

CHAPTER NO. 549

SENATE BILL NO. 458

INTRODUCED BY HEALY, MEHRENS, PETERSON, STIMATZ, THOMAS

BY REQUEST OF THE BOARD OF PLUMBERS

IN THE SENATE

| | |
|-------------------|---|
| February 12, 1979 | Introduced and referred to Committee on State Administration. |
| February 13, 1979 | Fiscal note requested. |
| February 19, 1979 | Fiscal note returned. Committee recommend bill do pass as amended. Report adopted. |
| February 20, 1979 | Printed and placed on members' desks. |
| February 21, 1979 | Rules suspended so that Statement of Intent allowed to be attached prior to second reading. Second reading, do pass. |
| February 22, 1979 | Considered correctly engrossed. |
| February 23, 1979 | Third reading, passed. Transmitted to second house. |

IN THE HOUSE

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| February 27, 1979 | Introduced and referred to Committee on Business and Industry. |
| March 7, 1979 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 8, 1979 | Second reading, concurred in. |
| March 12, 1979 | Third reading, concurred in as amended. |

IN THE SENATE

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| March 13, 1979 | Returned from second house. Concurred in as amended. |
| March 14, 1979 | Second reading, pass consideration. |
| March 15, 1979 | Second reading, amendments adopted. |
| March 16, 1979 | On motion, taken from third reading and referred to second reading. |
| March 17, 1979 | Second reading, pass consideration. |
| March 19, 1979 | Second reading, amendments rejected. On motion, Joint Conference Committee requested. |
| March 20, 1979 | Joint Conference Committee appointed. |
| March 23, 1979 | Joint Conference Committee reported. |
| March 24, 1979 | Second reading, pass consideration. |
| March 26, 1979 | Second reading, adopted. |
| March 27, 1979 | Third reading, adopted. |
| March 29, 1979 | Adopted by second house. |
| March 30, 1979 | Sent to enrolling. Reported correctly enrolled. |

1 *Amend* BILL NO. *458*
 2 INTRODUCED BY *Nealy Madren Peterson Stucky*
 3 BY REQUEST OF THE BOARD OF PLUMBERS *Thomson*

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
 6 BOARD OF PLUMBERS; TO DEFINE "DRAINAGE SYSTEM" AND "PLUMBING
 7 SYSTEM"; TO ALLOW A MASTER PLUMBER TO WORK AS A JOURNEYMAN;
 8 TO ALLOW THE BOARD TO PRESCRIBE REASONABLE FEES; AMENDING
 9 SECTIONS 2-8-103, 37-69-101, 37-69-305, AND 37-69-307, MCA;
 10 AND PROVIDING AN EFFECTIVE DATE FOR CERTAIN SECTIONS."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Board reestablished. The
 14 board of plumbers created by 2-15-1655 is reestablished for
 15 a period of 6 years pursuant to 2-8-122.

16 Section 2. Section 2-8-103, MCA, is amended to read:
 17 "2-8-103. Agencies to terminate. (1) The following
 18 agencies shall terminate on July 1, 1979:

- 19 (a) board of abstracters, department of professional
 20 and occupational licensing, created by 2-15-1643;
- 21 (b) board of public accountants, department of
 22 professional and occupational licensing, created by
 23 2-15-1641;
- 24 (c) board of architects, department of professional
 25 and occupational licensing, created by 2-15-1651;

1 (d) state banking board, department of business
 2 regulation, created by 2-15-1803;

3 (e) state electrical board, department of professional
 4 and occupational licensing, created by 2-15-1654;

5 (f) board of professional engineers and land
 6 surveyors, department of professional and occupational
 7 licensing, created by 2-15-1653;

8 (g) office of commissioner of insurance and the
 9 insurance department, state auditor's office, created by
 10 2-15-1902 and 2-15-1903;

11 (h) office of the investment commissioner, state
 12 auditor's office, created by 2-15-1901;

13 (i) board of landscape architects, department of
 14 professional and occupational licensing, created by
 15 2-15-1652;

16 (j) board of county printing, department of community
 17 affairs, created by 2-15-1102;

18 ~~(k) board of plumbers, department of professional and~~
 19 ~~occupational licensing, created by 2-15-1655~~

20 ~~†††(k)~~ board of real estate, department of
 21 professional and occupational licensing, created by
 22 2-15-1642;

23 ~~†††(l)~~ state board of warm air heating, ventilation,
 24 and air conditioning, department of professional and
 25 occupational licensing, created by 2-15-1656;

-2- **SB 458**
 INTRODUCED BILL

1 ~~(n)(1)~~ board of institutions, department of
2 institutions, created by 2-15-2303.

