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INTRODUCED BY K. Smith <sup>SB</sup> BILL NO. 193 Brainard M. Gee

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MORE THAN ONE APPRENTICE ELECTRICIAN FROM SERVING UNDER A LICENSED JOURNEYMAN OR MASTER ELECTRICIAN; AND AMENDING SECTIONS 37-68-303 AND 37-68-311, MCA."

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

**Section 1.** Section 37-68-303, MCA, is amended to read:

"**37-68-303. Apprentice ~~may work~~ working under ~~licensed~~ journeyman or master electrician -- record of apprentices.** (1) This chapter does not prohibit a person from working as an apprentice in the trade of electrician with ~~an~~ a journeyman or master electrician licensed under this chapter and under rules made by the board. The name and residence of each apprentice and the name and residence of ~~his~~ the apprentice's employer ~~shall~~ must be filed with the department, and a record ~~shall~~ must be kept by the department showing the name and residence of each apprentice.

(2) Journeyman or master electricians may not have more than one apprentice working under them in the trade of electrician.

(3) This section does not apply to an electrical training program conducted by an electrical trade school or a college or university."

**Section 2.** Section 37-68-311, MCA, is amended to read:

"**37-68-311. Examination fee -- license fee -- specific exemption for apprentices.** (1) Master electricians and journeyman or residential electricians installing or intending to install for hire electric wiring or equipment to convey electric current or apparatus to be operated by this current shall ~~make application~~ apply for a license to the department. The application must be on a form furnished by the department and must be accompanied by an examination fee set by the board. The forms must state the applicant's full name and address, the extent of work experience, and other information required by the board. If the applicant has complied with the rules adopted by the board and, being qualified, has successfully completed the examination, the applicant shall pay to the department a license fee set by the board for a master

1 electrician's license or for a journeyman or a residential electrician's license, and upon receipt of the fee  
2 the department shall issue the proper license to the applicant.

3 (2) A person serving a 4-year electrician apprenticeship under the supervision of a licensed  
4 journeyman or master electrician is exempt from the licensing provision of this section during training.  
5 Credit for the time spent in an electrical school must be given to ~~the~~ a master electrician, journeyman  
6 electrician, residential electrician, or apprentice, up to a total of 2 years, on the 4-year requirement provided  
7 for in 37-68-304 and 37-68-305."

8 -END-

1 SB BILL NO. 193  
2 INTRODUCED BY Ken Miller Brainard McGee  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MORE THAN ONE APPRENTICE ELECTRICIAN  
5 FROM SERVING UNDER A LICENSED JOURNEYMAN OR MASTER ELECTRICIAN; AND AMENDING  
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14 made by the board. The name and residence of each apprentice and the name and residence of ~~his~~ the  
15 apprentice's employer ~~shall~~ must be filed with the department, and a record ~~shall~~ must be kept by the  
16 department showing the name and residence of each apprentice.

17 (2) Journeymen or master electricians may not have more than one apprentice working under them  
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20 school or a college or university."

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29 applicant has complied with the rules adopted by the board and, being qualified, has successfully completed  
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INTRODUCED BY Ken Smith <sup>SB</sup> BILL NO. 193 Brainard McGee

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MORE THAN ONE APPRENTICE ELECTRICIAN FROM SERVING UNDER A LICENSED JOURNEYMAN OR MASTER ELECTRICIAN; AND AMENDING SECTIONS 37-68-303 AND 37-68-311, MCA."

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**(2) Journeyman or master electricians may not have more than one apprentice working under them in the trade of electrician.**

**(3) This section does not apply to an electrical training program conducted by an electrical trade school or a college or university.**

**Section 2.** Section 37-68-311, MCA, is amended to read:

**"37-68-311. Examination fee -- license fee -- specific exemption for apprentices. (1)** Master electricians and journeyman or residential electricians installing or intending to install for hire electric wiring or equipment to convey electric current or apparatus to be operated by this current shall ~~make application~~ apply for a license to the department. The application must be on a form furnished by the department and must be accompanied by an examination fee set by the board. The forms must state the applicant's full name and address, the extent of work experience, and other information required by the board. If the applicant has complied with the rules adopted by the board and, being qualified, has successfully completed the examination, the applicant shall pay to the department a license fee set by the board for a master

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2 the department shall issue the proper license to the applicant.

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6 electrician, residential electrician, or apprentice, up to a total of 2 years, on the 4-year requirement provided  
7 for in 37-68-304 and 37-68-305."

