

SENATE BILL 486

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on State Administration.
February 15, 1979	Fiscal note requested.
February 19, 1979	Committee recommend bill, do not pass.
February 12, 1979	Fiscal note returned.

1 *Senate* BILL NO. *486*  
 2 INTRODUCED BY *Robert Neely Melman Stutz*  
 3 BY REQUEST OF THE STATE BOARD OF WARM AIR HEATING,  
 4 VENTILATION, AND AIR CONDITIONING  
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE  
 7 STATE BOARD OF WARM AIR HEATING, VENTILATION, AND AIR  
 8 CONDITIONING FOR A PERIOD OF 6 YEARS; TO PROVIDE FOR A  
 9 PUBLIC MEMBER AND ALLOCATION OF THE BOARD TO THE DEPARTMENT  
 10 OF PROFESSIONAL AND OCCUPATIONAL LICENSING FOR  
 11 ADMINISTRATIVE PURPOSES; TO REVISE EXEMPTIONS; TO PROVIDE  
 12 FOR LICENSING OF INDIVIDUAL PHASES OF THE WORK; REMOVING THE  
 13 REQUIREMENT THAT A PARTNER OR SHAREHOLDER OF A FIRM BE  
 14 LICENSED AND REQUIRING THAT AN EMPLOYEE OF A FIRM BE  
 15 LICENSED; AMENDING SECTIONS 2-8-103, 2-15-1656, 37-70-104,  
 16 37-70-202, AND 37-70-301 THROUGH 37-70-304, MCA; AND  
 17 PROVIDING AN EFFECTIVE DATE."  
 18

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

20 NEW SECTION. Section 1. Board reestablished. The  
 21 state board of warm air heating, ventilation, and air  
 22 conditioning created by 2-15-1656 is reestablished for a  
 23 period of 6 years pursuant to 2-8-122.

24 Section 2. Section 2-8-103, MCA, is amended to read:

25 "2-8-103. Agencies to terminate. (1) The following

1 agencies shall terminate on July 1, 1979:

2 (a) board of abstractors, department of professional  
 3 and occupational licensing, created by 2-15-1643;

4 (b) board of public accountants, department of  
 5 professional and occupational licensing, created by  
 6 2-15-1641;

7 (c) board of architects, department of professional  
 8 and occupational licensing, created by 2-15-1651;

9 (d) state banking board, department of business  
 10 regulation, created by 2-15-1803;

11 (e) state electrical board, department of professional  
 12 and occupational licensing, created by 2-15-1654;

13 (f) board of professional engineers and land  
 14 surveyors, department of professional and occupational  
 15 licensing, created by 2-15-1653;

16 (g) office of commissioner of insurance and the  
 17 insurance department, state auditor's office, created by  
 18 2-15-1902 and 2-15-1903;

19 (h) office of the investment commissioner, state  
 20 auditor's office, created by 2-15-1901;

21 (i) board of landscape architects, department of  
 22 professional and occupational licensing, created by  
 23 2-15-1652;

24 (j) board of county printing, department of community  
 25 affairs, created by 2-15-1102;

1 (k) board of plumbers, department of professional and  
2 occupational licensing, created by 2-15-1655;

3 (l) board of real estate, department of professional  
4 and occupational licensing, created by 2-15-1642;

5 ~~(m) state board of warm air heating, ventilation, and~~  
6 ~~air conditioning, department of professional and~~  
7 ~~occupational licensing, created by 2-15-1656;~~

8 (n) board of institutions, department of  
9 institutions, created by 2-15-2303.