3 (2) The following agencies shall terminate on July 1,
4 1981:

5 (a) commission for human rights, department of labor
6 and industry, created by 2-15-1706;

7 (b) board of athletics, department of professional and
8 occupational licensing, created by 2-15-1661;

9 (c) board of barbers, department of professional and
10 occupational licensing, created by 2-15-1625;

11 (d) board of chiropractors, department of professional
12 and occupational licensing, created by 2-15-1613;

13 (e) board of cosmetologists, department of
14 professional and occupational licensing, created by
15 2-15-1626;

16 (f) board of dentists, department of professional and
17 occupational licensing, created by 2-15-1606;

18 (g) board of hearing aid dispensers, department of
19 professional and occupational licensing, created by
20 2-15-1616;

21 (h) board of massage therapists, department of
22 professional and occupational licensing, created by
23 2-15-1627;

24 (i) Montana state board of medical examiners,
25 department of professional and occupational licensing,

1 created by 2-15-1605;

2 (j) board of morticians, department of professional
3 and occupational licensing, created by 2-15-1619;

4 (k) board of nursing, department of professional and
5 occupational licensing, created by 2-15-1610;

6 (l) board of nursing home administrators, department
7 of professional and occupational licensing, created by
8 2-15-1611;

9 (m) board of optometrists, department of professional
10 and occupational licensing, created by 2-15-1612;

11 (n) board of osteopathic physicians, department of
12 professional and occupational licensing, created by
13 2-15-1607;

14 (o) board of pharmacists, department of professional
15 and occupational licensing, created by 2-15-1609;

16 (p) board of podiatry examiners, department of
17 professional and occupational licensing, created by
18 2-15-1608;

19 (q) board of psychologists, department of professional
20 and occupational licensing, created by 2-15-1617;

21 (r) board of radiologic technologists, department of
22 professional and occupational licensing, created by
23 2-15-1614;

24 (s) board of speech pathologists and audiologists,
25 department of professional and occupational licensing,

1 created by 2-15-1615;

2 (t) board of veterinarians, department of professional
3 and occupational licensing, created by 2-15-1618;

4 (u) board of veterans' affairs, department of social
5 and rehabilitation services, created by 2-15-2202.

6 (3) The following units of state government shall
7 terminate on July 1, 1983:

8 (a) board of aeronautics, department of community
9 affairs, created by 2-15-1103;

10 (b) state board of hail insurance, department of
11 agriculture, created by 2-15-3003;

12 (c) board of horseracing, department of professional
13 and occupational licensing, created by 2-15-1662;

14 (d) board of livestock, department of livestock,
15 created by 2-15-3102;

16 (e) board of milk control, department of business
17 regulation, created by 2-15-1802;

18 (f) board of oil and gas conservation, department of
19 natural resources and conservation, created by 2-15-3303;

20 (g) Montana outfitters council, department of fish and
21 game, created by 2-15-3403;

22 (h) public service commission, department of public
23 service regulation, created by 69-1-102;

24 (i) board of sanitarians, department of professional
25 and occupational licensing, created by 2-15-1631;

1 (j) board of water and wastewater operators,
2 department of health and environmental sciences, created by
3 2-15-2105;

4 (k) board of water well contractors, department of
5 professional and occupational licensing, created by
6 2-15-1632.

7 ~~(4) The following agency terminates on July 1, 1985:~~
8 ~~the board of plumbers created by 2-15-1655.~~

9 Section 3. Section 37-69-101, MCA, is amended to read:
10 "37-69-101. Definitions. Unless the context requires
11 otherwise, in this chapter the following definitions apply:
12 (1) "Board" means the board of plumbers provided for
13 in 2-15-1655.
14 (2) "Department" means the department of professional
15 and occupational licensing provided for in Title 2, chapter
16 15, part 16.
17 (3) "Drainage system" means all the piping inside the
18 walls of a building that conveys sewage or other liquid
19 wastes outside the building to the building sewer but that
20 does not extend more than 2 feet outside the building way.
21 ~~(3)(4)~~ "Field of plumbing" means the business, trade,
22 or work having to do with the installation, removal,
23 alteration, or repair of plumbing and drainage systems or
24 parts thereof.
25 ~~(4)(5)~~ "Journeyman plumber" means a person who is

1 authorized to make installation of all sanitary plumbing and
2 potable water supply piping and appliances connected
3 thereto.

