

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS & INDUSTRY**

Call to Order: By J.D. Lynch, Chair, on January 12, 1993, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. J.D. Lynch, Chair (D)
Sen. Chris Christiaens, Vice Chair (D)
Sen. Betty Bruski-Maus (D)
Sen. Delwyn Gage (R)
Sen. Tom Hager (R)
Sen. Ethel Harding (R)
Sen. Ed Kennedy (D)
Sen. Terry Klampe (D)
Sen. Francis Koehnke (D)
Sen. Kenneth Mesaros (R)
Sen. Doc Rea (D)
Sen. Daryl Toews (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Kristie Wolter, Committee Secretary

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

Committee Business Summary:

Hearing: SB 82, SB 83
Executive Action: None.

HEARING ON SB 83

Opening Statement by Sponsor:

Senator Harp, Senate District 4, Kalispell, brought SB 83 before the Committee and asked that people referred to a job for electrical work should be licensed electricians. The Electrical Board has received many complaints that organizations have referred many people without a Montana electrical license for contract work. Particular problems have occurred in the Billings area with Exxon, Conoco, and Cenex with electricians referred out

on jobs from the Local 532. The problems which have risen from these situations have raised concern about the safety and well-being of the public.

SB 83 will propose the State Electrical Board renew licenses for a period of three years rather than the current annual renewal. The result in this change would be savings in administrative costs.

Proponents' Testimony:

Rick Kopel, Building Codes Bureau, rose in support of SB 83 and also submitted proposed amendments. He distributed a letter stating the proposed amendments (Exhibit #1). SB 83 is drafted so it would not allow the department to place all renewal licenses on the same three year cycle. The amendments would provide for the renewal licenses to be on the same cycle. The issuance of the licenses every three years would also coincide with the three year continuing education requirement of the board, which would also provide additional cost savings.

Gene Kolstad, Montana Electrical Licensing Board, represented the members of the Board in support of SB 83. Mr. Kolstad stated he felt SB 83 would protect the safety of the general public. Section 1 of SB 83 discourages organizations referring electricians from referring them if they are unlicensed, which strengthens the goal of qualified installations. SB 83 protects the public against unsafe practitioners by moving the start of the one-year statute of limitations to the date when violations are ending rather than when violations begin. SB 83 also encourages County Attorneys to assist the board in prosecution of violations.

John Allen, Montana Electrical Contractor Association, came forth in support of SB 83.

Tom Hopgood, Montana Association of Realtors, showed no position on the bill and proposed in sub-section 1, paragraph 2 the words "such as" is ambiguous and the words be removed to clarify the bill.

A letter from the State Electrical Board in support of SB 83 was distributed (Exhibit #2).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Gage inquired if, under the penalty section, the State Electrical Board had authority to fine, imprison or revoke the license of the violator. Rick Kopel replied the State Electrical

Board only has jurisdiction for disciplinary action against licensed electricians; anyone not licensed would be subject to civil or criminal penalties. Senator Gage, referring to page 2 line 10, asked about the drawing of numbers for the taking of the licensing test and why the Board was selective in its choice of people who could take the electrician's licensing test. Mr. Kolstad replied the board reviews the applicants for qualification and additional experience. Bart Campbell, Legislative Council stated the test is taken anonymously, and the people taking the test are assigned a number.

Senator Rea asked if SB 83 had no effect on a building manager who, for example, wants to change a breaker or an outlet. Mr. Kopel responded SB 83 doesn't address that subject.

Senator Koehnke inquired if the unions were sending out people who were licensed and qualified. Mr. Kopel replied in many cases the unions had sent out qualified people, but the complaint arose from a particular case where the union was sending out people who were licensed outside of the state of Montana, but they did not hold a Montana license.

Closing by Sponsor:

Senator Harp respectfully closed on SB 83.

HEARING ON SB 82

Opening Statement by Sponsor:

Senator Harp opened on SB 82 at the request of the Department of Commerce. SB 82 handles the ability to extend the drainage system component law from 2 feet to 20 feet. The extension currently complies with the allowance under the water service system. Under the current statutes, all plumbing is done by a licensed plumber on plumbing systems. The dispute is beyond the 2-foot exterior wall where the drainage system is. The Department of Commerce wants the water system to extend to 20 feet to correspond with both the drainage and plumbing systems. SB 82 does not affect any license requirements, and it does not add cost to the home owner. SB 82 is concerned with public safety. In most cases where a water and a sewer line are being built, there is a trench opened and it is cost effective to extend the drainage system at the same time as the water system is being done, with a 12-inch separation between the two systems. It is critical to extend the additional 18 feet because at certain elevations if the design is incorrect, there are sometimes problems with fluids backing up. Senator Harp stated the installation is such that there won't be contamination of potable water. Some of the problems have taken place in Missoula. The system in Missoula is called the "step system," which is the septic tank fluid pumping system. Currently the city of Missoula owns all of the step system to the container or to

the septic tank. The dispute is in the distance of 20 feet to the home. The homeowners own the 20 feet, but the city of Missoula is using a contractor or their own people to install the systems. There is concern in Missoula that the work should be done by a licensed contractor or by a licensed plumber.

