

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2060

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2060

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2060

Senate Government and Veterans Affairs Committee

 Check here for Conference Committee

Hearing Date: 01/05/07

Recorder Job Number: 679

Committee Clerk Signature

Veronica Spalling

Minutes:

Roll was taken and all members were present.

Sen. Dever, Chairman, opened the hearing on SB 2060, relating to plumbing board member compensation and plumbing code violations.

Bob Leingang, Secretary and Chief Inspector of the ND State Plumbing Board introduce the bill. See attachment #1. Referencing Change A he mentioned that the board members are from various cities in the state which involves a lot of travel expense.

Referencing Change B, he mentioned an infraction is not a stiff enough penalty to deter the "repeat offenders."

Sen. Nelson in reference to Change A asked why the amounts were even established.

Bob Leingang agreed it would probably be best to leave it open rather than establish a set amount.

Sen. Oehlke asked whether the state electrical board also has their penalties established by the legislature.

Bob Leingang replied yes.

Sen. Lee mentioned that we can change it if it is the wishes of the board, but would like some feedback from the board as to what their wishes are.

Bob Leingang agreed this would be a good idea.

Sen. Lee said we can assume people who are willing to serve are generally honest and will not abuse it and if they do we can deal with it at that time. She asked whether they get reimbursed for mileage, etc. or if that has to come out of the fifty dollars.

Bob Leingang replied they get all expenses reimbursed plus the \$50.00 per day.

Sen. Dever asked about the wording "unless a different penalty is otherwise specifically provided."

Discussion about leniency and flexibility followed.

Opposed:

Tom Kelsch, a local attorney representing the ND Manufactured Housing Association, expressed concern that if the law were changed the penalty would be too steep for every violation, especially in rural areas where it is very difficult to get a plumber. He asked for an opportunity to look into the other occupations listed on the testimony that do have a penalty of Class B Misdemeanor in place.

Kent French with the ND Manufactured Housing Association and representing the Liechty Corporation also expressed concern for the rural areas where it is hard to get a licensed plumber to do the work. He recommended the bill not be passed.

Sen. Horne asked if a homeowner can do his own plumbing and then have it inspected.

Bob Leingang responded that a homeowner can do his own plumbing and doesn't need to get it inspected. His concern is with the plumbers who are charging for their work. After a homeowner plumbs his own he needs to get it inspected by the city or the plumbing board only if his plumbing is connected into the city or other public works system.

Sen. Lee asked if a home is waiting for inspection, can it be lived in?

Bob replied that yes, it can.

Discussion followed on inspections and what is required.

Kent French feels this bill will give the states too much power.

Sen. Dever asked if different cities have different codes and different interpretations of the written code.

Kent French answered in the affirmative.

Opposition:-

Neutral:-

There was discussion of looking into what penalty has been set by other occupations and professional boards listed on page two of the testimony.

There was discussion of the clause "unless otherwise provided" and consensus that the committee would like someone to look into it.

Sen. Dever closed the hearing on SB 2060.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2060

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/11/07

Recorder Job Number: 970

Committee Clerk Signature

Monica Spelling

Minutes:

Chairman Dever opened discussion on SB 2060.

Sen. Dever asked what other boards had been looked into.

Intern, Peter Zuger, reported he had checked on the electrical board. See attachment # 1 and attachment #2.

Discussion ensued about who can best set the limits on the amount the board can compensate: the board, this legislature, etc.

Sen. Lee made a motion to draft an amendment that would leave out the amount and allow the board to determine what they would compensate for.

Sen. Nelson seconded the motion.

Sen. Horne asked if this would set a trend.

Sen. Judy Lee feels too many amounts are legislated.

Roll Call Vote on amendment to leave out the fifty dollar limit Yes 6 No 0 Absent 0

Discussion about the penalty provided in the bill.

Sen Judy Lee made a motion to pass as amended referring to the penalty being increased to a Class B Misdemeanor.

Seconded by Sen. Oehlke.

Sen. Nelson asked if the committee could see the actual amendment before they vote on it.

