

SENATE BILL 385

IN THE SENATE

February 6, 1979	Introduced and referred to Committee on State Adminis- tration.
February 7, 1979	Fiscal note requested.
February 13, 1979	Fiscal note returned.
February 19, 1979	Committee recommend bill, do not pass.

1 *Amend* BILL NO. *385*  
 2 INTRODUCED BY *Jerguson, Harold Thomas Laxson*  
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE  
 6 REGULATION OF THE FIELD OF PLUMBING BY A BOARD OF PUBLIC  
 7 SAFETY IN THE DEPARTMENT OF ADMINISTRATION; TERMINATING THE  
 8 OPERATION OF THE BOARD OF PLUMBERS ON JULY 1, 1979;  
 9 ELIMINATING REFERENCES TO THE BOARD OF PLUMBERS; CLARIFYING  
 10 DEFINITIONS RELATED TO PLUMBING; GRANTING RULEMAKING  
 11 AUTHORITY; IMPOSING DUTIES ON THE DEPARTMENT; PERMITTING  
 12 MASTER PLUMBERS TO WORK AS JOURNEYMAN PLUMBERS; PERMITTING  
 13 THE BOARD TO SET FEES; AMENDING SECTIONS 2-8-121, 37-69-101,  
 14 37-69-301, 37-69-304 THROUGH 37-69-308, AND 50-60-204, MCA;  
 15 AND REPEALING SECTIONS 2-15-1655 AND 37-69-201 THROUGH  
 16 37-69-203, MCA."

17  
 18 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,  
 19 will terminate the board of plumbers and require a  
 20 performance evaluation of the board by the legislative audit  
 21 committee; and

22 WHEREAS, as a result of the performance evaluation, the  
 23 legislative audit committee recommends that the board of  
 24 plumbers be abolished and regulation of the field of  
 25 plumbing be transferred to the board of public safety in the

1 department of administration and that certain statutory  
 2 provisions be amended or repealed.

3  
 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 Section 1. Section 2-8-121, MCA, is amended to read:  
 6 "2-8-121. Effect of termination. ~~Upon~~ Unless otherwise  
 7 provided, upon termination, each agency or unit shall  
 8 continue in existence until July 1 of the next succeeding  
 9 year for the purpose of winding up its affairs. During the  
 10 windup period, termination does not reduce or otherwise  
 11 limit the powers or authority of each respective agency  
 12 except that no action may be taken which would continue in  
 13 effect beyond the 1-year windup period. Upon the expiration  
 14 of the 1 year after termination, each agency not modified or  
 15 reestablished shall be abolished and all unexpended balances  
 16 of appropriations, allocations, or other funds shall revert  
 17 to the fund from which they were appropriated or, if that  
 18 fund is abolished, to the general fund."

19 Section 2. Section 37-69-101, MCA, is amended to read:

20 "37-69-101. Definitions. Unless the context requires  
 21 otherwise, in this chapter the following definitions apply:  
 22 (1) "Board" means the board of plumbers-provided-for  
 23 ~~in 2-15-1655 public safety provided for in [section 1 of~~  
 24 Senate Bill 247].

25 (2) "Department" means the department of professiona†

1 ~~and occupational licensing provided for in Title 2, chapter~~  
 2 ~~15, part 16 administration provided for in Title 2, chapter~~  
 3 ~~15, part 10.~~

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

8 ~~(3)(4) "Field of plumbing" means the business, trade,~~  
 9 ~~or work having to do with the installation, removal,~~  
 10 ~~alteration, or repair of plumbing and drainage systems or~~  
 11 ~~parts thereof.~~

12 ~~(4)(5) "Journeyman plumber" means a person who is~~  
 13 ~~authorized to make installation of all sanitary plumbing and~~  
 14 ~~potable water supply piping and appliances connected~~  
 15 ~~thereto.~~

16 ~~(5)(6) "Master plumber" means a person who is~~  
 17 ~~authorized by this chapter to plan, estimate, bid, contract~~  
 18 ~~for, and supervise plumbing work.~~

19 ~~(7) "Plumbing system" means all potable water supply~~  
 20 ~~and distribution pipes, all plumbing fixtures and traps, all~~  
 21 ~~drainage and vent pipes, and all building drains, including~~  
 22 ~~their respective joints and connections, devices,~~  
 23 ~~receptacles, and appurtenances within the property lines of~~  
 24 ~~the premises and potable water piping, water heaters, and~~  
 25 ~~vents for the same.~~

1 ~~(6)(8) "Public sewer system" means any common sewer~~  
 2 ~~carrying liquid wastes from two or more dwellings or any~~  
 3 ~~other facility that serves the public.~~

4 ~~(7)(9) "Public water supply" means any community well,~~  
 5 ~~water hauler for cisterns, water bottling plant, water~~  
 6 ~~dispenser, or other water supply that serves 10 or more~~  
 7 ~~families or 25 or more persons on a regular and continuous~~  
 8 ~~basis."~~