SB 82 only affects city owned water and sewer. Rural areas are not affected unless they have city water. SB 82 does not affect the ability of the local septic tank contractor to install a septic tank and extend the drainage pipe on the other side of the tank.

SB 82 would not prohibit local governments from extending their own water and sewer without licensed personnel. SB 82 also has a section stating if people reside at a place for 180 days or less, the work should be done by a licensed plumber, but includes an exemption for land used for agriculture and livestock.

Proponents' Testimony:

Robert Nault, Chairman, State Board of Plumbers, was introduced by Mr. Kopel and stated the Board of Plumbers are supporting SB 82.

Bill Jellison, Building Codes Bureau, provided illustrations of the drainage and sewage systems and reviewed the information with the Committee (Exhibit #3). Mr. Jellison also supplied a copy of MCA 37-69-301 (Exhibit #4).

John Forkan, President, Montana Association of Plumbers and Pipefitters, supported SB 82 and supplied the Committee with a prepared statement (Exhibit #5).

Don Halverson, Business Manager, Plumbers & Pipefitters, Local 459, Missoula, asked the Committee to support SB 83 bill stating it would close many of the loopholes in the law.

Ron Vandenbrink, Northern Plumbing, Billings contacted Senator Lynch and is noted as being in support of SB 82.

Opponents' Testimony:

Bruce Bender, City Engineer, City of Missoula, stated he has no vested interest in regards to SB 82, but was present to speak on behalf of the public good. He addressed the matter of the 2-foot rule versus the 20-foot rule. Mr. Bender stated Missoula does not follow the 20-foot rule in either water or drainage and the sewer and water are all within 2 feet of the building's foundations. In the 2-foot situation, the licensed plumber can install everything within the building and go 2 feet outside of the building, and the water and sewer service is installed by a licensed and bonded utility contractor. The aforementioned

method was used in Great Falls and Billings until the Attorney General's opinion came out the summer of 1992. Mr. Bender stated there is no problem with the utility contractor installing the pipe 2 feet out to the main. He added if there needs to be a consistency or a change, he feels the sewage needs to be changed back to 2 feet outside of the building. He stated the plumber works inside the building and the utility contractor does the excavation and installs the sewer and water service all the way up to the building. Mr. Bender said he sees no logic in the 20-foot rule because there has to be 30 to 40 feet of additional sewage line pipe installed beyond the 20-foot mark and an additional 20 to 50 feet of water service line. Mr. Bender stated the city of Missoula enforces the plumbing code as far as the workmanship and materials on the pipe are concerned.

Another point made by Mr. Bender was the utility contractor specializes in working in trenches, where the plumber is not skilled in this area. The OSHA regulations are trying to protect the workers, and placing a plumber in the trench would be in violation of the OSHA regulations.

Mr. Bender concluded the passage of SB 82 would increase the cost to the homeowners, and the cities would not benefit from it. SB 82 would impede the work and would cause an unnecessary joint in the line which would require maintenance.

Nancy Griffin, Montana Building Industry, spoke from and supplied written testimony opposing SB 82. (Exhibit #6)

Russ Ritter, Pro Builders, Missoula, asked the Committee give SB 82 a "Do Not Pass" recommendation.

Carl Schweitzer, Montana Contractors Association, asked the Committee not to support SB 82.

Alec Hansen, Executive Director Montana League of Cities and Towns contacted Senator Lynch and stated his opposition to SB 82. Mr. Hansen's letter is attached (Exhibit #7).

Questions From Committee Members and Responses:

Senator Gage addressed Bart Campbell, stating he interpreted SB 83 to say if the pipe extends more than 20 feet, then it is no longer a drainage system. Mr. Campbell stated the original language is 2 feet and 2 feet away from the house is not considered the drainage system. Senator Gage then questioned the title "Eliminating the Provision Stating That There is No Penalty for Hiring an Unlicensed Plumber" and asked if that was the repealed section. Mr. Kopel answered it was the repealed section, and it doesn't provide a penalty for hiring an unlicensed plumber; it removes the perception that it is okay to do so. Senator Gage continued inquiring about the Attorney General's opinion. Mr. Kopel stated the Attorney General's opinion was a licensed plumber should do all the work on water

and sewer work. The city of Missoula asked the Attorney General (AG) to clarify the opinion. The AG said the water portion which extends out 20 feet requires a licensed plumber, but in regards to the drainage system, it only goes out 2 feet and is not required to use a licensed plumber from the 2 feet out. SB 82 addresses the subject of the private homeowner who does not fall under the AG's opinion. Under SB 82, the private homeowner would fall under the AG's opinion which would provide protection for the homeowner. Public systems already fall under the 20 foot rule. Exemptions are residences which are not connected to the city water system or which are on septic tank systems.

Senator Lynch stated the fact Missoula is a private and not a public water company and asked if SB 82 would effect Missoula. Mr. Kopel answered Missoula does fall under SB 82 when they are working on private property.