Sen. Judy Lee withdrew her motion and Sen. Oehlke withdrew his second.

Chairman Dever closed the discussion on SB 2060.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2060

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/12/07

Recorder Job Number: 1001

Committee Clerk Signature

Victoria Spaulding

Minutes:

Roll was taken and all members were present.

Chairman Dever opened discussion on SB 2060.

There was discussion of the wording of proposed amendment #78068.0101 with some senators expressing their desire that it could be worded in plain English. The senators discussed they would like to leave the decision on compensation up to the plumbing board.

A motion was made by Sen. Nelson to reconsider their actions by which they amended this bill and further amend SB 2060.

This was seconded by Sen. Marcellais.

Roll Call Vote Yes 6 No 0 Absent 0

A motion was made by Sen. Judy Lee to pass as amended.

The motion was seconded by Sen. Horne.

Roll Call Vote Yes 6 No 0 Absent 0

Carrier: Sen Judy Lee

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2060

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 2/01/07

Recorder Job Number: 2630

Committee Clerk Signature

Monica Spaulding

Minutes:

All members of the committee were present.

Chairman Dever opened discussion on SB 2060.

There was discussion on removing some wording for the amendment numbered 0200 to further refine it. They referred to the rules set by the electrical board. See attachment # 1 and #2. Senator Dever said Bob Leingang had suggested the language so they could go after people without a license. The committee discussed the merits of setting limit caps on expenses for their board members.

Senator Lee made a motion to amend SB 2060.

Senator Oehlke seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Senator Lee made a motion to pass SB 2060 as amended.

Senator Nelson seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Judy Lee

FISCAL NOTE
Requested by Legislative Council
12/27/2006

Bill/Resolution No.: SB 2060

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The ND State Plumbing Board does not receive appropriations from the State General Fund.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Robert Leingang	Agency:	ND State Plumbing Board
Phone Number:	701-328-9979	Date Prepared:	01/02/2007

Date : 1-11-07
Roll Call Vote # : 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2060 *as amended*

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Lee *withdrawn* Seconded By Oehlke *withdrawn*

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman			Senator Robert Horne		
Senator Dave Oehlke - VC			Senator Richard Marcellais		
Senator Judy Lee			Senator Carolyn Nelson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date : 1-12-07
 Roll Call Vote # : 81

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2060

*reconsider action
 & further
 amendment
 by which
 they
 amend
 this bill*

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Nelson Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date : 1-12-07
Roll Call Vote # : 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2060 as amended

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 78068.0101

Action Taken do pass as amended

Motion Made By Lee Seconded By Horne

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment J. Lee

If the vote is on an amendment, briefly indicate intent:

Date : 1-12-07
Roll Call Vote # : 3

17:11

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2060

*reconsider actions
further amendment
by which they
amended
this bill*

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Nelson Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date : 1-12-07
Roll Call Vote # : 4

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2060 as amended

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 78068.0101

Action Taken do pass as amended

Motion Made By Lee Seconded By Horne

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment J. Lee

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2060: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "shall" and insert immediately thereafter "is entitled to", remove "fifty", and overstrike "dollars per day for each day actually engaged" and insert immediately thereafter "compensation in an amount determined by the board for actual services rendered"

Page 1, line 9, overstrike "all members" and insert immediately thereafter "each member and employee" and overstrike the second ", and"

Page 1, line 10, overstrike "all employees thereof, shall" and insert immediately thereafter "is entitled to", overstrike the first "their", and overstrike the second "their" and insert immediately thereafter "official"

Renumber accordingly

Date : 2-1-07
 Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. amendment to

2060

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ~~to propose~~ amendment

Motion Made By Lee Seconded By Oehlke

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

after board... add ^{not} ~~to~~ ^{exceed} one hundred dollars per day
 delete language on lines 21 & line 22
 (rules code)

Date : 2-1-07
Roll Call Vote # : 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2060 as amended

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass as amended.

Motion Made By Lee Seconded By Nelson

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Lee

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2060: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was placed
on the Sixth order on the calendar.