8 -END-

## 1 SENATE BILL NO. 193

2 INTRODUCED BY MILLER, BRAINARD, MCGEE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MORE THAN ONE APPRENTICE ELECTRICIAN  
5 FROM SERVING UNDER A LICENSED JOURNEYMAN OR MASTER ELECTRICIAN; AND PROHIBITING A  
6 STATE AGENCY FROM REQUIRING AN APPRENTICE TO SERVE UNDER MORE THAN ONE JOURNEYMAN  
7 OR MASTER ELECTRICIAN; AMENDING SECTIONS 37-68-303 AND, 37-68-311, AND 39-6-106, MCA;  
8 AND PROVIDING AN APPLICABILITY DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 37-68-303, MCA, is amended to read:

13 "**37-68-303. Apprentice ~~may work~~ working under licensed journeyman or master electrician --**  
14 **record of apprentices.** (1) This chapter does not prohibit a person from working as an apprentice in the  
15 trade of electrician with ~~an~~ a journeyman or master electrician licensed under this chapter and under rules  
16 made by the board. The name and residence of each apprentice and the name and residence of ~~his~~ the  
17 apprentice's employer ~~shall~~ must be filed with the department, and a record ~~shall~~ must be kept by the  
18 department showing the name and residence of each apprentice.

19 (2) Journeymen or master electricians may not have more than one apprentice working under them  
20 in the trade of electrician. A STATE AGENCY MAY NOT REQUIRE AN APPRENTICE TO SERVE UNDER  
21 MORE THAN ONE JOURNEYMAN OR MASTER ELECTRICIAN.

22 (3) This section does not apply to an electrical training program conducted by an electrical trade  
23 school or a college or university."

24  
25 **Section 2.** Section 37-68-311, MCA, is amended to read:

26 "**37-68-311. Examination fee -- license fee -- specific exemption for apprentices.** (1) Master  
27 electricians and journeyman or residential electricians installing or intending to install for hire electric wiring  
28 or equipment to convey electric current or apparatus to be operated by this current shall ~~make application~~  
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30 must be accompanied by an examination fee set by the board. The forms must state the applicant's full

1 name and address, the extent of work experience, and other information required by the board. If the  
 2 applicant has complied with the rules adopted by the board and, being qualified, has successfully completed  
 3 the examination, the applicant shall pay to the department a license fee set by the board for a master  
 4 electrician's license or for a journeyman or a residential electrician's license, and upon receipt of the fee  
 5 the department shall issue the proper license to the applicant.

6 (2) A person serving a 4-year electrician apprenticeship under the supervision of a licensed  
 7 journeyman or master electrician is exempt from the licensing provision of this section during training.  
 8 Credit for the time spent in an electrical school must be given to ~~the~~ a master electrician, journeyman  
 9 electrician, residential electrician, or apprentice, up to a total of 2 years, on the 4-year requirement provided  
 10 for in 37-68-304 and 37-68-305."

11

12 **SECTION 3. SECTION 39-6-106, MCA, IS AMENDED TO READ:**

13 **"39-6-106. Contents of apprenticeship agreements -- credit for prior training or experience. (1)**

14 Apprenticeship agreements ~~shall~~ must contain:

15 (a) a statement of the trade or craft to be taught and the required hours for completion of  
 16 apprenticeship, which must be not less than 2,000 hours of reasonably continuous employment;

17 (b) a statement of the processes in the trade or craft divisions in which the apprentice is to be  
 18 taught and the approximate amount of time to be spent at each process;

19 (c) a statement of the number of hours to be spent by the apprentice in related and supplemental  
 20 instruction, which is recommended to be 144 hours ~~per~~ each year;

21 (d) a statement that apprentices must be not less than 16 years of age;

22 (e) a statement of the progressively increasing scale of wages to be paid the apprentice;

23 (f) provision for a period of probation during which the department of labor and industry ~~must~~ shall  
 24 terminate an apprenticeship agreement at the request in writing of any party ~~thereto~~ to the agreement. After  
 25 the probationary period, the department may terminate the registration of an apprentice upon agreement  
 26 of the parties.