Senator Rea asked, if SB 82 does not effect rural areas, why there is a clause regarding livestock and agriculture. Mr. Kopel answered there will be a bill forthcoming which provides for exceptions of land parcels of 20 acres or larger and the language is included for compatibility with the forthcoming bill. Senator Rea interpreted the language of the section to say SB 82 would include a watering tank for livestock and asked for clarification. Mr. Kopel stated the current law makes an exception for all farms and ranches. The houses on the ranch are exempt unless they are hooked into a public water source and all other water is exempt if it used for livestock and agriculture.

Senator Klampe asked Mr. Bender how many houses in the Missoula area have been hooked up under the current law using the step system. Mr. Bender answered around 1,000 homes. Senator Klampe asked about any damages or lawsuits which have occurred. Mr. Bender responded the work is under a 1-year warranty on licensed and bonded work, and there have been no problems. Senator Klampe then asked how much more it would cost to have a licensed plumber at the site. Mr. Bender answered he didn't know. Senator Klampe asked how many more homes in the Missoula area would be affected by SB 82. Mr. Bender answered the numbers would be in the thousands in the next 10 to 15 years.

Senator Koehnke asked Mr. Kopel about the exemption of 20 acres or more in conjunction with a ranch or farm and asked about something less than 20 acres but still in conjunction with a ranch or farm. Mr. Kopel answered anything under 20 acres would fall under the rule.

Senator Christiaens asked about the "transient guest" language and 180 day provision. Mr. Kopel responded the definition came from other statutes and was chosen from those statutes. He then gave an example of a time share. Senator Christiaens inquired about the AG's opinion, since plumbing systems extend 20 feet and sewer systems extend 2 feet, there appears to be a problem with the plumber and contractors in the same trench at the same time.

Mr. Kopel rebutted there hasn't been a problem except in the cities of Missoula and Billings.

Senator Bruski-Maus queried as to what effect the 20-acre limitation would have on a truck garden which was smaller than 20 acres. Mr. Kopel asked if it was for personal use or business use. Senator Bruski-Maus responded a person would be living on the property and has the garden in the same area. Mr. Kopel answered it would not be exempt under the 20-acre limitation.

Senator Lynch clarified SB 82 would apply to new construction and maintenance or improvements. Mr. Kopel replied there was still an exception for a homeowner doing his own plumbing.

Closing by Sponsor:

Senator Harp closed, giving the figure of \$18 per foot for the pipe needing to be laid under SB 82. He stated SB 82 was for uniformity reasons and thanked the Committee for the opportunity to bring the bill before them.

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:10 a.m.



Senator J.D. Lynch, Chair



Kristie Wolter, Secretary

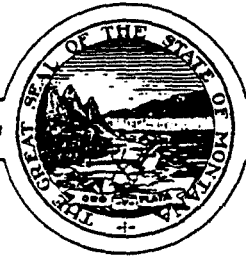
JDL/klw

ROLL CALL

SENATE COMMITTEE Business & Industry DATE Jan 12, 1993

NAME	PRESENT	ABSENT	EXCUSED
Senator Lynch	/		
Senator Christaens	/		
Senator Bruski-Maus	/		
Senator Gage	/		
Senator Hager	/		
Senator Harding	/		
Senator Kennedy	/		
Senator Klampe	/		
Senator Koehnke	/		
Senator Mesaros	/		
Senator Rea	/		
Senator Toews	/		
Senator Wilson	/		

DEPARTMENT OF COMMERCE
BUILDING CODES BUREAU



STAN STEPHENS, GOVERNOR

CAPITOL STATION

STATE OF MONTANA

(406) 444-3933
(406) 444-3642

HELENA, MONTANA 59620

January 6, 1993

Senator Lynch
Senate Business and Industry Committee
Room 412, Capitol
Capitol Station
Helena, MT 59620

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. _____
DATE 1/12/93
BILL NO. SB 83

RE: Department of Commerce Explanation of Proposed Legislation
- Senate Bill Nos. 82 and 83

Dear Chairman Lynch:

This letter provides an explanation for the legislative changes contained within Senate Bill Nos. 82 and 83. The Department of Commerce has requested this legislation as the result of a request from the State Board of Plumbers (Senate Bill No. 82) and State Electrical Board (Senate Bill No. 83).

SENATE BILL NO. 82

Section 1.

A. Amending subsection 37-69-101(3), MCA, by amending the definition of drainage system so that it is similar to the definition of plumbing system in (7)(a). The drainage system would extend to a point not more than twenty feet outside the building way and would include the building sewer. Both the drainage system and plumbing system are utilized in the definition of the field of plumbing for a determination of when licensure is required. Under the existing definition of drainage system, the system does not extend more than two feet outside the building way and does not include the building sewer.

B. Adding subsection 37-69-101(10), MCA, to provide a definition for a transient guest. This definition will be utilized in determining whether an exception to the licensure law is applicable in section 37-69-102, MCA.

Section 2.

A. Amending subsection 37-69-102(1)(a), MCA, to clarify that the exception to licensure applies where an owner of a single-

family residence that is used exclusively for the owners' use personally makes the installation.