10 (2) The following agencies shall terminate on July 1,  
11 1981:

12 (a) commission for human rights, department of labor  
13 and industry, created by 2-15-1706;

14 (b) board of athletics, department of professional and  
15 occupational licensing, created by 2-15-1661;

16 (c) board of barbers, department of professional and  
17 occupational licensing, created by 2-15-1625;

18 (d) board of chiropractors, department of professional  
19 and occupational licensing, created by 2-15-1613;

20 (e) board of cosmetologists, department of  
21 professional and occupational licensing, created by  
22 2-15-1626;

23 (f) board of dentists, department of professional and  
24 occupational licensing, created by 2-15-1606;

25 (g) board of hearing aid dispensers, department of

1 professional and occupational licensing, created by  
2 2-15-1616;

3 (h) board of massage therapists, department of  
4 professional and occupational licensing, created by  
5 2-15-1627;

6 (i) Montana state board of medical examiners,  
7 department of professional and occupational licensing,  
8 created by 2-15-1605;

9 (j) board of morticians, department of professional  
10 and occupational licensing, created by 2-15-1619;

11 (k) board of nursing, department of professional and  
12 occupational licensing, created by 2-15-1610;

13 (l) board of nursing home administrators, department  
14 of professional and occupational licensing, created by  
15 2-15-1611;

16 (m) board of optometrists, department of professional  
17 and occupational licensing, created by 2-15-1612;

18 (n) board of osteopathic physicians, department of  
19 professional and occupational licensing, created by  
20 2-15-1607;

21 (o) board of pharmacists, department of professional  
22 and occupational licensing, created by 2-15-1609;

23 (p) board of podiatry examiners, department of  
24 professional and occupational licensing, created by  
25 2-15-1608;

1 (q) board of psychologists, department of professional  
2 and occupational licensing, created by 2-15-1617;

3 (r) board of radiologic technologists, department of  
4 professional and occupational licensing, created by  
5 2-15-1614;

6 (s) board of speech pathologists and audiologists,  
7 department of professional and occupational licensing,  
8 created by 2-15-1615;

9 (t) board of veterinarians, department of professional  
10 and occupational licensing, created by 2-15-1618;

11 (u) board of veterans' affairs, department of social  
12 and rehabilitation services, created by 2-15-2202.

13 (3) The following units of state government shall  
14 terminate on July 1, 1983:

15 (a) board of aeronautics, department of community  
16 affairs, created by 2-15-1103;

17 (b) state board of hail insurance, department of  
18 agriculture, created by 2-15-3003;

19 (c) board of horseracing, department of professional  
20 and occupational licensing, created by 2-15-1662;

21 (d) board of livestock, department of livestock,  
22 created by 2-15-3102;

23 (e) board of milk control, department of business  
24 regulation, created by 2-15-1802;

25 (f) board of oil and gas conservation, department of

1 natural resources and conservation, created by 2-15-3303;

2 (g) Montana outfitters council, department of fish and  
3 game, created by 2-15-3403;

4 (h) public service commission, department of public  
5 service regulation, created by 69-1-102;

6 (i) board of sanitarians, department of professional  
7 and occupational licensing, created by 2-15-1631;

8 (j) board of water and wastewater operators,  
9 department of health and environmental sciences, created by  
10 2-15-2105;

11 (k) board of water well contractors, department of  
12 professional and occupational licensing, created by  
13 2-15-1632.

14 ~~(4) The following agency terminates on July 1, 1983:~~  
15 ~~the state board of warm air heating, ventilation, and air~~  
16 ~~conditioning created by 2-15-1656."~~

17 Section 3. Section 2-15-1656, MCA, is amended to read:  
18 "2-15-1656. Board of warm air heating, ventilation,  
19 and air conditioning. (1) There is a state board of warm  
20 air heating, ventilation, and air conditioning.

21 (2) The board consists of seven members appointed by  
22 the governor. The members are:

23 (a) two master and two journeyman mechanics, who shall  
24 be over the age of majority and residents of Montana for at  
25 least 1 year. Each mechanic shall have been licensed

1 pursuant to Title 37, chapter 70, at least 2 years  
2 immediately preceding his appointment.