9 ~~NEW SECTION. Section 3. Rulemaking power. The board~~  
 10 ~~shall adopt rules to regulate the field of plumbing as are~~  
 11 ~~necessary to protect the public health, safety, and welfare.~~

12 ~~NEW SECTION. Section 4. Duties of the department. The~~  
 13 ~~department shall:~~

14 (1) assist the board in the transaction of its  
 15 business and keep a record of the board's official actions;

16 (2) charge the board for the reasonable costs of the  
 17 department incurred in assisting the board;

18 (3) in conjunction with carrying out inspections of  
 19 plumbing installations for code compliance as set forth in  
 20 Title 50, chapter 60, part 5, inspect licenses to insure  
 21 compliance with this part and advise the board in writing of  
 22 any license violations; and

23 (4) report any plumbing code or licensing violations  
 24 discovered by state or local building inspectors to the  
 25 board in writing.

1 Section 5. Section 37-69-301, MCA, is amended to read:

2 "37-69-301. License required -- temporary exception by  
3 municipal resolution when licensed plumber not available.  
4 Any person working at the field of plumbing in any  
5 incorporated city, town, or in any other area served by a  
6 public water supply or a public sewer system in this state,  
7 either as a master plumber or as a journeyman plumber, or  
8 who while working at the field of plumbing shall connect  
9 plumbing to or disconnect plumbing from a public water  
10 supply or public sewer system shall first secure a state  
11 license as hereinafter provided. The council or commission  
12 of any city or town or board of directors or managers of a  
13 water or sewer district or water utility, in cases where a  
14 duly licensed person or persons are not reasonably  
15 available, may by ordinance, rule, or resolution duly  
16 adopted and upon reasonable notice to the board of ~~plumbers~~  
17 and upon their approval, authorize the practice in the field  
18 of plumbing by a person or persons who have not obtained the  
19 state licenses as hereinafter provided until such time as a  
20 duly licensed person or persons are reasonably available."

21 Section 6. Section 37-69-304, MCA, is amended to read:

22 "37-69-304. Qualifications of applicants for  
23 journeyman plumber's license -- restriction on authority.  
24 (1) The following requirements shall be met by applicants  
25 for a journeyman plumber's license:

1 (a) a specific record of 4 years' experience in the  
2 field of plumbing of a character satisfactory to the board.  
3 This experience requirement may be fulfilled by working 4  
4 years in a major phase of the plumbing business or by  
5 completing an apprenticeship program meeting the standards  
6 set by the department of labor and industry or the United  
7 States department of labor, bureau of apprenticeship, or  
8 credit towards this experience requirement may be given for  
9 time spent attending an accredited trade or other school  
10 specializing in training of value in the field of plumbing  
11 and approved by the board.

12 (b) satisfactory completion of an examination  
13 conducted by the department, ~~subject to 37-1-101(4)~~ with the  
14 approval of the board, testing the applicant's knowledge of  
15 techniques and methods employed in the field of plumbing and  
16 establishing by practical demonstration his competence in  
17 the special skills required in the field of plumbing.

18 (2) A licensed journeyman plumber may perform work  
19 only in the employment of a licensed master plumber unless  
20 otherwise permitted by rule of the board."

21 Section 7. Section 37-69-305, MCA, is amended to read:

22 "37-69-305. Qualifications of applicants for master  
23 plumber's license -- restriction on authority. (1) The  
24 following requirements shall be met by an applicant for a  
25 master plumbers' license:

1 (a) evidence of 4 years' experience as a journeyman  
2 plumber in the field of plumbing of a character satisfactory  
3 to the board;

4 (b) evidence of 3 years' experience in supervisory  
5 capacities in the field of plumbing, which may run  
6 concurrently with the requirement in subsection (1)(a);

7 (c) satisfactory completion of an examination for  
8 master plumbers testing his knowledge of the field of  
9 plumbing and demonstrating his skill and ability in the  
10 field of plumbing.

11 (2) A master plumber ~~is not authorized to~~ may perform  
12 the work of a journeyman plumber ~~unless he is also licensed~~  
13 ~~as a journeyman plumber.~~

14 (3) A master plumber shall not allow his license to be  
15 used by any person or firm, corporation, or business other  
16 than his own for the purpose of obtaining permits or for  
17 doing plumbing work under his license."

18 Section 8. Section 37-69-306, MCA, is amended to read:

19 "37-69-306. Examination -- issuance of license. (1) An  
20 applicant for a license to work in the field of plumbing  
21 shall be examined as to his qualifications by the  
22 department, ~~subject to 37-1-101(4) with the approval of the~~  
23 ~~board.~~ The department shall examine each applicant for a  
24 license to determine his skill and qualifications as a  
25 master plumber or journeyman plumber.

1 (2) The applicant, upon successfully passing the  
2 examination prescribed by the board, shall be issued a  
3 license authorizing him to engage in the field of plumbing  
4 as a master plumber or journeyman plumber in the state of  
5 Montana.

