

1 *House* BILL NO. *266*  
 2 INTRODUCED BY *Cochran*  
 3 *Blanchard*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF COMMERCE, ITS  
 5 REPRESENTATIVES, AND STATE, COUNTY, AND CITY AUTHORITIES DURING ROUTINE INSPECTIONS  
 6 TO DETERMINE PLUMBER AND ELECTRICIAN LICENSE COMPLIANCE AND TO REPORT LICENSE  
 7 VIOLATIONS TO THE BOARD OF PLUMBERS OR THE STATE ELECTRICAL BOARD; AND AMENDING  
 8 SECTIONS 50-60-510 AND 50-60-604, MCA."

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

11  
 12 **Section 1.** Section 50-60-510, MCA, is amended to read:

13 **"50-60-510. Inspection by department to ~~insure~~ ensure compliance.** All plumbing and drainage  
 14 systems may be inspected by the department of commerce or ~~its~~ any authorized representative to ~~insure~~  
 15 ensure compliance with the requirements of the state plumbing code. Any routine inspection conducted  
 16 under this section by the department of commerce, by the department's authorized representative, or by  
 17 a proper state, county, or city authority must include a determination of plumber license compliance. A  
 18 license violation must be reported to the board of plumbers."

19  
 20 **Section 2.** Section 50-60-604, MCA, is amended to read:

21 **"50-60-604. Department to make inspections, issue inspection tags, and establish fees.** The  
 22 department of commerce or any authorized representative shall ~~make inspections of~~ inspect electrical  
 23 installations, issue inspection tags for these installations, and establish and charge a reasonable and uniform  
 24 fee for the inspections, ~~which~~ The fee may not exceed the expense of providing the inspection. Any  
 25 routine inspection conducted under this section by the department of commerce, by the department's  
 26 authorized representative, or by a proper state, county, or city authority must include a determination of  
 27 electrician license compliance. A license violation must be reported to the state electrical board."

28 -END-

## 1 HOUSE BILL NO. 266

2 INTRODUCED BY COCCHIARELLA, SHEA, MILLS, WILSON

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6 TO DETERMINE PLUMBER AND ELECTRICIAN LICENSE COMPLIANCE REQUIRE PROOF OF LICENSURE  
7 FOR ANY PERSON INVOLVED WITH PLUMBING OR ELECTRICAL WORK AND TO REPORT LICENSE  
8 VIOLATIONS TO THE INSPECTOR'S EMPLOYING AGENCY; REQUIRING EACH EMPLOYING AGENCY TO  
9 REPORT LICENSE VIOLATIONS TO THE BOARD OF PLUMBERS OR THE STATE ELECTRICAL BOARD; AND  
10 AMENDING SECTIONS 50-60-510 AND 50-60-604, MCA."

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16 and drainage systems may be inspected by the department of commerce or ~~its any~~ **AN** authorized  
17 representative OR A MUNICIPALITY OR COUNTY CERTIFIED TO PERFORM AN INSPECTION PURSUANT  
18 TO 50-60-302 IN ORDER to ~~insure~~ **ensure** compliance with the requirements of the state plumbing code.  
19 ~~Any routine inspection conducted under this section by the department of commerce, by the department's~~  
20 ~~authorized representative, or by a proper state, county, or city authority must include a determination of~~  
21 ~~plumber license compliance. A license violation must be reported to the board of plumbers.~~ **AS PART OF**  
22 **ANY INSPECTION, THE INSPECTOR SHALL REQUEST PROOF OF LICENSURE FROM ANY PERSON WHO**  
23 **IS INVOLVED WITH OR, IN THE INSPECTOR'S JUDGMENT, APPEARS TO BE INVOLVED WITH PLUMBING**  
24 **ACTIVITIES ON THE SITE. THE INSPECTOR SHALL REPORT ANY INSTANCE OF LICENSE VIOLATION TO**  
25 **THE INSPECTOR'S EMPLOYING AGENCY AND THE EMPLOYING AGENCY SHALL IN TURN REPORT THE**  
26 **VIOLATION TO THE BOARD OF PLUMBERS."**

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28 **Section 2.** Section 50-60-604, MCA, is amended to read:

29 "50-60-604. ~~Department to make inspections, issue inspection tags, and establish fees~~  
30 **INSPECTIONS -- ELECTRICAL PERMITS -- FEES.** The department of commerce or ~~any~~ **AN** authorized

1 representative OR A MUNICIPALITY OR COUNTY CERTIFIED TO PERFORM AN INSPECTION PURSUANT  
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12 VIOLATION TO THE BOARD OF ELECTRICIANS."