4 ~~(5)(5)~~ "Master plumber" means a person who is
5 authorized by this chapter to plan, estimate, bid, contract
6 for, and supervise plumbing work and who may do the work of
7 a journeyman plumber.

8 ~~(7)~~ "Plumbing system" means all potable water supply
9 and distribution pipes, plumbing fixtures and traps,
10 drainage and vent pipes, and building drains, including
11 their respective joints and connections, devices,
12 receptacles, and appurtenances within the property lines of
13 any premises and includes potable water piping, water
14 heaters, and vents for the premises.

15 ~~(6)(8)~~ "Public sewer system" means any common sewer
16 carrying liquid wastes from two or more dwellings or any
17 other facility that serves the public.

18 ~~(7)(9)~~ "Public water supply" means any community well,
19 water hauler for cisterns, water bottling plant, water
20 dispenser, or other water supply that serves 10 or more
21 families or 25 or more persons on a regular and continuous
22 basis."

23 Section 4. Section 37-69-305, MCA, is amended to read:

24 "37-69-305. Qualifications of applicants for master
25 plumber's license -- restriction on authority. (1) The

1 following requirements shall be met by an applicant for a
2 master plumbers' license:

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

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

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

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

16 ~~(3)(2)~~ A master plumber shall not allow his license to
17 be used by any person or firm, corporation, or business
18 other than his own for the purpose of obtaining permits or
19 for doing plumbing work under his license."

20 Section 5. Section 37-69-307, MCA, is amended to read:

21 "37-69-307. Examination fee and annual renewal fee.
22 (1) No applicant for a master plumber's license may submit
23 to the examinations prescribed by the board until he has
24 deposited with the department ~~\$100~~ as an examination fee
25 prescribed by the board, and no applicant for a journeyman

1 plumber's license may submit to the examination prescribed
2 by the board until he has deposited with the department \$50
3 as an examination fee as prescribed by the board.

4 (2) A license when issued expires 1 year from the date
5 of issuance. A license issued to a master plumber or a
6 journeyman plumber may be renewed annually without
7 examination, at any time prior to its expiration, by a
8 written request for its renewal directed to the department
9 and the payment of ~~not-to-exceed-\$100~~ a fee as set by the
10 board for a renewal of a master plumber's license ~~and-not-to~~
11 ~~exceed-\$25~~ or a fee as set by the board for renewal of a
12 journeyman plumber's license. Renewal is for the period of 1
13 year.

14 (3) Fees prescribed by the board pursuant to this
15 section must be reasonably related to the costs incurred by
16 the board in carrying out its respective functions."

17 Section 6. Effective date. Sections 1 and 2 are
18 effective on passage and approval.

-End-

SB 458

FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note for SB 458 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:

Senate Bill 458 reestablished the Board of Plumbers within the Department of Professional and Occupational Licensing; etc.

ASSUMPTION:

The functions of the Board will remain the same as under existing statutory authority and rules.

FISCAL IMPACT:

The proposed legislation continues the Board of Plumbers in its present configuration. Funding to continue the Board is provided in the Executive Budget.

Funding is from an earmarked revenue fund account.

Richard L. Drayton

BUDGET DIRECTOR

Office of Budget and Program Planning

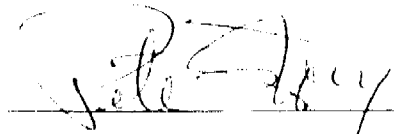
Date: 2/18/79

STATEMENT OF INTENT RE: SB 458

A statement of intent is required for SB 458 in that it delegates rulemaking authority to the board of plumbers in Section 6.

Section 6 allows the board to prescribe examination and renewal fees. This must be done by rule. It is intended that an examination fee will not exceed the cost of administering the examination for which it is paid, and that a renewal fee will not exceed other administrative costs.

Adopted by the Senate State Administration Committee this 21st day of February, 1979.



Pete Story, Chairman

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First adopted by the SENATE STATE ADMINISTRATION COMMITTEE on February 21, 1979.

SENATE BILL NO. 458

INTRODUCED BY HEALY, MEHRENS, PETERSON, STIMATZ, THOMAS

BY REQUEST OF THE BOARD OF PLUMBERS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF PLUMBERS; ~~REVISING BOARD MEMBERSHIP~~; TO DEFINE "DRAINAGE SYSTEM" AND "PLUMBING SYSTEM"; TO ALLOW A MASTER PLUMBER TO WORK AS A JOURNEYMAN; TO ALLOW THE BOARD TO PRESCRIBE REASONABLE FEES; AMENDING SECTIONS 2-8-103, ~~2-15-1655~~, 37-69-101, 37-69-305, AND 37-69-307, MCA; AND PROVIDING AN EFFECTIVE DATE FOR CERTAIN SECTIONS."