27 (g) provision that the services of the department may be ~~utilized~~ used for consultation regarding  
 28 the settlement of differences arising out of the apprenticeship agreement ~~where such~~ when the differences  
 29 cannot be adjusted locally or in accordance with the established trade procedure;

30 (h) provision that if an employer is unable to fulfill ~~his~~ the employer's obligation under the



1 apprenticeship agreement, ~~he~~ the employer may transfer the obligation to another employer if the other  
2 employer has been approved as a training facility;

3 (i) subject to the provisions of 37-68-303, provision for the specification of the ratio of apprentices  
4 to journeymen. The department ~~will~~ shall continue to honor and recognize ratio provisions as established  
5 in existing labor/management bargaining agreements or as established by an industry practice.

6 (j) ~~such~~ additional standards as may be prescribed in accordance with this chapter.

7 (2) An apprentice who, prior to entering into an agreement, has had training or experience in the  
8 trade or craft in which ~~he~~ the apprentice is employed as an apprentice may be granted full or partial credit  
9 for the training or experience on the recommendation of the employer or the joint apprenticeship committee  
10 and with the approval of the department."

11

12 NEW SECTION. SECTION 4. APPLICABILITY. [SECTION 3] APPLIES TO APPRENTICESHIP  
13 AGREEMENTS ENTERED INTO OR RENEWED ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT].

14

-END-

SENATE BILL NO. 193

INTRODUCED BY MILLER, BRAINARD, MCGEE

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MORE THAN ONE APPRENTICE ELECTRICIAN FROM SERVING UNDER A LICENSED JOURNEYMAN OR MASTER ELECTRICIAN; AND PROHIBITING A STATE AGENCY FROM REQUIRING AN APPRENTICE TO SERVE UNDER MORE THAN ONE JOURNEYMAN OR MASTER ELECTRICIAN; AMENDING SECTIONS 37-68-303 AND, 37-68-311, AND 39-6-106, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**Section 1.** Section 37-68-303, MCA, is amended to read:

**"37-68-303. ~~Apprentice may work~~ working under licensed journeyman or master electrician -- record of apprentices. (1) This chapter does not prohibit a person from working as an apprentice in the trade of electrician with ~~an~~ a journeyman or master electrician licensed under this chapter and under rules made by the board. The name and residence of each apprentice and the name and residence of ~~his~~ the apprentice's employer ~~shall~~ must be filed with the department, and a record ~~shall~~ must be kept by the department showing the name and residence of each apprentice.**

**(2) Journeymen or master electricians may not have more than one apprentice working under them in the trade of electrician. A STATE AGENCY MAY NOT REQUIRE AN APPRENTICE TO SERVE UNDER MORE THAN ONE JOURNEYMAN OR MASTER ELECTRICIAN. THE NUMBER OF APPRENTICES MAY NOT EXCEED A RATIO OF ONE APPRENTICE TO ONE JOURNEYMAN IN FULL EMPLOYMENT ON THE JOB IN ORDER TO ENSURE ADEQUATE TRAINING AND SUPERVISION.**

**(3) This section does not apply to an electrical training program conducted by an electrical trade school or a college or university.**

**Section 2.** Section 37-68-311, MCA, is amended to read:

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 7 the department shall issue the proper license to the applicant.

8 (2) A person serving a 4-year electrician apprenticeship under the supervision of a licensed  
 9 journeyman or master electrician is exempt from the licensing provision of this section during training.  
 10 Credit for the time spent in an electrical school must be given to ~~the~~ a master electrician, journeyman  
 11 electrician, residential electrician, or apprentice, up to a total of 2 years, on the 4-year requirement provided  
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15 **"39-6-106. Contents of apprenticeship agreements -- credit for prior training or experience. (1)**  
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 18 apprenticeship, which must be not less than 2,000 hours of reasonably continuous employment;

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 27 the probationary period, the department may terminate the registration of an apprentice upon agreement  
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 30 the settlement of differences arising out of the apprenticeship agreement ~~where such~~ when the differences

1 cannot be adjusted locally or in accordance with the established trade procedure;

2 (h) provision that if an employer is unable to fulfill ~~his~~ the employer's obligation under the  
3 apprenticeship agreement, ~~he~~ the employer may transfer the obligation to another employer if the other  
4 employer has been approved as a training facility;

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6 to journeymen. The department ~~will~~ shall continue to honor and recognize ratio provisions as established  
7 in existing labor/management bargaining agreements or as established by an industry practice.

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15 AGREEMENTS ENTERED INTO OR RENEWED ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT].

16 -END-

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2 INTRODUCED BY MILLER, BRAINARD, MCGEE

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 30 the settlement of differences arising out of the apprenticeship agreement ~~where such~~ when the differences

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