B. Amending subsection 37-69-102(1)(c), MCA, to provide that the exception related to a farm or ranch applies on a farm or ranch of twenty acres or more, provided that the installation is used in conjunction with an agricultural or livestock raising operation and is not connected to either a public water supply or a public sewage disposal system. This will result in the language being consistent with the language contained in subsection 37-69-102(2) which also determines whether licensure is not required for an installation on a farm or ranch.

C. Adding subsection 37-69-102(3), MCA, to provide that a plumbing installation in a hotel, motel, etc., or in a place where sleeping accommodations are furnished for a fee to a transient guest is not exempt from the licensure requirements of this chapter.

Section 3. Adding subsection 37-69-324(2), MCA, to provide that any violation of the plumbing licensure law is a continuing violation which would toll the statute of limitations until the violation ceases. Also provides that the county attorney shall, upon request of the Board of Plumbers, prosecute any violation of the licensing requirements of this chapter.

Section 4. Repeals section 37-69-103, MCA, to remove the perception that it is acceptable to hire an unlicensed plumber. Although this change will not make it unlawful to hire an unlicensed plumber, the perception that this is acceptable conduct will be removed.

SENATE BILL NO. 83

Section 1. Adds subsection 37-68-301(2), MCA, to provide that an organization or employee of an organization, such as a private or public employment agency or labor union, who refers persons for employment by others may not refer a person for employment by others to perform the work of a licensed electrical contractor or electrician unless the person being referred has received the appropriate license.

Section 2. The Department of Commerce hereby requests that the proposed amendment to subsection 37-68-307(3), MCA, be changed to read as follows: "(3) Each original license expires on the a July 15 which that is at least 1 year but not more than 2 years subsequent to the date of issuance as determined by the Board." This change would allow the Department to place all licensees on the same three year cycle which would result in administrative cost savings in the renewal process.

Section 3. Amending section 37-68-310, MCA, to provide that

Exhibit #1
1-12-93
SB-83

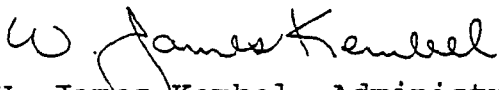
license renewal shall be every three years rather than on an annual basis. This will result in an administrative cost savings.

Section 4. Amending subsection 37-68-311(1), MCA, to clarify that master electricians must be licensed as such whether or not they are also electrical contractors. This amendment will not result in a change in the administration of the electrical licensing law.

Section 5. Amending subsection 37-68-312, MCA, to also provide a three year license renewal for an electrical contractor. This will result in administrative cost savings from the present law which requires annual renewal. The Department hereby requests that the proposed amendment be changed to provide that the original electrical contractors license be issued for a period which will also allow all renewals to be placed on the same three year cycle. The language contained within the forth sentence of the proposed amendment should be changed to read: "and expire Each original license expires on a July 1 following subsequent to the date of issue issuance as determined by the Board."

Section 6. Adding subsection 37-68-322(3), MCA, to provide that any violation of the electrical licensure law is a continuing violation which would toll the statute of limitations until the violation ceases. Also provides that the county attorney shall, upon request of the State Electrical Board, prosecute any violation of the licensing requirements of this chapter.

Sincerely,



W. James Kembel, Administrator
Public Safety Division

WJK:kjs

cc: Senator John Harp

DEPARTMENT OF COMMERCE
BUILDING CODES BUREAU



STAN STEPHENS, GOVERNOR

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January 6, 1993

Senator Lynch
Senate Business and Industry Committee
Room 412, Capitol
Capitol Station
Helena, MT 59620

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 2
DATE 1/12/93
BILL NO. SB 83

RE: Senate Bill 83

Dear Senator Lynch:

The State Electrical Board supports Senate Bill 83 introduced by Senator Harp. The proposed statute revisions would significantly enhance the Board's ability to bring about fulfillment of the purposes of Title 37, Chapter 68 and would reduce administrative costs.

The revision of 37-68-301 is to end the practice of referring persons for employment by others as electrical construction workers without regard as to whether those persons are licensed or not. By and large, this is the practice of organizations in the business of providing such referrals. This revision would reduce the Department's cost of monitoring for unlicensed persons and would better fulfill the Board's requirement under 37-68-101(4) to "assure the public that persons making electrical installations are qualified".

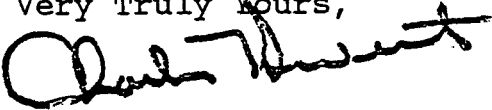
The revisions of 37-68-307, 37-68-310, 37-68-311 and 37-68-312 are to provide for renewal of electrical licenses every three years instead of annually. There is no compelling reason for annual renewal whereas it is logical to coincide license renewal with the every-three-year continuing education verification process. With these revisions, staffing requirements for license renewal processing would be reduced by two-thirds.

The revision of 37-68-322 is to allow a more orderly investigation and disposal of alleged violations of the provisions of Chapter 68. Currently in some matters, the statute of limitation occurs before action by the Board can be completed.

Page 2

Written support has been submitted in that the writer is out of state and unable to attend the hearing.