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

NEW SECTION. Section 1. Board reestablished. The board of plumbers created by 2-15-1655 is reestablished for a period of 6 years pursuant to 2-8-122.

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of public accountants, department of professional and occupational licensing, created by 2-15-1641;

(c) board of architects, department of professional

and occupational licensing, created by 2-15-1651;

(d) state banking board, department of business regulation, created by 2-15-1803;

(e) state electrical board, department of professional and occupational licensing, created by 2-15-1654;

(f) board of professional engineers and land surveyors, department of professional and occupational licensing, created by 2-15-1653;

(g) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;

(h) office of the investment commissioner, state auditor's office, created by 2-15-1901;

(i) board of landscape architects, department of professional and occupational licensing, created by 2-15-1652;

(j) board of county printing, department of community affairs, created by 2-15-1102;

~~{k}--board--of--plumbers--department--of--professional--and--occupational--licensing--created--by--2--15--1655†~~

~~††{k}†~~ board of real estate, department of professional and occupational licensing, created by 2-15-1642;

~~††{ll}†~~ state board of warm air heating, ventilation, and air conditioning, department of professional and

1 occupational licensing, created by 2-15-1656;
 2 ~~Montana~~ board of institutions, department of
 3 institutions, created by 2-15-2303.
 4 (2) The following agencies shall terminate on July 1,
 5 1981:
 6 (a) commission for human rights, department of labor
 7 and industry, created by 2-15-1706;
 8 (b) board of athletics, department of professional and
 9 occupational licensing, created by 2-15-1661;
 10 (c) board of barbers, department of professional and
 11 occupational licensing, created by 2-15-1625;
 12 (d) board of chiropractors, department of professional
 13 and occupational licensing, created by 2-15-1613;
 14 (e) board of cosmetologists, department of
 15 professional and occupational licensing, created by
 16 2-15-1626;
 17 (f) board of dentists, department of professional and
 18 occupational licensing, created by 2-15-1606;
 19 (g) board of hearing aid dispensers, department of
 20 professional and occupational licensing, created by
 21 2-15-1616;
 22 (h) board of massage therapists, department of
 23 professional and occupational licensing, created by
 24 2-15-1627;
 25 (i) Montana state board of medical examiners,

1 department of professional and occupational licensing,
 2 created by 2-15-1605;
 3 (j) board of morticians, department of professional
 4 and occupational licensing, created by 2-15-1619;
 5 (k) board of nursing, department of professional and
 6 occupational licensing, created by 2-15-1610;
 7 (l) board of nursing home administrators, department
 8 of professional and occupational licensing, created by
 9 2-15-1611;
 10 (m) board of optometrists, department of professional
 11 and occupational licensing, created by 2-15-1612;
 12 (n) board of osteopathic physicians, department of
 13 professional and occupational licensing, created by
 14 2-15-1607;
 15 (o) board of pharmacists, department of professional
 16 and occupational licensing, created by 2-15-1609;
 17 (p) board of podiatry examiners, department of
 18 professional and occupational licensing, created by
 19 2-15-1608;
 20 (q) board of psychologists, department of professional
 21 and occupational licensing, created by 2-15-1617;
 22 (r) board of radiologic technologists, department of
 23 professional and occupational licensing, created by
 24 2-15-1614;
 25 (s) board of speech pathologists and audiologists,

1 department of professional and occupational licensing,
 2 created by 2-15-1615;

3 (t) board of veterinarians, department of professional
 4 and occupational licensing, created by 2-15-1618;

5 (u) board of veterans' affairs, department of social
 6 and rehabilitation services, created by 2-15-2202.

7 (3) The following units of state government shall
 8 terminate on July 1, 1983:

9 (a) board of aeronautics, department of community
 10 affairs, created by 2-15-1103;

11 (b) state board of hail insurance, department of
 12 agriculture, created by 2-15-3003;

13 (c) board of horseracing, department of professional
 14 and occupational licensing, created by 2-15-1662;

15 (d) board of livestock, department of livestock,
 16 created by 2-15-3102;

17 (e) board of milk control, department of business
 18 regulation, created by 2-15-1802;

19 (f) board of oil and gas conservation, department of
 20 natural resources and conservation, created by 2-15-3303;

21 (g) Montana outfitters council, department of fish and
 22 game, created by 2-15-3403;

23 (h) public service commission, department of public
 24 service regulation, created by 69-1-102;

25 (i) board of sanitarians, department of professional

1 and occupational licensing, created by 2-15-1631;

2 (j) board of water and wastewater operators,
 3 department of health and environmental sciences, created by
 4 2-15-2105;

5 (k) board of water well contractors, department of
 6 professional and occupational licensing, created by
 7 2-15-1632.

