

House Bill 61

In The House

January 6, 1981	Introduced and referred to Committee on Business and Industry.
January 7, 1981	Fiscal note requested.
January 13, 1981	Fiscal note returned.
February 2, 1981	Committee recommend bill do not pass.

1                   HOUSE           BILL NO. 61  
 2 INTRODUCTION BY PAVLOVICH  
 3 BY REQUEST OF THE BOARD OF PLUMBERS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD  
 6 OF PLUMBERS TO INSPECT PLUMBING INSTALLATIONS; AMENDING  
 7 SECTIONS 50-60-101, 50-60-504, 50-60-505, 50-60-507 THROUGH  
 8 50-60-514, AND 50-60-202, MCA."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 50-60-101, MCA, is amended to read:  
 12 "50-60-101. Definitions. As used in parts 1 through 4 2  
 13 and part 7 of this chapter, unless the context requires  
 14 otherwise, the following definitions apply:

15 ~~(1) "Board" means the board of plumbers provided for in~~  
 16 ~~2-15-1655.~~

17 ~~(2) "Building" means a combination of any materials,~~  
 18 ~~whether mobile, portable, or fixed, to form a structure and~~  
 19 ~~the related facilities for the use or occupancy by persons~~  
 20 ~~or property. The word "building" shall be construed as~~  
 21 ~~though followed by the words "or part or parts thereof".~~

22 ~~(3) "Building regulations" means any law, rule,~~  
 23 ~~resolution, regulation, ordinance, or code, general or~~  
 24 ~~special, or compilation thereof enacted or adopted by the~~  
 25 ~~state or any municipality, including departments, boards,~~

1 bureaus, commissions, or other agencies of the state or a  
 2 municipality relating to the design, construction,  
 3 reconstruction, alteration, conversion, repair, inspection,  
 4 or use of buildings and installation of equipment in  
 5 buildings. The term does not include zoning ordinances.

6 ~~(4) "Construction" means the original construction~~  
 7 ~~and equipment of buildings and requirements or standards~~  
 8 ~~relating to or affecting materials used, including~~  
 9 ~~provisions for safety and sanitary conditions.~~

10 ~~(5) "Department" means the department of~~  
 11 ~~administration provided for in Title 2, chapter 15, part 10.~~

12 ~~(6) "Equipment" means plumbing, heating, electrical,~~  
 13 ~~ventilating, air conditioning, and refrigerating equipment,~~  
 14 ~~elevators, dumbwaiters, escalators, and other mechanical~~  
 15 ~~additions or installations.~~

16 ~~(7) "Local building department" means the agency or~~  
 17 ~~agencies of any municipality charged with the~~  
 18 ~~administration, supervision, or enforcement of building~~  
 19 ~~regulations, approval of plans, inspection of buildings, or~~  
 20 ~~the issuance of permits, licenses, certificates, and similar~~  
 21 ~~documents prescribed or required by state or local building~~  
 22 ~~regulations.~~

23 ~~(8) "Local legislative body" means the council or~~  
 24 ~~commission charged with governing the municipality.~~

25 ~~(9) "Municipality" means any incorporated city or~~

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1 town and its jurisdictional area as defined by subsection  
2 ~~(9)~~ (10) of this section.

3 ~~(9)~~(10) (a) "Municipal jurisdictional area" means the  
4 area within the limits of an incorporated municipality  
5 unless the area is extended at the written request of a  
6 municipality.

7 (b) Upon request, the council may approve extension of  
8 the jurisdictional area to include:

9 (i) all or part of the area within 4 1/2 miles of the  
10 corporate limits of a municipality;

11 (ii) all of any platted subdivision which is partially  
12 within 4 1/2 miles of the corporate limits of a  
13 municipality; and

14 (iii) all of any zoning district adopted pursuant to  
15 Title 76, chapter 2, part 1 or 2, which is partially within  
16 4 1/2 miles of the corporate limits of a municipality.

17 (c) Distances shall be measured in a straight line in a  
18 horizontal plane.

19 ~~(10)~~(11) "Owner" means the owner or owners of the  
20 premises or lesser estate, a mortgagee or vendee in  
21 possession, assignee of rents, receiver, executor, trustee,  
22 lessee, or other person, firm, or corporation in control of  
23 a building.

24 ~~(11)~~(12) "Public place" means any place which a  
25 municipality or state maintains for the use of the public or

1 a place where the public has the right to go and be.

2 ~~(12)~~(13) "Recreational vehicle" means anything defined  
3 as a recreational vehicle in the edition of NFPA No. 501C or  
4 ANSI A119.2 most recently adopted by the state in accordance  
5 with 50-60-401.