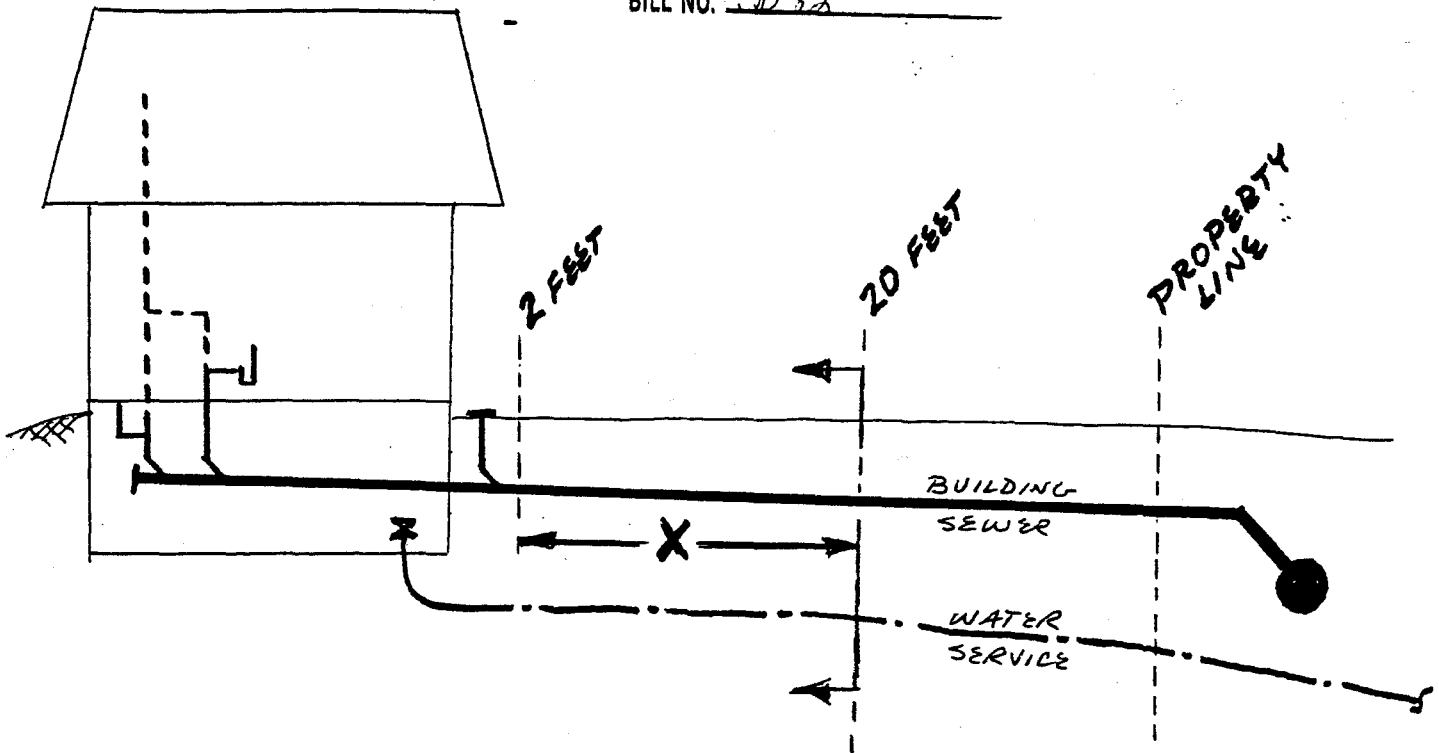
Very Truly Yours,

A handwritten signature in black ink, appearing to read "Charles T. Sweet". The signature is written in a cursive style with a large initial "C".