8 ~~(4) The following agency terminates on July 1, 1985:~~
 9 ~~the board of plumbers created by 2-15-1655."~~

10 ~~SECTION 3. SECTION 2-15-1655, MCA, IS AMENDED TO READ:~~

11 "2-15-1655. Board of plumbers. (1) There is a board of
 12 plumbers.

13 (2) The board consists of seven nine members appointed
 14 by the governor. The members are:

15 (a) two master plumbers and two journeyman plumbers
 16 who are at least 18 years old, who have been residents of
 17 this state for more than 1 year, and who have been duly
 18 licensed master or journeyman plumbers at least 5 out of the
 19 last 8 years immediately preceding their appointment;

20 (b) one registered professional engineer qualified in
 21 mechanical engineering;

22 (c) ~~one representative~~ three representatives of the
 23 public who ~~is~~ are not engaged in the business of installing
 24 or selling plumbing equipment;

25 (d) one appointed representative of the department of

1 health and environmental sciences, who shall be a sanitary
2 engineer and who is secretary of the board.

3 (3) The appointed members of the board shall serve for
4 a term of 4 years.

5 (4) The board is allocated to the department for
6 administrative purposes only as prescribed in 2-15-121."

7 Section 4. Section 37-69-101, MCA, is amended to read:

8 "37-69-101. Definitions. Unless the context requires
9 otherwise, in this chapter the following definitions apply:

10 (1) "Board" means the board of plumbers provided for
11 in 2-15-1655.

12 (2) "Department" means the department of professional
13 and occupational licensing provided for in Title 2, chapter
14 15, part 16.

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

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

23 ~~(5) "Journeyman plumber" means a person who is
24 authorized to make installation of all sanitary plumbing and
25 potable water supply piping and appliances connected~~

1 thereto.

2 ~~(6) "Master plumber" means a person who is
3 authorized by this chapter to plan, estimate, bid, contract
4 for, and supervise plumbing work and who may do the work of
5 a journeyman plumber.~~

6 ~~(7) "Plumbing system" means all potable water supply
7 and distribution pipes, plumbing fixtures and traps,
8 drainage and vent pipes, and building drains, including
9 their respective joints and connections, devices,
10 receptacles, and appurtenances within the property lines of
11 any premises and includes potable water piping, water
12 heaters, and vents for the premises.~~

13 ~~(8) "Public sewer system" means any common sewer
14 carrying liquid wastes from two or more dwellings or any
15 other facility that serves the public.~~

16 ~~(9) "Public water supply" means any community well,
17 water hauler for cisterns, water bottling plant, water
18 dispenser, or other water supply that serves 10 or more
19 families or 25 or more persons on a regular and continuous
20 basis."~~

21 Section 5. 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 perform the~~
12 ~~work of a journeyman plumber unless he is also licensed as a~~
13 ~~journeyman plumber.~~

14 ~~(3)(2)~~ A master plumber shall not allow his license to
15 be used by any person or firm, corporation, or business
16 other than his own for the purpose of obtaining permits or
17 for doing plumbing work under his license."

18 Section 6. Section 37-69-307, MCA, is amended to read:

19 "37-69-307. Examination fee and annual renewal fee.

20 (1) No applicant for a master plumber's license may submit
21 to the examinations prescribed by the board until he has
22 deposited with the department \$100--as an examination fee
23 prescribed by the board, and no applicant for a journeyman
24 plumber's license may submit to the examination prescribed
25 by the board until he has deposited with the department \$50

1 as an examination fee as prescribed by the board.

2 (2) A license when issued expires 1 year from the date
3 of issuance. A license issued to a master plumber or a
4 journeyman plumber may be renewed annually without
5 examination, at any time prior to its expiration, by a
6 written request for its renewal directed to the department
7 and the payment of ~~not-to-exceed-\$100 a fee~~ as set by the
8 board for a renewal of a master plumber's license and ~~not-to~~
9 ~~exceed--\$25~~ or a fee as set by the board for renewal of a
10 journeyman plumber's license. Renewal is for the period of 1
11 year.

12 (3) Fees prescribed by the board pursuant to this
13 section must be reasonably related to the costs incurred by
14 the board in carrying out its respective functions."

