



Economic Affairs Interim Committee

57th Montana Legislature

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November 19, 2001

TO: Members of the Economic Affairs Interim Committee
FROM: Gordy Higgins, Legislative Services Division
RE: November 30, 2002, Committee meeting

REMINDER: The Economic Affairs Interim Committee will meet on Friday, November 30, 2002, starting at 10:00 a.m., in Room 137 of the State Capitol.

As you can see from the enclosed agenda, the upcoming meeting may well be called the Department of Labor Day.

Mr. David Gibson, the state's Chief Economic Development officer, will present his organization's preliminary findings resulting from statewide visits and meetings with local officials, legislators, and business interests. These findings will be part of a strategic plan that sets the stage for the Administration's economic development legislative package. I've asked Mr. Gibson to speak to his findings and to update his office's timelines for delivering a proposed economic plan.

The Department of Labor and Industry is expected to provide the following:

1. An update on their progress toward resolving the concerns of the various providers of physical medicine working under the Workers' Compensation fee schedule. The various stakeholders have met and agreed to a schedule and to provide the necessary information to assist the Department developing a reasonable solution.
2. The results of a meeting between state labor officials and others and the U.S. Department of Labor regarding travel compensation. This effort was initiated as a result of HJR 7, passed during the last Legislative session and sponsored by Speaker Dan McGee.
3. Their findings related to employee break time inquiries as requested by Rep. Kathleen Galvin-Halcro.
4. The latest information related to SB 242, the "donut bill". Since the last meeting,

the Attorney General issued an opinion, requested by the Yellowstone County Attorney, clarifying a number of issues, including that municipal jurisdiction for building code enforcement within the donut area remained in effect until the results of the mail-in ballot were certified. Shortly after, the AG issued a second opinion reversing his original conclusion and opined that the cities authority was terminated on May 1, 2001, the date the bill became effective. As a result of this and other issues, cities with donut areas, along with individual plaintiffs, filed a petition with the Montana Supreme Court requesting injunctive relief from the provisions of the bill. Whether the Court will agree to hear this case is unknown. We should have a better indication of the Court's intentions by the time we meet.

5. A report on the effects a repealed provision that allowed licensing boards to suspend fees for people called to active duty military service. The Department is expected to confirm that each board has the ability to respond to this situation either through a rule change, or with flexibility granted by statutory language.
6. An explanation of jurisdiction related to the enforcement of building codes. At issue is a Bed and Breakfast owner who was informed by city inspectors that his facility's boiler met required codes. In a subsequent review by the Department, the inspector informed the B&B owner that his boiler was not in compliance. The Department has been asked to clarify the roles of each inspection agent.
7. (Tentatively) The results of a recent meeting of the Board of Professional Engineers and Land Surveyors concerning a scope of practice issue as it relates to the design and installation of fire suppression systems. At issue is the apparent reinterpretation of a statutory definition of practice. The Board brought legislation forward last session to clarify that design and installation of fire suppression systems were within the scope of practice for engineering and thus required registration as an engineer. The bill ultimately died. If the Board persists (and there is no indication one way or the other), the Committee may wish to respond to concerns raised by a number of Legislators using a variety of methods.

I have asked the Governor's Office to report on the progress of a healthcare employment task force that recently met. The task force was created by Governor Martz and is charged with identifying options to bolster health care related employment in the state. While it certainly ties in with the SJR 22 Subcommittee activities, it was determined that the overall focus of the Economic Affairs Committee would be the best forum for this discussion.

The rest of the day will be taken up by a presentation I'll give describing the Legislative Council's newly adopted operating procedures for Interim Committees. While most of the policies and procedures are straightforward and generally followed by all interim committees, the Council established the expectations and time frames for reviewing agency-requested legislation. As you'll recall from our first meeting, I stated that each committee has been given responsibility for

reviewing and acting as the official requestor of agency bills. The Council's policies will help the Committee guide each of our eight Executive Branch entities as to the Legislature's expectations and maintain a cooperative and positive relationship.

Please feel free to contact me at 444-9280 if you have any questions. I look forward to seeing you at the end of the month.

Enc. Agenda

September 7th meeting minutes

Petition filed by Plaintiffs in SB 242 case

Original AG opinion on SB 242

Revised AG opinion on SB 242

Copy of the Legislative Council's Interim Committee Policies and Procedures

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