Charles T. Sweet, Chairman
State Electrical Board

CTS:kjs

cc: Senator John G. Harp



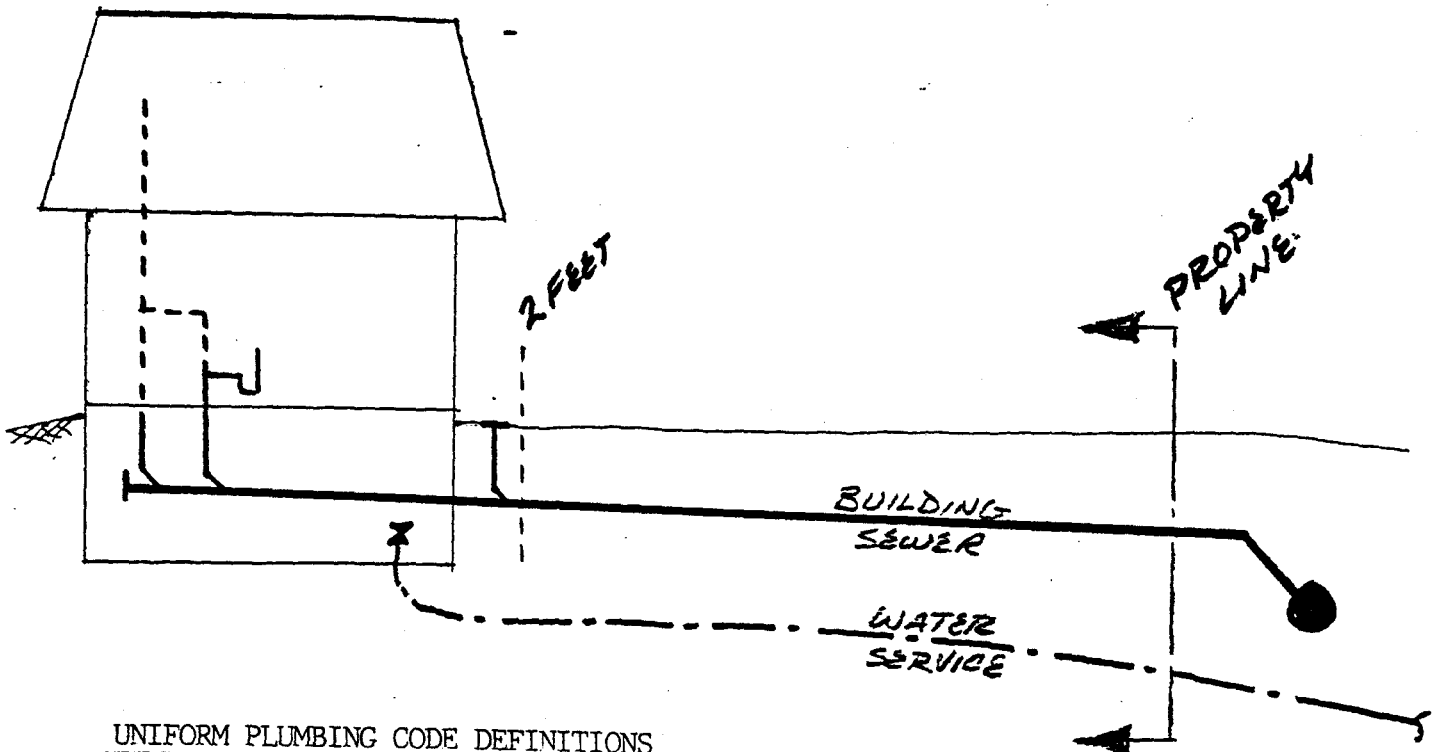
TITLE 37, CHAPTER 69, MCA

37-69-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(3) "Drainage system" means all the piping inside the walls of a building that conveys sewage or other liquid wastes outside the building to the building sewer but that does not extend more than 2 feet outside the building way.

(4) "Field of plumbing" means the business, trade, or work having to do with the installation, removal, alteration, or repair of plumbing and drainage systems or parts thereof.

(7) (a) Except as provided in subsection (7)(b), "plumbing system" means all potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes, and building drains, including their respective joints and connections, devices, receptacles, and appurtenances within the property lines of any premises, up to 20 feet beyond the building foundation line, and includes potable water piping, water heaters, and vents for the premises.



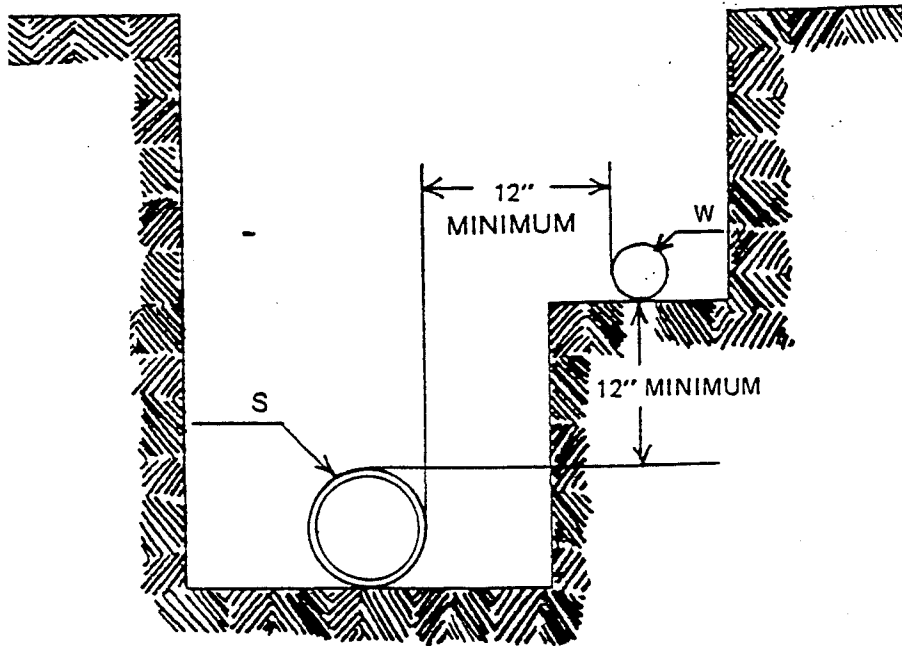
UNIFORM PLUMBING CODE DEFINITIONS

(o) Building Drain - The building drain is that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet (.6m) outside the building wall.

(p) Building Sewer - The building sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

(j) Plumbing System - The plumbing system means and includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe, and all building drains, including their respective joints and connection, devices, receptacles, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, fuel gas piping, water heaters and vents for same.