6 ~~(13)~~(14) "State agency" means any state officer,  
7 department, board, bureau, commission, or other agency of  
8 this state.

9 ~~(14)~~(15) "State building code" means the state building  
10 code provided for in 50-60-203 or any portion of the code of  
11 limited application and any of its modifications or  
12 amendments."

13 Section 2. Section 50-60-504, MCA, is amended to read:

14 "50-60-504. Department Board to prescribe minimum  
15 standards. ~~(1) The department-of-administration board shall~~  
16 by rule prescribe minimum standards which are uniform and  
17 which are thereafter effective for all plumbing  
18 installations or maintenance, except where exempt by  
19 50-60-503. Upon approval of the department of  
20 administration, the department of health and environmental  
21 sciences, and the attorney general and, upon publication,  
22 the rules become the state plumbing code and have the force  
23 of law. A copy of the code shall be supplied to each person  
24 licensed under 37-69-101 through 37-69-324, or any other  
25 interested person, for an amount equal to the actual current

1 cost of the code plus postage.

2 (2) Rules relating to building and equipment standards  
3 covered by the state or a municipal building code are  
4 effective after approval by the department of administration  
5 and filing with the secretary of state."

6 Section 3. Section 50-60-505, MCA, is amended to read:

7 \*50-60-505. Permit required. (1) It is unlawful for any  
8 person to engage in the business, trade, or work having to  
9 do with the installation, removal, alteration, or repair of  
10 plumbing and drainage systems or parts thereof without first  
11 obtaining a permit from the department--of--administration  
12 board.

13 (2) A separate permit shall be obtained for each  
14 building or structure.

15 (3) No person may allow any other person to do or cause  
16 to be done any work under a permit secured by the permittee  
17 except persons in his employ.

18 (4) When a permit has been obtained to connect an  
19 existing building or existing work to the public sewer or to  
20 connect to a new private disposal facility, backfilling of  
21 private sewage disposal facilities abandoned consequent to  
22 the connection is included in the permit."

23 Section 4. Section 50-60-507, MCA, is amended to read:

24 \*50-60-507. Application for and issuance of permit. (1)  
25 A person required to apply for a permit shall make

1 application on forms provided by the department---of  
2 administration board or its authorized representative. He  
3 shall give a description of the character of the work  
4 proposed to be done and the location, ownership, occupancy,  
5 and use of the premises in connection therewith.

6 (2) The department board or its authorized  
7 representative may require sketches, specifications, or  
8 drawings and such other information it deems necessary in  
9 order to determine the scope of the work contemplated.

10 (3) If the department board determines that the  
11 sketches, specifications, drawings, descriptions, and  
12 information furnished by the applicant are in compliance  
13 with the state plumbing code, it shall issue the permit  
14 applied for upon payment of the required fee as established  
15 by the department board."

16 Section 5. Section 50-60-508, MCA, is amended to read:

17 \*50-60-508. Permit fees. (1) The department--of  
18 administration board shall establish permit fees in  
19 accordance with the Montana Administrative Procedure Act,  
20 and the fees shall be deposited to the earmarked revenue  
21 fund of the department board for use in the administration  
22 and enforcement of this part and the Montana state plumbing  
23 code.

24 (2) For the purpose of 50-60-505 through 50-60-513, a  
25 sanitary plumbing outlet on or to which a plumbing fixture

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1 or appliance may be set or attached shall be construed to be  
 2 a fixture. Fees for reconnection and retest of plumbing  
 3 systems in relocated buildings shall be based on the number  
 4 of plumbing fixtures, gas systems, water heaters, and the  
 5 like involved."

6 Section 6. Section 50-60-509, MCA, is amended to read:

7 "50-60-509. Person commencing work without a permit to  
 8 pay double the permit fee -- exception. Any person who  
 9 commences any work for which a permit is required without  
 10 first obtaining a permit shall, if subsequently permitted to  
 11 obtain a permit, pay double the permit fee for the work,  
 12 except that this provision does not apply to emergency work  
 13 when it is proved to the satisfaction of the ~~department--of~~  
 14 ~~administration board~~ or its authorized representative that  
 15 the work was urgently necessary and that it was not  
 16 practical to obtain a permit before the commencement of the  
 17 work. In all such cases, a permit shall be obtained as soon  
 18 as it is practical to do so, and if there is unreasonable  
 19 delay in applying for the permit, a double fee shall be  
 20 charged."