13

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0266, second reading

DESCRIPTION OF PROPOSED LEGISLATION:

Requiring the Department of Commerce, its representatives, and county and city authorities during routine inspections to require proof of licensure for any person involved with plumbing or electrical work and to report license violations to the inspector's employing agency; requiring each employing agency to report license violations to the Board of Plumbers or the State Electrical Board.

ASSUMPTIONS:

Department of Commerce/POL Bureau:

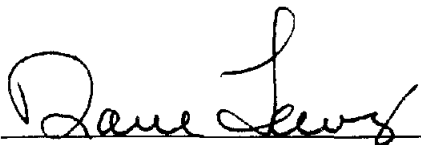
1. It is difficult to project how many licensure violations will be reported to the State Electrical Board and the Board of Plumbers. The Department of Commerce (DOC) estimates that there will be approximately 300, which represent 6% of the total licensed electricians and plumbers. The DOC is required to investigate complaints concerning practice by an unlicensed person and provides that a board may file an action to enjoin a person from practicing without a license according to 37-1-137, MCA.
2. Additional staff will be needed to process and investigate the estimated licensure violations. A 0.50 FTE licensing technician, grade 9, is needed to process violations at a cost of \$10,982 in fiscal year 1998 and in fiscal year 1999, and a 1.00 FTE compliance specialist, grade 12, for investigations at a cost of \$27,338 in fiscal year 1998 and fiscal year 1999.
3. Approximately \$10,500 in operating costs in fiscal year 1998 and fiscal year 1999 would be required. Operating costs include communications, data network charges, indirect, and travel. The estimated fiscal year 1998 equipment costs of \$4,700 include a computer, desk, and chair for the licensing technician.
4. The State Electrical Board and the Board of Plumbers will contribute equally to the projected expenditures.
5. Revenues from electrical and plumbing licensing fees should be sufficient to meet anticipated costs.

FISCAL IMPACT:

Department of Commerce, POL Bureau:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	1.50	1.50
Personal Services	36,154	36,881
Operating Expenses	11,000	11,000
Equipment	<u>4,700</u>	<u>0</u>
Total	51,854	47,881
 <u>Funding:</u>		
Board of Plumbers Fees (02)	25,927	25,927
State Electrical Board Fees (02)	<u>25,927</u>	<u>25,927</u>
Total	51,854	51,854

(Continued)

 1-30-97  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

 1/31/97  
 VICKI COCCHIARELLA, PRIMARY SPONSOR      DATE

Fiscal Note for HB0266, second reading

**HB 266**

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Building Codes Bureau: Section 1-2-114, MCA provides that bills which have a substantial impact on local government may not be introduced. Section 1-2-112, MCA defines as insubstantial an impact of approximately 1/10 mill. For counties on a statewide basis this is approximately \$220,000. Therefore based on the estimated impact this bill would not have a substantial impact and could be introduced.

TECHNICAL NOTES:

Building Codes Bureau: As a courtesy to the State Electrical Board and Board of Plumbers, the bureau currently verifies approximately 5,000 licenses annually for licensure law compliance on projects being inspected by the bureau for code compliance, at no cost to either board. Complaints on violations noted are forwarded to the boards for appropriate action. Such license checks are a secondary priority; however, because licensure law enforcement is not part of the bureau's permitting responsibilities, is not funded, and not as important to the bureau as is ensuring compliance with minimum electrical and plumbing codes.

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THIRD READING

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