
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON		✓
REP. TIM DOWELL		✓
REP. CARLEY TUSS		✓
REP. STELLA JEAN HANSEN		✓
REP. BOB PAVLOVICH		✓
REP. VICKI COCCHIARELLA		✓
REP. FRITZ DAILY		✓
REP. BOB BACHINI	✓	
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER	✓	
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN	✓	
	10	8

EXHIBIT 3
DATE 1-6-93
HB 49

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 1-6-93 BILL NO. HB 49 NUMBER _____
MOTION: Rep Brandewie Moved HB49
D PAA.

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS	✓	
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON		✓
REP. TIM DOWELL		✓
REP. CARLEY TUSS		✓
REP. STELLA JEAN HANSEN		✓
REP. BOB PAVLOVICH		✓
REP. VICKI COCCHIARELLA		✓
REP. FRITZ DAILY		✓
REP. BOB BACHINI	✓	
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER	✓	
REP. SONNY HANSON, VICE CHAIRMAN	✓	
REP. STEVE BENEDICT, CHAIRMAN	✓	
	11	7

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EXHIBIT 4
DATE 1-6-93
HB 45

Amendments to House Bill No. 45
First Reading Copy

For the Committee on Business and Economic Development

Prepared by Paul Verdon
January 6, 1993

1. Title, line 8.
Following: ";"
Insert: "AND"

2. Title, line 9.
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, lines 18 and 19.
Strike: section 4 in its entirety

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Business & Economic COMMITTEE

BILL NO. 45, 51, 74

DATE 1-6-93

SPONSOR(S) Bob Pavlovich, Royal Johnson, William Wisen

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
BOBLITZINGER	#51 BOARD OF ARCHITECTS	✓	
Francis Hill Ploucroft	Board of Architects #B51	✓	
SUSAN D. BIERKE	#51 MONTANA CHAPTER A.I.A.	✓	
Margaret Aitken		✓	
Lixi Casman	Montana Bd	✓	
Tom McNab	Montana Technical Guild	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.