



# Legislative Background Brief

for the  
Economic Affairs Interim Committee

April 2012

## Board of Plumbing

*Prepared by Pat Murdo, Legislative Research Analyst*

**2-15-1765, MCA** - Nine-member board appointed by the governor with the consent of the Senate. Two members must be master plumbers and 2 must be journeyman plumbers. All of these are to be at least 18 years of age and residents of Montana for more than 1 year and licensed at least 5 out of the 8 years immediately preceding their appointment. Three members must be public representatives not engaged in the plumbing business. One member must be a registered professional engineer qualified in mechanical engineering. One member is to be appointed from the Department of Environmental Quality (DEQ) with expertise in regulating drinking water systems.

### Board Members (end of term in parentheses)

**Licensed Representatives:**

- Timothy E. Regan, Miles City, licensed master plumber (5/4/2014)
- Scott Lemert, Livingston, licensed master plumber (5/4/2015)
- Steve Carey, Frenchtown, journeyman plumber (5/4/2015)
- Olaf Stimac, Great Falls, journeyman plumber (5/4/2014)
- Jeffrey Gruizenga, Billings, licensed professional mechanical engineer (5/4/2012)
- Denver Fraser, Clancy, DEQ representative (5/4/2015)

**Public Members:**

- Debi Friede, Havre (5/4/2015)
- David Lindeen, Helena (5/4/2015)
- Donna Paulson, Great Falls (5/4/2013)

**Number of Licensees, FY2011 ... 1,599    FY 2010 ... 1,646    FY 2009 ... 1,699**

By Type of License, FY 2011 and License Renewal Costs (annually):

Licensed Master Plumbers =	675	(renewal costs \$265/year; initial fee of \$280)
Journeyman Plumber =	591	(renewal costs \$160/year; initial fee of \$170)
Medical Gas Endorsement =	81	(renewal costs \$30, application costs \$100)
Plumber Apprentice =	252	

### Revenues/Expenditures FY2009-2010 and Budgets for FY2012-2013

	Revenues		Expenditures	
	Licensing	Other	Personal Services	Operating
FY 2009	\$272,578		\$292,819	
FY 2010	(base budget in HB 2) \$281,080			
			<b>Budgeted in HB 2</b>	
FY 2012			\$354,819	
FY 2013			\$351,969	

Expenditures, FY 2010	Direct	Indirect	
		Admin	Div. IT/Bureau
Personal Services, incl. per diem	\$122,849	\$9,466	\$144,177
Operating Expenses			
Consulting, Printing, IT, Other	\$5,382		\$4,771
Supplies, incl. Computer	\$5,093		\$3,021
Postage, mailing, IT network, voice services	\$4,339		\$4,269
Travel for Board Members	\$16,826		--
Rent and other expenses*	\$14,237		\$23,726
Legal and hearings	\$56,798		--

\*Includes motor pool leased vehicles of \$8,485, computer/equipment repair of \$33, and dues, education & training and fee collection expense of \$5,719 for direct expenses and DLI OIT expense of \$4,561, indirect agency of \$10,493, rent of \$8,355 and \$317 for other indirect expenses.

**Number of New Complaints**

FY 11 ..... 91  
 contested cases = 20

FY 10 ..... 194  
 contested cases = 34

FY 09 ..... 61

**Disciplinary Action** (may be from other years)

FY 11 - 0 licenses revoked, 4 fines, 16 multiple sanctions, 60 dismissed, 13 injunctions or cease/desist orders

FY 10 - 2 licenses revoked, 2 fines, 17 multiple sanctions, 128 dismissed, 1 voluntarily surrendered, 32 injunctions, cease/desist

FY 09 - 0 licenses revoked, 0 suspended, 23 dismissed 35 other sanctions, 33 investigations

**Scope of Practice**

**Master plumber** - defined in 37-69-101 as a person authorized "to plan, estimate, bid, contract for, and supervise plumbing work and who may do the work of a journeyman plumber".

**Journeyman plumber** - defined in 37-69-101 as a person authorized "to make installation of all sanitary plumbing and potable water supply piping and appliances connected to the plumbing and piping".

Exclusions to licensing requirements include: owners of a single-family residence doing their own plumbing/potable water supply, connections by mobile home/manufactured housing dealers to existing sanitary/potable water supply facilities upon delivery/set-up; in mines, mills, smelters, refineries, or railroads; in farms or ranches not connected to public water supply and sewage disposal; in cities, towns, water districts, and water user associations regarding their own water and sewer mains; minor work by appliance dealer employees/agents when installing appliances; or in cases of private water supplies or installation of water meters.

**Other References to Plumbing in Montana Statutes:**

- Prevailing wage rates for public contracts in 18-2-413
- For a chapter on plumbing installations under Title 50, chapter 60 regarding building construction standards, 50-60-502 notes that there is no penalty on a person hiring or contracting with an unlicensed person to do work in the field of plumbing. "However, a person who engages in the field of plumbing at a time when the person is not duly licensed is subject to the penalties imposed by this part and Title 37, chapter 69".

**2011 Bill Affecting Plumbing Profession**

- HB 307, introduced by Rep. Tom Burnett, would have prohibited building codes from requiring mandatory sprinkler systems. The bill was vetoed, and the veto sustained.

**Summary of 21 Responses from Survey as of April 4, 2012:***Responses from Board of Plumbers licensees*

- Concerns about high licensing fees and the board's response to unlicensed practice. One comment was that the board is mired in procedural process and allows the department to set policy. Another expressed concern about home owners being able to do their own plumbing and not being inspected, which is a concern if they sell the home to someone else.
- Concerns work being performed on state property within cities. One respondent suggested noncompliant plumbing work is being done at Montana State University-Bozeman, which "is costing the state a bundle in labor".
- Concerns about gas piping and hydronic heating not being under the plumbers' license.