Page 1, line 9, after "board" insert ", not to exceed one hundred dollars per day."

Page 1, line 21, remove ", rules adopted under this chapter.", overstrike the first "or", and
overstrike "the state plumbing code, or"

Page 1, line 22, overstrike "who fails to do any act required by said code,"

Renumber accordingly

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2060

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2060

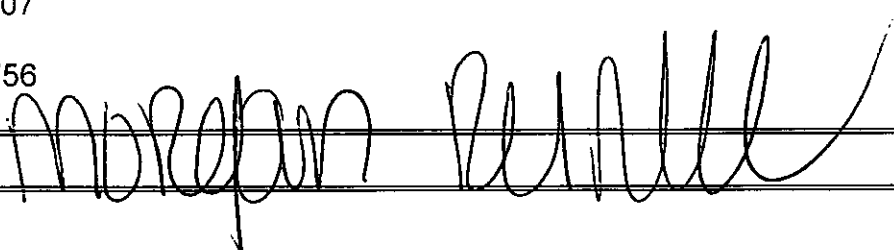
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 9, 2007

Recorder Job Number: 4756

Committee Clerk Signature



Minutes:

Bob Leingang: Testimony attached.

Rep. Froseth: How many members do you have on the board?

Bob Leingang: We have about four members. We have 5 if you count the automatic member from the Health Department.

Rep. Froseth: And all of these expenses will be paid through the board?

Bob Leingang: Right, the board doesn't get any funds from the general fund. Our funds come from the licensed plumbers, master journeyman, and we collect a fee from clinics. For example the city of Bismarck-Mandan provide their own inspectors so we don't deal with them people at all. We basically go out and find where there isn't a city inspector and have our inspection. It averages on a single family about \$50-60.

Rep. Weiler: Can you give me an example of what a violation might be.

Bob Leingang: When an individual out there, for example, we just had a case a few years ago where a general contractor went in and remodeled a home. He was a general contractor. He didn't have a license as far as a plumber or electrician. Yet he went in and did all the electrical and plumbing work. We were called in a few weeks later because nothing worked and it was a

shame. That is a case where we would go after an individual. He went and did something where a license was required.

Rep. Weiler: Because of your answer I have another question. Are there any user violations that non plumbers may make, are there are any plumbers can make that are subject to what would be a Class B Misdemeanor. I thought that the violations would be what plumbers would make.

Bob Leingang: Yes there are some that a plumber would make such as if he doesn't renew his license in time. If he got in trouble with the plumbing code, which in most cases, we have never convicted anyone for. We usually handle it on an individual basis and most of the time these people will come in and realize something isn't right. Before the job can be completed he is going to have to make some directions. That would the only time that a licensed plumber would ever run into any kind of problem. The law also requires him to complete 2-4 hours of CE training every two years. If he doesn't complete that he wouldn't get his license until he got it completed.

Rep. Weiler: So if a plumber does not renew their license and they continue working, if we pass this bill he is going to be guilty of a class B Misdemeanor?

Bob Leingang: Yes he could be.

Rep. Weiler: You started out in your testimony by saying the Governor's office or the Rep. of the Governor's office that works with your board makes the appointments and all that, and you've been very happy with that?

Rep. Dahl: In the original bill it had the compensation set at \$50, and I see that was amended into an amount to be determined by the board. I'm just curious as to what the thought of the committee was to amending that into more flexible language?

Bob Leingang: We have a cap of \$50. Senator Judy Lee felt that it should come off and let it

up to the board. The board should be determined to how much they want to pay the members. It went on the floor and I don't know what happened. It came back and there was quite an argument on the Senate side that didn't feel it was right to take the cap off. Then it came back and decided to take it off. I think it was the right way to do it. If you go back and look at our fees since they were increased, now they have to latitude from \$20 to \$100. It gets to a point where the board members can make a decision. I think they did the right thing by putting the cap on there. The other thing that happens is that once that pay gets to high, most of the time our board will have a meeting every other week.