15 Section 7. Effective date. Sections 1 and 2 are
16 effective on passage and approval.

-End-

1 STATEMENT OF INTENT RE: SB 458
2
3

4 A statement of intent is required for SB 458 in that it
5 delegates rulemaking authority to the board of plumbers in
6 Section 6.

7 Section 6 allows the board to prescribe examination and
8 renewal fees. This must be done by rule. It is intended that
9 an examination fee will not exceed the cost of administering
10 the examination for which it is paid, and that a renewal fee
11 will not exceed other administrative costs.

12 First adopted by the SENATE STATE ADMINISTRATION
13 COMMITTEE on February 21, 1979.

SB 458

1 SENATE BILL NO. 458

2 INTRODUCED BY HEALY, MEHRENS, PETERSON, STIMATZ, THOMAS
3 BY REQUEST OF THE BOARD OF PLUMBERS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
6 BOARD OF PLUMBERS; ~~REVISING BOARD MEMBERSHIP~~; TO DEFINE
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8 PLUMBER TO WORK AS A JOURNEYMAN; TO ALLOW THE BOARD TO
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10 ~~2-15-1655~~, 37-69-101, 37-69-305, AND 37-69-307, MCA; AND
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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15 board of plumbers created by 2-15-1655 is reestablished for
16 a period of 6 years pursuant to 2-8-122.

17 Section 2. Section 2-8-103, MCA, is amended to read:

18 "2-8-103. Agencies to terminate. (1) The following
19 agencies shall terminate on July 1, 1979:

20 (a) board of abstracters, department of professional
21 and occupational licensing, created by 2-15-1643;

22 (b) board of public accountants, department of
23 professional and occupational licensing, created by
24 2-15-1641;

25 (c) board of architects, department of professional

1 and occupational licensing, created by 2-15-1651;

2 (d) state banking board, department of business
3 regulation, created by 2-15-1803;

4 (e) state electrical board, department of professional
5 and occupational licensing, created by 2-15-1654;

6 (f) board of professional engineers and land
7 surveyors, department of professional and occupational
8 licensing, created by 2-15-1653;

9 (g) office of commissioner of insurance and the
10 insurance department, state auditor's office, created by
11 2-15-1902 and 2-15-1903;

12 (h) office of the investment commissioner, state
13 auditor's office, created by 2-15-1901;

14 (i) board of landscape architects, department of
15 professional and occupational licensing, created by
16 2-15-1652;

17 (j) board of county printing, department of community
18 affairs, created by 2-15-1102;

19 ~~{k}--board--of--plumbers--department--of--professional--and~~
20 ~~occupational--licensing--created--by--2--15--1655;~~

21 ~~{l}~~ board of real estate, department of
22 professional and occupational licensing, created by
23 2-15-1642;

24 ~~{m}~~ state board of warm air heating, ventilation,
25 and air conditioning, department of professional and

1 department of professional and occupational licensing,
2 created by 2-15-1615;

3 (t) board of veterinarians, department of professional
4 and occupational licensing, created by 2-15-1618;

5 (u) board of veterans' affairs, department of social
6 and rehabilitation services, created by 2-15-2202.

7 (3) The following units of state government shall
8 terminate on July 1, 1983:

9 (a) board of aeronautics, department of community
10 affairs, created by 2-15-1103;

11 (b) state board of hail insurance, department of
12 agriculture, created by 2-15-3003;

13 (c) board of horseracing, department of professional
14 and occupational licensing, created by 2-15-1662;

15 (d) board of livestock, department of livestock,
16 created by 2-15-3102;

17 (e) board of milk control, department of business
18 regulation, created by 2-15-1802;

19 (f) board of oil and gas conservation, department of
20 natural resources and conservation, created by 2-15-3303;

21 (g) Montana outfitters council, department of fish and
22 game, created by 2-15-3403;

23 (h) public service commission, department of public
24 service regulation, created by 69-1-102;

25 (i) board of sanitarians, department of professional

1 and occupational licensing, created by 2-15-1631;

2 (j) board of water and wastewater operators,
3 department of health and environmental sciences, created by
4 2-15-2105;

5 (k) board of water well contractors, department of
6 professional and occupational licensing, created by
7 2-15-1632.

8 ~~44--The--following--agency--terminates--on--July--1--1985--~~
9 ~~the--board--of--plumbers--created--by--2--15--1655--"~~

10 SECTION 3. SECTION 2-15-1655, MCA, IS AMENDED TO READ:

11 "2-15-1655. Board of plumbers. (1) There is a board of
12 plumbers.

