EXHIBIT 5
DATE 2-2-05
HB 182

Amendments to House Bill No. 182
1st Reading Copy

Requested by Representative Bob Bergren

For the House Business and Labor Committee

Prepared by Bartley Campbell
February 2, 2005 (8:40am)

1. Title, page 1, line 16.
Strike: "REQUIRING BOARD OF HORSERACING REVIEW OF IMPACTS;"

2. Page 1, line 24.
Following: "37-6-304,"
Insert: "37-7-104,"

3. Page 1, line 26.
Strike: "37-16-404,"
Strike: "37-18-303,"

4. Title, page 2, line 2.
Following: "37-68-305,"
Insert: "37-68-307, 37-68-310,"

5. Title, page 2, line 6.
Following: "37-16-403,"
Insert: "37-16-404,"

6. Title, page 2, line 11.
Following: "37-67-318,"
Strike: "37-68-307, 37-68-310,"

7. Page 4, line 28.
Following: "processing"
Insert: "routine"
Following: "licenses"
Insert: "as defined by a board"

8. Page 6, line 16.
Strike: "may"
Insert: "shall"

9. Page 6, line 17.
Strike: "personnel"
Insert: "executive or executive director positions"

10. Page 8, line 13.
Strike: "20%"
Insert: "50%"

11. Page 26, following line 3.
Insert: "Section 37. Section 37-7-104, MCA, is amended to read:

"37-7-104. Qualifications of employee hired to assist board. A person hired by the department to enter and inspect an establishment under this chapter~~, to examine the books of a manufacturer, druggist, storekeeper, wholesaler, pharmacist, or intern, to assist in a prosecution under this chapter, and to assist the board in supervising internships, reciprocity agreements, professional correspondence, and examinations shall~~ must be:

(1) a citizen of the United States and a resident of this state; and

(2) a pharmacist registered under this chapter~~, with at least 5 years of practical experience~~."

{*Internal References to 37-7-104: None.*}"
Renumber: subsequent sections

12. Page 38, line 21 through page 39, line 28.
Strike: section 54 in its entirety
Renumber: subsequent sections

13. Page 42, line 7 through line 24.
Strike: section 58 in its entirety
Renumber: subsequent sections

14. Page 75, line 21.
Strike: "may"
Insert: "shall"

15. Page 75, line 22.
Strike: "and"
Insert: ","
Following: "contractors~~,~~"
Insert: ","

16. Page 75, line 23.
Following: "~~of~~"
Insert: "for the examination of"

17. Page 75, line 28.
Following: "~~contents of~~"
Insert: "contents of"

18. Page 75, line 30.
Following: "year of"
Insert: "legally obtained"

19. Page 76, line 1.
Following: "years of"
Insert: "legally obtained"

20. Page 76, line 2.
Following: "years of"
Insert: "legally obtained"

21. Page 76, following line 21.
Insert: "The board shall, not less than 30 days prior to a scheduled examination, notify each applicant that the evidence submitted with the applicant's application is sufficient to qualify to take the examination or that the evidence is insufficient and is rejected. If the application is rejected, the board shall set forth the reasons in the notice to the applicant. The place of examinations must be designated by the board, and examinations must be held at least once a year and at other times as, in the opinion of the board, the number of applicants warrants.

(3) The examination must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:

(a) the national electric code;

(b) cost estimating for electrical installments;

(c) procurement and handling of materials needed for electrical installations and repair;

(d) reading blueprints for electrical work;

(e) drafting and layout of electrical circuits; and

(f) knowledge of practical electrical theory.

(4) The board shall determine by rule the fees to be charged an applicant for each examination or reexamination. The fees must be commensurate with costs."

22. Page 76, line 26.
Following: "or 4 ~~years'~~ years of"
Insert: "legally obtained"

23. Page 77, line 3.
Following: "~~circuits.~~"
Insert: "The examination for a journeyman's license must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:
(a) the Ohm's law;
(b) the national electric code; and
(c) layout and practical installation of electrical circuits."

24. Page 77, line 5.
Following: "~~years'~~ years of"
Insert: "legally obtained"

25. Page 77, line 13.
Following: "~~circuits.~~"
Insert: "The examination for a residential electrician's license must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:
(a) the Ohm's law;
(b) the national electric code; and
(c) layout and practical installation of electrical circuits."

26. Page 77, following line 13.
Insert: "Section 112. Section 37-68-307, MCA, is amended to read:

"37-68-307. Examination procedure -- third-party services ~~-- issuance of master, journeyman, or residential electrician's license -- expiration.~~ ~~(1)~~ To ensure impartiality, the examination for either the residential, master's, or journeyman's license must be administered by the department. The department may use a third party to provide examination and grading services. The examination passing grade is 75%.

~~(2) If it is determined that the applicant has passed the examination, the department shall issue to the applicant a license that authorizes the licensee to engage in the business, trade, or calling of a residential electrician, journeyman~~

~~electrician, or master electrician.~~

~~(3) Each original license expires on the renewal date established by the department by rule if it is not more than 3 years after the date of issuance.~~"

{*Internal References to 37-68-307: None.*}"

Insert: "Section 113. Section 37-68-310, MCA, is amended to read:

"37-68-310. ~~License renewal period -- renewal~~ Renewal of lapsed licenses. (1) ~~Licenses of residential electricians, journeyman electricians, or master electricians, unless they have been suspended or revoked by the board or unless the department changes the duration of the renewal period, must be renewed for a period of 3 years by the department on application for renewal made to the department on or before the renewal date set by department rule and on the payment of a renewal fee. If application for renewal is not made on or before the renewal date, an additional fee prescribed by board rule must be paid.~~ It is unlawful for a person who refuses or fails to pay the renewal fee to practice electrical work in this state. A person with a lapsed license may be issued a renewal license without examination if the applicant pays the original renewal fee and any delinquency fee within 1 year of the license expiration date. Subject to subsection (2), a lapsed license that is not renewed within 1 year following its expiration date may not be renewed unless the applicant passes the examination and pays the fee required for an original license.

(2) This section may not be interpreted to conflict with 37-1-138."

{*Internal References to 37-68-310: None.*}"

Renumber: subsequent sections

27. Page 77, line 29.

Following: "of"

Insert: "legally obtained"

28. Page 78, line 8.

Following: "board"

Insert: "conducted by the department, subject to 37-1-101(4), testing the applicant's knowledge of techniques and methods employed in the field of plumbing and establishing by practical demonstration competence in the special skills required in the field of plumbing"

29. Page 78, line 24.

Following: "board"

Insert: "for master plumbers testing the applicant's knowledge of the field of plumbing and demonstrating skill and ability in

the field of plumbing"

30. Page 79, line 9.
Following: "~~applicant~~"
Insert: "must be examined as to the applicant's qualifications by the department, subject to 37-1-101(4). The department shall examine each applicant for a license to determine the applicant's skill and qualifications as a master plumber or journeyman plumber.
(2) The applicant"
Renumber: subsequent subsections

31. Page 79, line 16.
Strike: "department"
Insert: "board"

32. Page 79, line 17.
Following: "~~and~~"
Insert: "on a case-by-case basis at the board's discretion"

33. Page 79, lines 17 through 18.
Strike: "department" on line 17 through "rule" on line 18
Insert: "the board"

34. Page 83, line 20.
Following: "37-16-403,"
Insert: "37-16-404,"

35. Page 83, line 25.
Strike: "37-68-307, 37-68-310,"

- END -