3 (b) one representative of the department of  
4 administration responsible for the administration of parts 1  
5 through 4 of Title 50, chapter 60, who shall act as  
6 secretary;

7 (c) ~~one attorney from the department representative of~~  
8 ~~the public who is not engaged in or directly connected with~~  
9 ~~warm air heating, ventilation, or air conditioning work;~~ and

10 (d) one representative of the fire marshal bureau.

11 (3) Each member shall serve for a period of 4 years.

12 ~~(4) The board is allocated to the department for~~  
13 ~~administrative purposes only as prescribed in 2-15-121a."~~

14 Section 4. Section 37-70-104, MCA, is amended to read:

15 "37-70-104. Exemptions. The provisions of this chapter  
16 do not apply or affect work done:

17 (1) by a homeowner on either his family dwelling or  
18 outbuildings or both of them or person doing routine  
19 maintenance in his place of business or rental housing;

20 ~~(2) to provide fuel or refrigeration pipelines when~~  
21 ~~lines are connected to the installation of heating~~  
22 ~~ventilating and air conditioning systems; or~~

23 ~~(3) (2) by railroads, smelters, underground mining~~  
24 ~~operations, mills, or refineries on their properties by self~~  
25 ~~or employees or other businesses doing their own routine~~

1 maintenance."

2 Section 5. Section 37-70-202, MCA, is amended to read:

3 "37-70-202. Powers and duties. In addition to all  
4 other powers and duties conferred and imposed upon the board  
5 by law, the board shall have and exercise the following  
6 powers and duties:

7 (1) to promulgate rules which it determines to be  
8 necessary to carry out the provisions of this chapter;

9 (2) to hear contested cases coming under the  
10 provisions of this chapter; and

11 (3) ~~to establish how permit fees are to be collected~~  
12 ~~and allocated under applicable state and local building~~  
13 ~~codes grant individual or combination licenses in the~~  
14 ~~following phases:~~

15 ~~(a) warm air heating;~~

16 ~~(b) ventilation; and~~

17 ~~(c) air conditioning."~~

18 Section 6. Section 37-70-301, MCA, is amended to read:

19 "37-70-301. License and permit required. It shall be  
20 unlawful:

21 (1) for any person or firm to perform or to establish  
22 a place of business to perform or to advertise for warm air  
23 heating, ventilation, or air conditioning work for another  
24 unless such person or ~~a full partner or 10% or more~~  
25 ~~shareholder an employee~~ of such firm shall have first

1 obtained a master license hereunder covering each phase of  
 2 the work to be performed or advertised, provided, that any  
 3 person who ~~is licensed as a journeyman~~ holds an appropriate  
 4 journeyman's license may perform such work for a master  
 5 licensee or a firm with which a master licensee is  
 6 associated; and

7 (2) for equipment to be installed in this state unless  
 8 evidence of permit fee payment is attached in the manner  
 9 prescribed by the board."

10 Section 7. Section 37-70-302, MCA, is amended to read:

11 "37-70-302. Qualifications of ~~apprentices~~ applicant --  
 12 master -- journeyman -- apprentice. (1) The following  
 13 requirements shall be met by ~~apprentices~~ an applicant for a  
 14 state license:

15 (a) ~~masters~~ a master shall furnish evidence of 5  
 16 years' experience ~~in warm air heating, ventilation, and air~~  
 17 ~~conditioning work~~ satisfactory to the board in each of the  
 18 phases listed in 37-70-202(3) for which he seeks licensure;

19 (b) ~~journeymen-mechanics~~ a journeyman mechanic shall  
 20 furnish evidence of 4 years' experience ~~in warm air heating,~~  
 21 ~~ventilation, and air conditioning work which is~~ satisfactory  
 22 to the board in each of the phases listed in 37-70-202(3)  
 23 for which he seeks licensure. This experience requirement  
 24 may be fulfilled by working 4 years in any ~~major~~ the  
 25 appropriate phase of the warm air heating, ventilation, and

1 air conditioning business or by completing an appropriate  
 2 apprenticeship program meeting the standards set by the  
 3 state apprenticeship council or United States department of  
 4 labor, bureau of apprenticeship, and credit toward this  
 5 experience requirement shall be given for time spent in  
 6 attending trade or other schools specializing in training in  
 7 the warm air heating, ventilation, and air conditioning  
 8 business and approved by the board.