13 (2) The board consists of seven nine members appointed
14 by the governor. The members are:

15 (a) two master plumbers and two journeyman plumbers
16 who are at least 18 years old, who have been residents of
17 this state for more than 1 year, and who have been duly
18 licensed master or journeyman plumbers at least 5 out of the
19 last 8 years immediately preceding their appointment;

20 (b) one registered professional engineer qualified in
21 mechanical engineering;

22 (c) ~~one~~ three ~~representatives~~ of the
23 public who ~~is~~ are not engaged in the business of installing
24 or selling plumbing equipment;

25 (d) one appointed representative of the department of

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 perform the~~
12 ~~work of a journeyman plumber unless he is also licensed as a~~
13 ~~journeyman plumber.~~

14 ~~(3) (2) A master plumber shall not allow his license to~~
15 ~~be used by any person or firm, corporation, or business~~
16 ~~other than his own for the purpose of obtaining permits or~~
17 ~~for doing plumbing work under his license."~~

18 Section 6. Section 37-69-307, MCA, is amended to read:

19 "37-69-307. Examination fee and annual renewal fee.

20 (1) No applicant for a master plumber's license may submit
21 to the examinations prescribed by the board until he has
22 deposited with the department \$100--as an examination fee
23 prescribed by the board, and no applicant for a journeyman
24 plumber's license may submit to the examination prescribed
25 by the board until he has deposited with the department \$50

1 as an examination fee as prescribed by the board.

2 (2) A license when issued expires 1 year from the date
3 of issuance. A license issued to a master plumber or a
4 journeyman plumber may be renewed annually without
5 examination, at any time prior to its expiration, by a
6 written request for its renewal directed to the department
7 and the payment of ~~not-to-exceed-\$100 a fee~~ as set by the
8 board for a renewal of a master plumber's license and-not-to
9 ~~exceed--\$25 or a fee~~ as set by the board for renewal of a
10 journeyman plumber's license. Renewal is for the period of 1
11 year.

12 (3) Fees prescribed by the board pursuant to this
13 section must be reasonably related to the costs incurred by
14 the board in carrying out its respective functions."

15 Section 7. Effective date. Sections 1 and 2 are
16 effective on passage and approval.

-End-

1 STATEMENT OF INTENT RE: SB 458

2

3

4 A statement of intent is required for SB 458 in that it
5 delegates rulemaking authority to the board of plumbers in
6 Section 6.

7 Section 6 allows the board to prescribe examination and
8 renewal fees. This must be done by rule. It is intended that
9 an examination fee will not exceed the cost of administering
10 the examination for which it is paid, and that a renewal fee
11 will not exceed other administrative costs.

12 First adopted by the SENATE STATE ADMINISTRATION
13 COMMITTEE on February 21, 1979.

SB 458

SENATE BILL NO. 458

INTRODUCED BY HEALY, MEHRENS, PETERSON, STIMATZ, THOMAS
BY REQUEST OF THE BOARD OF PLUMBERS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF PLUMBERS; REVISING BOARD MEMBERSHIP; TO DEFINE "DRAINAGE SYSTEM" AND "PLUMBING SYSTEM"; TO ALLOW A MASTER PLUMBER TO WORK AS A JOURNEYMAN; TO ALLOW THE BOARD TO PRESCRIBE REASONABLE FEES; AMENDING SECTIONS 2-8-103, ~~2-15-1655~~, 37-69-101, 37-69-305, AND 37-69-307, MCA; AND PROVIDING AN EFFECTIVE DATE FOR CERTAIN SECTIONS."

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

NEW SECTION. Section 1. Board reestablished. The board of plumbers created by 2-15-1655 is reestablished for a period of 6 years pursuant to 2-8-122.

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

- (a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;
- (b) board of public accountants, department of professional and occupational licensing, created by 2-15-1641;
- (c) board of architects, department of professional

- and occupational licensing, created by 2-15-1651;
- (d) state banking board, department of business regulation, created by 2-15-1803;
- (e) state electrical board, department of professional and occupational licensing, created by 2-15-1654;
- (f) board of professional engineers and land surveyors, department of professional and occupational licensing, created by 2-15-1653;
- (g) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;
- (h) office of the investment commissioner, state auditor's office, created by 2-15-1901;
- (i) board of landscape architects, department of professional and occupational licensing, created by 2-15-1652;
- (j) board of county printing, department of community affairs, created by 2-15-1102;
- ~~(k) board of plumbers, department of professional and occupational licensing, created by 2-15-1655;~~
- ~~(l) board of real estate, department of professional and occupational licensing, created by 2-15-1642;~~
- ~~(m) state board of warm air heating, ventilation, and air conditioning, department of professional and~~

1 department of professional and occupational licensing,
2 created by 2-15-1615;

3 (t) board of veterinarians, department of professional
4 and occupational licensing, created by 2-15-1618;

5 (u) board of veterans' affairs, department of social
6 and rehabilitation services, created by 2-15-2202.