(f) Drainage System - A drainage system (drainage piping) includes all the piping within public or private premises, which conveys sewage or other liquid wastes to a legal point of disposal, but does not include the mains of a public sewer system or a public sewage treatment or disposal



UNIFORM PLUMBING CODE

Section 1108 – Sewer and Water Pipes

Building sewers or drainage piping of clay or materials which are not approved for use within a building shall not be run or laid in the same trench as the water pipes unless both of the following requirements are met:

- (1) The bottom of the water pipe, at all points, shall be at least twelve (12) inches (0.3 m) above the top of the sewer or drain line.
- (2) The water pipe shall be placed on a solid shelf excavated at one side of the common trench with a minimum clear horizontal distance of at least twelve (12) inches (0.3 m) from the sewer or drain line.

Water pipes crossing sewer or drainage piping constructed of clay or materials which are not approved for use within a building shall be laid a minimum of twelve (12) inches (0.3 m) above that sewer or drain pipe.

NOTE: For the purpose of this section, "within the building" shall mean within the fixed limits of the building foundation.

SENATE BUSINESS & INDUSTRY

Part 3

EXHIBIT NO. 4DATE 1/12/93

Licensing

BILL NO. 5882

Part Cross-References

Licensing to follow contested case procedure, 2-4-631.

Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.

Licensure of criminal offenders, Title 37, ch. 1, part 2.

Nondiscrimination in licensing, 49-3-204

37-69-301. License required — temporary exception by municipal resolution when licensed plumber not available. Any person working in the field of plumbing in any incorporated city, town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who while working in the field of plumbing shall connect plumbing to or disconnect plumbing from a public water supply or public sewer system shall first secure a state license as hereinafter provided. The council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly licensed person or persons are not reasonably available, may by ordinance, rule, or resolution duly adopted and upon reasonable notice by certified letter to the board of plumbers and upon their approval, or after 30 days from the date of the postmark of the certified letter if the board fails to respond to the certified letter, authorize the practice in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons are reasonably available or until the board of plumbers withdraws its authorization.

History: En. Sec. 1, Ch. 203, L. 1949; amd. Sec. 1, Ch. 185, L. 1961; amd. Sec. 1, Ch. 497, L. 1975; R.C.M. 1947, 66-2401(1); amd. Sec. 3, Ch. 661, L. 1985.

Cross-References

"Registered mail" to include registered or certified mail, 1-1-202.

Metropolitan sanitary and/or storm sewer districts, Title 7, ch. 13, part 1.

Municipal sewage and/or water systems, Title 7, ch. 13, part 43.

37-69-302. Apprenticeship allowed. This chapter does not prohibit a person from working as an apprentice in the trade of plumbing with a plumber licensed by the department under the supervision of a licensed journeyman plumber. Only those apprentices registered with the department of labor and industry will be recognized by the department. The name and residence of each apprentice and the names and residences of their employers shall be filed with the department, and a record shall be kept by the department.

History: En. Sec. 6, Ch. 203, L. 1949; amd. Sec. 232, Ch. 350, L. 1974; amd. Sec. 6, Ch. 497, L. 1975; R.C.M. 1947, 66-2406.

Cross-References

Apprenticeship, Title 39, ch. 6, part 1.

37-69-303. Application — contents — requirements. A person, firm, or corporation desiring to engage in or work in the field of plumbing in this state, either as a master plumber or as a journeyman plumber, shall make application to the department by filing a written application stating his place

SENATE BILL 82

Mr. Chairman, Committee Members, for the record, my name is John Forkan. I am President of the Montana State Association of Plumbers and Pipefitters.

Our Association would like to go on record in support of Senate Bill 82 as amended. This bill addresses and corrects many of the problem areas that have been prevalent in Montana for some time.

This bill keeps in tact, the exemptions that have been provided to industry, such as mines, mills, smelters, refineries, public utilities, and railroads. It also exempts farms and ranches of 20 acres or more, providing their operations are related to agriculture or livestock. This bill also provides for stronger enforcement of state plumbing laws as well as providing penalties for individuals who illegally engage in the field of plumbing without a license.

Opponents of this bill may claim that it will restrict people from performing plumbing work or will cause an inconvenience to some homeowners. It will do neither. What it will do, however, is exactly what licensing laws are intended to do, protect the public from untrained, unqualified workers and contractors.

Licensing laws, whether they be for plumbers, electricians, lawyers, or doctors, are adopted to protect the public, you and me, and our families.

The trade of plumbing is not a handyman occupation. People die because of improper plumbing and venting installations. It is important to the unsuspecting public that measures are taken to protect people from the associated dangers that are involved with the plumbing industry, that the average person is not even aware of.

We would ask this Committee to support this legislation and vote "Do Pass" on Senate Bill 82.

Thank you.

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 5
DATE 1/12/63
BILL NO. SB 82

SB 82

Extending the Jurisdiction of Licensed Plumbers

Recommend:
Do Not Pass

Nancy Griffin, Executive Officer, Montana Building Industry Association.