9 (c) for ~~an apprentice mechanics~~ mechanic:

10 (i) registration by the board and the Montana  
 11 apprenticeship council as an apprentice;

12 (ii) working under the direct and personal supervision  
 13 of a duly licensed journeyman, learning the business of warm  
 14 air heating, ventilation, and air conditioning.

15 (2) ~~Apprentices~~ An apprentice qualifying hereunder  
 16 shall be issued ~~an apprentice permits~~ permit by the board."

17 Section 8. Section 37-70-303, MCA, is amended to read:

18 "37-70-303. Examination. An applicant for a license to  
 19 engage in warm air heating, ventilation, or air conditioning  
 20 work or a combination thereof shall be examined by the  
 21 department as to his qualifications ~~by--the--department~~ in  
 22 each phase for which he seeks licensure, subject to  
 23 37-1-101(4). The department shall examine each applicant for  
 24 a license to determine his qualifications and fitness for  
 25 carrying on each phase of warm air heating, ventilation, or

1 air conditioning work for which he seeks licensure as a  
 2 master or journeyman. If the applicant successfully passes  
 3 the examination prescribed by the board, a license shall be  
 4 issued to the applicant authorizing him to engage in warm  
 5 air heating, ventilation, or air conditioning work or a  
 6 combination thereof as a master or journeyman in the state,  
 7 subject to other provisions of this chapter."

8 Section 9. Section 37-70-304, MCA, is amended to read:

9 "37-70-304. Fees. (1) Each applicant for a master's  
 10 license ~~shall pay a \$75 application fee~~ and each applicant  
 11 for a journeyman's license shall pay ~~a \$35~~ an application  
 12 ~~fee in an amount determined by the board.~~

13 (2) All licenses and renewals expire on July 1 of each  
 14 year. Renewal fees shall be set annually by the board and  
 15 may not exceed the application fees.

16 (3) Examination fees shall be set by the board ~~but not~~  
 17 ~~to exceed \$50 for a master's examination and \$25 for a~~  
 18 ~~journeyman's examination.~~

19 (4) All fees established by the board must be  
 20 reasonably related to the respective costs of the regulatory  
 21 programs."

22 Section 10. Transition. Section 3 does not affect the  
 23 term of office of a person who is a board member on July 1,  
 24 1979, and such person shall serve the remainder of his  
 25 unexpired term. All appointments made or vacancies filled

1 after July 1, 1979, must be in accordance with section 3.

2 Section 11. Effective date of certain sections.

3 Sections 1 and 2 are effective on passage and approval.

-End-

STATE OF MONTANA

Request No. 382-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 1979, there is hereby submitted a Fiscal Note for Senate Bill 486 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

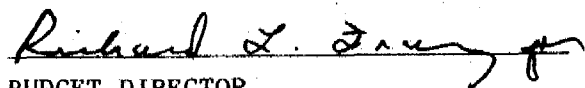
DESCRIPTION OF PROPOSED LEGISLATION:

To reestablish the board of warm air heating, ventilation and air conditioning for a period of 6 years; to provide for a public member and allocation to the department of professional and occupational licensing; to revise exemptions; to provide for licensing and providing an effective date.

FISCAL IMPACT:

The cost of operating the Board of Warm Air Heating, Ventilating and Air Conditioning is reflected in the Executive Budget -- approximately \$7,600 in FY 80 and \$7,800 in FY 81.

Funding is from an earmarked revenue fund account.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/21/79