Rep. Dahl: I'm just looking through this entire code here and there are provisions here relating to continuing education where the Class B Misdemeanor would apply to. Would you object if we would narrow the scope of this down to essentially more of these instances? If we could point you to specific provisions of the code rather than have the whole chapter.

Bob Leingang: Yeah I think I would object. I think that we have amended it enough that as far as the training goes, we would never charge an individual with a class B Misdemeanor for simply reasons. He can't get his license until he completes that. If he doesn't get his license then goes and works without that license, then we would have to go after the individual and file charges against them. That is the only tool that we have to make them abide.

Rep. Dahl: I understand that but that is not what the law will say. Essentially if they don't do the training they can be charged with a class B Misdemeanor. I understand what you mean but that is the state's attorney rule.

Bob Leingang: I don't read it that way and I don't think we would have a problem with that.

Rep. Froseth: I have three questions. How many violations do you have approximately, what is the license fee, and is that fee in code or does the board set that?

Bob Leingang: That is in the law. It is \$200. The journeyman is \$75 and the max is \$100.

Rep. Froseth: How many violations do you have? Do you have to investigate several a year?

Bob Leingang: We have a lot that we do investigate. I will say 20-30 cases a year and out of the 20-30 we have 2 or 3 that we actually take the individual in and charge him. The reason that happens is because if we run into an individual out there that is plumbing without a license and he isn't aware of the law. We explain the law to them and give them a warning. If he is willing to go out and hire a licensed plumber, come in and make corrections, and satisfy the homeowner we drop the charge. The only time we have to go is when we have an individual out there that doesn't go back to the family home or any business out there, and he doesn't make the corrections. So the consumer is stuck out there with a lousy job. And has no way to get back the money he paid out.

Rep. Kasper: Bob, I have a friend who has been doing handy work for 25 years as a favor to his friends but never charges them anything. One of the things he knows how to do is plumbing. If I wanted to finish my basement, and ask my friend to do my plumbing for me, knowing he's not licensed. I know he's competent. Can I do that without him having a plumber's license?

Bob Leingang: Not really. But in a case like that it is hard to convict an individual like that. You are the homeowner, which in our law says the homeowner can do his own plumbing. You as the homeowner hires this individual. It's hard for us to prove that the individual is working for you for a fee. If we take you to court, the first thing the judge is going to ask you is if you paid that individual. You will say no. Our law says that you as a homeowner can do your own plumbing, and he is just coming in as a friend to help you out. We would never get the case.

Rep. Karls: I think what Rep. Dahl is asking is something similar to the issues we deal with. I'm on the State Electrical Board. She's concerned that the plumber who skips out on those

classes can get charged with a Class B Misdemeanor. I don't think that is the case, I just don't think they get their license.

Bob Leingang: Right. The only thing that would happen is that until he completes those classes, he wouldn't receive his license.

Rep. Haas: I'm going to ask Rep. Dahl to explore this further. We won't act on this bill today. If you could leave information with Rep. Dahl so she can get in contact with you.

Rep. Boehning: How have the plumbers in the state been reacting to the amended bill? Have they had any input? What is their position? Do they know it is out there?

Bob Leingang: Yes they do know it is out there. The majority that I have talked to are in favor of this penalty. They look at it this way, they are required by law to carry a license. Yet we have a number of individuals that don't have a license. They feel that if they have to pay for a license that the other individual should have to also. With an infraction it is hard to get them convicted. An infraction is a \$25 fine. Yes our people are behind this bill.

Rep. Boehning: The other question is how many times do you meet a year.

Bob Leingang: Roughly 3 -4 times. If something comes up that we need more, I will call a meeting. It is basically 3-4 times a year.

Rep. Boehning: When I'm looking at the bill it says not to exceed \$100/day. What do you feel the board think of that? The rate is currently at \$20, what do you think you will get the daily rate at?

Bob Leingang: When the board had put this bill together, they initially had a vote of \$50. I would assume it would have a cap of \$100. The board is going to do it with \$50. I think maybe another way they will look at it is if it is a half a day, it is \$50, a full day \$75. I know the \$50 is going to be what they will go with.