21 Section 7. Section 50-60-510, MCA, is amended to read:

22 "50-60-510. Inspection by ~~department board~~ to insure  
 23 compliance. All plumbing and drainage systems may be  
 24 inspected by the ~~department-of-administration board~~ or its  
 25 authorized representative to insure compliance with the

1 requirements of the state plumbing code."

2 Section 8. Section 50-60-511, MCA, is amended to read:

3 "50-60-511. Duty of permittee regarding inspection and  
 4 compliance. (1) It is the duty of the person doing work  
 5 authorized by the permit to notify the ~~department--of~~  
 6 ~~administration board~~, orally or in writing, that the work is  
 7 ready for inspection. The notification shall be given not  
 8 less than 24 hours before the work is to be inspected.

9 (2) It is the duty of the person doing the work  
 10 authorized by the permit to ~~ensure insure~~ that the work  
 11 performed before notification and after notification pending  
 12 inspection complies with the state plumbing code."

13 Section 9. Section 50-60-512, MCA, is amended to read:

14 "50-60-512. ~~Department Board~~ authorized to order work  
 15 stopped for noncompliance. Whenever any work is being done  
 16 contrary to the provisions of the state plumbing code, the  
 17 ~~department--of--administration board~~ or its authorized  
 18 representative may, after a hearing conducted under the  
 19 provisions of the Montana Administrative Procedure Act,  
 20 order work stopped by notice in writing served on any person  
 21 engaged in the work."

22 Section 10. Section 50-60-513, MCA, is amended to read:

23 "50-60-513. Suspension or revocation of permit. The  
 24 ~~department-of-administration board~~ may suspend or revoke a  
 25 permit whenever it is issued in error or on the basis of

1 incorrect information supplied or work performed thereunder  
2 is in violation of any of the provisions of this part or  
3 Title 37, chapter 69."

4 Section 11. Section 50-60-514, MCA, is amended to read:

5 "50-60-514. District court -- jurisdiction --  
6 restraining orders. The district court of any county has  
7 jurisdiction in equity, on application of the department--of  
8 administration board of plumbers or the department of health  
9 and environmental sciences, to restrain from connection any  
10 new plumbing installations on finding, after hearing, that  
11 the plumbing is inferior to the standards of the state  
12 plumbing code."

13 Section 12. Section 50-60-202, MCA, is amended to read:

14 "50-60-202. Department to be sole state agency to  
15 promulgate building regulations. No state agency except the  
16 department may promulgate building regulations as defined in  
17 50-60-101, except the board may prescribe minimum standards  
18 for all plumbing installations and maintenance as authorized  
19 in 50-60-504 and the state fire marshal may promulgate  
20 regulations relating to use of buildings and installation of  
21 equipment. The state fire marshal shall review building  
22 plans and regulations for conformity with rules promulgated  
23 by the department."

-End-

HBL

## STATE OF MONTANA

REQUEST NO. 45-81

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 7, 19 81, there is hereby submitted a Fiscal Note for House Bill 61 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

A proposal authorizing the Board of Plumbers to inspect plumbing installations.

Assumptions

1. The Building Codes Division's income from plumbing permits in FY 1980 was \$52,622. This money supports the operations of the Mechanical Safety Bureau.
2. Unless the economy improves greatly during FY 1981, the income will be assumed to be \$60,000. This represents the revenue loss to the division.
3. Since the plumbing inspectors are also inspecting mechanical installations, the division will need to maintain two FTEs, the same number now doing the inspections, in order to provide timely mechanical inspections to avoid delaying construction. Also, the work load is such that more personnel could be used if funding were available.
4. With no charges in staffing, the operating expenses will stay the same.
5. Assume revenue will increase 33% in FY 1982 and 1983.

Revenue Impact

	Estimated		Total Biennium
	FY 1982	FY 1983	
Fees Collected - Current Law	\$1,171,661	\$1,221,855	\$2,393,516
Fees Collected - Proposed Law	<u>1,091,861</u>	<u>1,115,721</u>	<u>2,207,582</u>
Decrease in Collected Fees	\$ 79,800	\$ 106,134	\$ 185,934

Funding Information

Earmarked Revenue (Fees)	\$1,171,661	\$1,221,855	\$2,393,516*
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\*Adjustments will have to be made in other fees charged by the division in order to maintain the level of current level of service.

Summary

Because the Building Codes Division currently utilizes the plumbing inspectors in a dual function, plumbing inspection and mechanical inspection, passage of the bill will create a transfer of revenues collected for plumbing inspections (\$185,934) to the Department of Professional & Occupational Licensing Board of Plumbers, but no corresponding decrease in costs for the Building Codes Division.

*David M. Lewis*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-12-81

As a result, the State will have the additional cost of performing mechanical inspections.