7 (3) The following units of state government shall
8 terminate on July 1, 1983:

9 (a) board of aeronautics, department of community
10 affairs, created by 2-15-1103;

11 (b) state board of hail insurance, department of
12 agriculture, created by 2-15-3003;

13 (c) board of horseracing, department of professional
14 and occupational licensing, created by 2-15-1662;

15 (d) board of livestock, department of livestock,
16 created by 2-15-3102;

17 (e) board of milk control, department of business
18 regulation, created by 2-15-1802;

19 (f) board of oil and gas conservation, department of
20 natural resources and conservation, created by 2-15-3303;

21 (g) Montana outfitters council, department of fish and
22 game, created by 2-15-3403;

23 (h) public service commission, department of public
24 service regulation, created by 69-1-102;

25 (i) board of sanitarians, department of professional

1 and occupational licensing, created by 2-15-1631;

2 (j) board of water and wastewater operators,
3 department of health and environmental sciences, created by
4 2-15-2105;

5 (k) board of water well contractors, department of
6 professional and occupational licensing, created by
7 2-15-1632.

8 ~~(4) The following agency terminates on July 1, 1983:~~
9 ~~the board of plumbers created by 2-15-1655.~~

10 (4) THE FOLLOWING AGENCY TERMINATES ON JULY 1, 1983:
11 THE BOARD OF PLUMBERS CREATED BY 2-15-1655."

12 SECTION 3, SECTION 2-15-1655, MCA, IS AMENDED TO READ:

13 "2-15-1655. Board of plumbers. (1) There is a board of
14 plumbers.

15 (2) The board consists of seven ~~nine~~ members appointed
16 by the governor. The members are:

17 (a) two master plumbers and two journeyman plumbers
18 who are at least 18 years old, who have been residents of
19 this state for more than 1 year, and who have been duly
20 licensed master or journeyman plumbers at least 5 out of the
21 last 8 years immediately preceding their appointment;

22 (b) one registered professional engineer qualified in
23 mechanical engineering;

24 (c) ~~one~~ ~~representative~~ three representatives of the
25 public who ~~is~~ are not engaged in the business of installing

1 following requirements shall be met by an applicant for a
2 master plumbers' license:

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

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

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

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

16 (3) ~~(2)~~ A master plumber shall not allow his license to
17 be used by any person or firm, corporation, or business
18 other than his own for the purpose of obtaining permits or
19 for doing plumbing work under his license."

20 Section 6. Section 37-69-307, MCA, is amended to read:

21 "37-69-307. Examination fee and annual renewal fee.

22 (1) No applicant for a master plumber's license may submit
23 to the examinations prescribed by the board until he has
24 deposited with the department \$100 as an examination fee
25 prescribed by the board, and no applicant for a journeyman

1 plumber's license may submit to the examination prescribed
2 by the board until he has deposited with the department \$50
3 as an examination fee as prescribed by the board.

4 (2) A license when issued expires 1 year from the date
5 of issuance. A license issued to a master plumber or a
6 journeyman plumber may be renewed annually without
7 examination, at any time prior to its expiration, by a
8 written request for its renewal directed to the department
9 and the payment of ~~not-to-exceed-\$100 a fee~~ as set by the
10 board for a renewal of a master plumber's license ~~and not to~~
11 ~~exceed-\$25 or a fee~~ as set by the board for renewal of a
12 journeyman plumber's license. Renewal is for the period of 1
13 year.

14 (3) Fees prescribed by the board pursuant to this
15 section must be reasonably related to the costs incurred by
16 the board in carrying out its respective functions."

17 Section 7. Effective date. Sections 1 and 2 are
18 effective on passage and approval.

-End-

HOUSE OF REPRESENTATIVES
MARCH 7, 1979

BUSINESS & INDUSTRY COMMITTEE OF THE HOUSE, AMENDMENTS FOR SENATE
BILL NO. 458, THIRD READING COPY, AS FOLLOWS:

1. Page 6, lines 8 and 9.
Following: line 7
Strike: subsection (4) in its entirety

AND AS AMENDED

BE CONCURRED IN