

HOUSE BILL NO. 38

Introduced: 01/03/83

Referred to Committee on Business & Industry: 01/03/83

Hearing: 1/10/83

Report: 01/10/83, Do Not Pass

Bill Killed: 01/11/83

1                    HOUSE            BILL NO. 38  
2    INTRODUCED BY PAVLOVICH  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD  
5    OF PLUMBERS TO ISSUE PERMITS FOR AND TO INSPECT PLUMBING  
6    INSTALLATIONS; AMENDING SECTIONS 50-60-101, 50-60-505, AND  
7    50-60-507 THROUGH 50-60-514, MCA."  
8

9    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10        Section 1. Section 50-60-101, MCA, is amended to read:  
11        "50-60-101. Definitions. As used in parts 1 through 4  
12    and part 7 of this chapter, unless the context requires  
13    otherwise, the following definitions apply:  
14        (1) "Board" means the board of plumbers provided for  
15    in 2-15-1875.

16        ~~(1)(2)~~ "Building" means a combination of any  
17    materials, whether mobile, portable, or fixed, to form a  
18    structure and the related facilities for the use or  
19    occupancy by persons or property. The word "building" shall  
20    be construed as though followed by the words "or part or  
21    parts thereof".

22        ~~(2)(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        ~~(3)(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        ~~(4)(5)~~ "Department" means the department of  
11    administration provided for in Title 2, chapter 15, part 10.

12        ~~(5)(6)~~ "Equipment" means plumbing, heating,  
13    electrical, ventilating, air conditioning, and refrigerating  
14    equipment, elevators, dumbwaiters, escalators, and other  
15    mechanical additions or installations.

16        ~~(6)(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        ~~(7)(8)~~ "Local legislative body" means the council or  
24    commission charged with governing the municipality.

25        ~~(8)(9)~~ "Municipality" means any incorporated city or

1 town and its jurisdictional area as defined by subsection  
2 (9) 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  
18 a 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)~~ "Recreational vehicle" means anything defined  
25 as a recreational vehicle in the edition of NFPA No. 501C or

1 ANSI A119.2 most recently adopted by the state in accordance  
2 with 50-60-401.

3 ~~(12)(13)~~ "State agency" means any state officer,  
4 department, board, bureau, commission, or other agency of  
5 this state.

6 ~~(13)(14)~~ "State building code" means the state building  
7 code provided for in 50-60-203 or any portion of the code of  
8 limited application and any of its modifications or  
9 amendments."

10 Section 2. Section 50-60-505, MCA, is amended to read:

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

17 (2) A separate permit shall be obtained for each  
18 building or structure.

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

22 (4) When a permit has been obtained to connect an  
23 existing building or existing work to the public sewer or to  
24 connect to a new private disposal facility, backfilling of  
25 private sewage disposal facilities abandoned consequent to

the connection is included in the permit."

Section 3. Section 50-60-507, MCA, is amended to read:

"50-60-507. Application for and issuance of permit.

(1) A person required to apply for a permit shall make application on forms provided by the department--of administration board or its authorized representative. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy, and use of the premises in connection therewith.

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

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

Section 4. Section 50-60-508, MCA, is amended to read:

"50-60-508. Permit fees. (1) The department--of administration board shall establish permit fees in accordance with the Montana Administrative Procedure Act, and the fees shall be deposited to the earmarked revenue fund of the department board for use in the administration

and enforcement of this part and the Montana state plumbing code.

(2) For the purpose of 50-60-505 through 50-60-513, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, and the like involved."

Section 5. Section 50-60-509, MCA, is amended to read:

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

Section 6. Section 50-60-510, MCA, is amended to read:

1       "50-60-510. Inspection by department board to insure  
2 compliance. All plumbing and drainage systems may be  
3 inspected by the department-of-administration board or its  
4 authorized representative to insure compliance with the  
5 requirements of the state plumbing code."

6       Section 7. Section 50-60-511, MCA, is amended to read:

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

13       (2) It is the duty of the person doing the work  
14 authorized by the permit to ensure insure that the work  
15 performed before notification and after notification pending  
16 inspection complies with the state plumbing code."

17       Section 8. Section 50-60-512, MCA, is amended to read:

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

1       Section 9. Section 50-60-513, MCA, is amended to read:

2       "50-60-513. Suspension or revocation of permit. The  
3 department--of--administration board may suspend or revoke a  
4 permit whenever it is issued in error or on the basis of  
5 incorrect information supplied or work performed thereunder  
6 is in violation of any of the provisions of this part or  
7 Title 37, chapter 69."

8       Section 10. Section 50-60-514, MCA, is amended to  
9 read:

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

-End-

## STATE OF MONTANA

REQUEST NO. 044-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 38 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:

House Bill 38 authorizes the Board of Plumbers to inspect plumbing installations.

ASSUMPTIONS:

- 1) The Building Codes Division income from plumbing permits in FY 80 was \$52,622, in FY 81 was \$66,159, in FY 82 was \$62,592, and in FY 83 the 50% time elapsed income is very consistent with the previous three years.
- 2) Assuming that the economy will improve over the next several years, the income could increase to \$70,000 in FY 84 and \$75,000 in FY 85. This then would represent the loss of revenue to the division.
- 3) Since the current plumbing inspector is doing mechanical inspections, the position must be maintained in order to provide timely mechanical inspections to avoid delaying construction.
- 4) With no changes in staffing, operating expenses will stay the same.

FISCAL IMPACT:

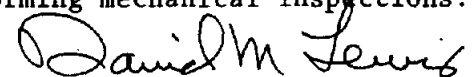
	<u>FY 84</u>	<u>FY 85</u>	<u>Total Biennium</u>
Fees Collected Current	966,500	924,326	\$ 1,890,826
Fees Collected Proposed Law	896,500	849,326	1,745,826
Decreased in Collected Fees	<u>\$ 70,000</u>	<u>\$ 75,000</u>	<u>\$ 145,000</u>

COMMENT:

Because the Building Codes Division currently utilizes the plumbing inspector in a dual function, plumbing inspection and mechanical inspection, passage of the bill will create a transfer of revenues collected for plumbing inspections (\$145,000) to the Department of Commerce's Board of Plumbers, but no corresponding decrease in costs for the Building Codes Division.

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

FISCAL NOTE2:CC/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83