6 (3) In the case of a firm or corporation, the  
7 examination and issuance of a license to an individual of  
8 the firm or to a principal of the firm or corporation  
9 satisfies the requirements of this chapter as to master  
10 plumbers but not as to journeymen plumbers. No individual,  
11 firm, or corporation may do the work of a master plumber  
12 unless licensed under this chapter."

13 Section 9. Section 37-69-307, MCA, is amended to read:

14 "37-69-307. Examination fee and annual renewal fee.

15 (1) No applicant for a master plumber's license may submit  
16 to the examinations prescribed by the board until he has  
17 deposited with the department \$100--~~as~~ an examination fee  
18 ~~established by the board,~~ and no applicant for a journeyman  
19 plumber's license may submit to the examination prescribed  
20 by the board until he has deposited with the department \$50  
21 ~~as an examination fee established by the board.~~

22 (2) A license when issued expires 1 year from the date  
23 of issuance. A license issued to a master plumber or a  
24 journeyman plumber may be renewed annually without  
25 examination, at any time prior to its expiration, by a

1 written request for its renewal directed to the department  
2 and the payment of ~~not to exceed \$100~~ as set by the board  
3 for a renewal of a master plumber's license and ~~not to~~  
4 ~~exceed \$25~~ as set by the board for a journeyman plumber's  
5 license. Renewal is for the period of 1 year.

6 (3) Fees established by the board pursuant to this  
7 section must be reasonably related to the costs incurred by  
8 the board in carrying out its specific functions."

9 Section 10. Section 37-69-308, MCA, is amended to  
10 read:

11 "37-69-308. Deposit of fees. Money paid for license  
12 fees under this chapter shall be deposited in the earmarked  
13 revenue fund for the use of the board, ~~---subject---to~~  
14 ~~37-1-101(6).~~"

15 Section 11. Section 50-60-204, MCA, is amended to  
16 read:

17 "50-60-204. Public hearing required. (1) Except as  
18 provided in subsection (2) of this section, no rule,  
19 amendment, or repeal of the state building code may take  
20 effect until after a public hearing by the department.

21 (2) If a hearing has been held by the state fire  
22 marshal with respect to his duties contained in chapter 3 of  
23 this title or by the board of ~~plumbers~~ public safety, the  
24 department of health and environmental sciences, the board  
25 of warm air heating, ventilation, and air conditioning, or

1 the state electrical board on a proposed rule relating to  
2 building and equipment standards in their respective fields,  
3 a public hearing by the department is not required."

4 Section 12. Transfer of funds. All unexpended balances  
5 of appropriations, allocations, or other funds of the board  
6 of plumbers shall be transferred to the board of public  
7 safety on July 1, 1979, to be used for the purpose of  
8 regulating the field of plumbing.

9 Section 13. Transition. All orders and rules relating  
10 to the regulation of the field of plumbing made by the board  
11 of plumbers remain in effect until revoked or modified in  
12 accordance with law by the board of public safety. The  
13 records and documents of the board of plumbers are  
14 transferred to the board of public safety. All licenses,  
15 permits, and certificates issued prior to July 1, 1979,  
16 remain valid under the same terms and conditions as when  
17 issued and are subject to the provisions of Title 37,  
18 chapter 69.

19 Section 14. Effect of termination. The provisions of  
20 2-8-121 do not apply to the board of plumbers.

21 Section 15. Codification. It is intended that sections  
22 3 and 4 be codified as an integral part of Title 37, chapter  
23 69, and the provisions of Title 37, chapter 69, apply to  
24 sections 3 and 4.

25 Section 16. Repealer. Sections 2-15-1655 and 37-69-201

LC 1480/01

1 through 37-69-203, MCA, are repealed.

-End-

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 1979, there is hereby submitted a Fiscal Note for Senate Bill 385 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:

SB 385 transfers the functions for the Board of Plumbers to the Board of Public Safety to be created under the Department of Administration. In addition, it lays out the duties of the Board as they relate to the plumbing field as well as laying out the licensing guidelines.

## ASSUMPTIONS:

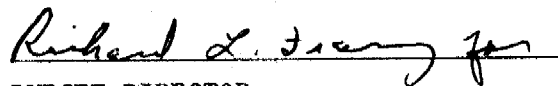
1. The duties of the Board of Plumbers will be assumed by the Board of Public Safety on July 1, 1979.
2. The work load after the transfer will remain the same.
3. The budget and staff needs will remain the same.
4. The Montana Executive Budget 1980-1981 for the Board of Plumbers will, therefore, remain legitimate for the Board of Public Safety.

## FISCAL IMPACT:

None.

## COMMENT:

This board, currently under the Department of Professional and Occupational Licensing, contributes to the Centralized Services Program for services performed for the Department. The elimination of these funds could increase the amount contributed by the remaining boards not scheduled for sunset at this time.

  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 2/12/79