Current building practice is to require the services of a licensed plumber to 2' outside of the house. Appropriate connections to the city or public water and sewer systems are stubbed to the outside of the foundation. Linkages to the water system are done with a product called "Clear Core", which comes in various diameters to accommodate the necessary supply of water. This is black plastic pipe with no seams or joints. The excavator digs the trench, the placement and depth of which is approved by the county sanitarian or the city building inspection department. The builder lays the pipe from the foundation of the house to the city or private public system. The licensed plumber hooks the pipe to the house on one end and the city system people hook to the city system.

The same procedure is used for the sewer system, except the product used is 20' pieces of pipe.

Already there are mechanisms in place to assure public health and safety by inspections of public and private sewer and water systems.

This legislation will require a special visit to each job site to have a licensed plumber install the lines. As the excavator is the first subcontractor on the job; often the lines are laid to the housing site before the foundation is even framed.

Although the bill seems to exempt rural areas and private septic system, it will, in practice have a much wider application. Current subdivision practice promotes the development of public water systems to parcels which will have individual septic systems. In these homes a licensed plumber will be called to the job to lay pipe currently done by a septic system installer certified by the county sanitarian.

Our arguments to oppose this bill are important affordable housing issues. In addition to the time delays and inconvenience for construction supervisors the costs of having the plumber stand around while the excavator is working; for the excavator holding his equipment at the job to accommodate the plumber could easily add \$200 or \$300 to the construction of every home.

Current practice in the industry demonstrates there are no problems. We feel this bill was the result of a jurisdictional issue unique to Missoula and the employment practices of their privately owned water company. That community posses the internal building , sewer and water inspection systems to assure the protection of both private property and safe and sanitary water supplies.

We urge a do not pass.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 6

DATE 1/12/93

BILL NO. SB 82

Montana League of Cities and Towns



January 14, 1992

Senator J.D. Lynch
Montana State Senate
Capitol Station
Helena, MT 59620

Dear Senator Lynch:

I regret that a conflict prevented me from attending the hearing on Senate Bill 82, and I appreciate the opportunity you have given me to submit the following comments for the official record of the Business and Industry Committee.

The Montana League of Cities and Towns objects to Section 3 of SB-82 that changes the definition of a drainage system. We believe that requiring a licensed plumber to work on drainage pipes, up to 20 feet beyond the wall of a building will increase the costs of constructing and repairing public sewer systems.

Under current law, cities often include hookups in a sewer construction contract, with the provisions that this work is to be performed by the utility contractor. Requiring licensed plumbers on these projects will increase the direct costs and could cause expensive delays where a sufficient number of journeymen are not available to do the work.

We are also concerned about the affect of this bill on small cities and towns, where maintenance crews are responsible for routine sewer system repairs. Many of these small communities do not have a licensed plumber, and if it is necessary to bring someone in from outside to repair a broken line, it is obvious that costs will increase and service will be interrupted for a longer period of time.

In conclusion, this bill will increase the costs of constructing and maintaining public sewer systems, which will eventually become the responsibility of the rate payers.

Thank you for considering these comments.

Best wishes

Alec

Alec Hansen
Executive Director

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 7

DATE 1/13/92

BILL NO. SB 82

DATE 1/12/93

SENATE COMMITTEE ON Business & Industry

BILLS BEING HEARD TODAY: SB 82, 83

Name	Representing	Bill No.	Check One	
			Support	Oppose
W. James Kambel	DOC	82+83	Info	
Jim Brown	Bldg. Codes Bureau	82+83	Info	
GENE KOLSTAD	MT. ELEC. LICENSING BOARD	83	<input checked="" type="checkbox"/>	
RICK KOPEL	BLDG. CODES BUREAU	82+83	Info.	
W. H. JELLISON	BLDG CODES BUR	82+83	<input checked="" type="checkbox"/>	
BOB NAULT	State Board of Plumbers	82		
JOHN ALLEN	ALLEN ELECTRIC + MONT. ELEC. CONTRACTORS ASSN	83	<input checked="" type="checkbox"/>	
Bruce Bender	City of Missoula	82		<input checked="" type="checkbox"/>
Doug HARBY	City of Missoula	82		<input checked="" type="checkbox"/>
Mitch Schwab	DIES	82	Info noted	
Ken Walker	U S WEST	83		
John Forker	MONTANA ASSOCIATION OF PLUMBERS + PIPEFITTERS	82	<input checked="" type="checkbox"/>	
Don Halverson	Plumbers + Pipefitters Local 459 - Missoula	82	<input checked="" type="checkbox"/>	
John Pejko	Plumbers & Fitters Local 139 Great Falls	82	<input checked="" type="checkbox"/>	
Russ Ritter	Pro Builders	82	<input checked="" type="checkbox"/>	
Mr Ryan	Rep HD 38	83	<input checked="" type="checkbox"/>	

Tom Hopwood

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

Name	Representing	Bill No.	Check One	
			Support	Oppose
Bill Endy	Rep HD 74	83	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Hoggard	M-H. Assoc. Realtors	SB 83	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Gonzalez	Mont. Bldg Industry	82	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carl Schweitzer	Mont Contractors Assoc	82	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stuart Roggett	Mont. Manufactured Homes Mortgage Lenders	83 82	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
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VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY