

Opinion No. 53-5761

June 2, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. E. P. Corcoran, Engineer Plumbing Administrative Board 1914 Broadway, NE Albuquerque, New Mexico

{*161} This will acknowledge receipt of your request for an opinion dated May 11, 1953, concerning an interpretation of the Plumbing Administrative Law. In your letter you ask two questions and they will be answered in the order in which they were asked.

First, you ask an interpretation of § 51-3002 N.M.S.A., 1941, as annotated, relative to sub-section (a) of the above cited section. That section reads as follows:

"The provisions of this act shall apply to all installations, alterations, repairs and renovations of 'plumbing' and 'fixtures' as herein defined, within or on public or private buildings, structures, or premises, except as hereinafter provided:

"(a) The provisions of this act shall not apply to the installation, alteration, repair and renovation of plumbing or fixtures up to and including the meters, where such work is an integral part of the system owned and operated by a public service corporation or the water or gas department of any city in this state, in rendering its duly authorized service as such."

In other words, "integral part" can only mean such parts of a public utility system as are necessary to the distribution of the power, gas or other commodity sold by the public utility or in the manufacture of such commodity. For example, a plumbing installation within the distribution plant of a gas company would clearly be an integral part of a public utility or public service corporation, but the plumbing installation within the offices of such public service corporation in some city or town within this state would not be an integral part of the system owned and operated by a public service corporation.

In your second paragraph you ask an interpretation of sub-section (c) of the above cited statute. That subsection reads as follows:

"(c) The provisions of this act shall not apply to the installation, alteration, repair and renovation of plumbing or fixtures in sparsely settled rural districts supplied with water, gas, oil, air or sewage disposal system from an isolated plant located on the same premises as the residence."

The words "sparsely settled rural districts" should be construed to mean definite rural areas or a place where the services of water, gas, oil or sewage disposal are not available. This would apply to a ranch or farm housing unit or units but would not apply

to the housing accommodations set up in a built-up area near some municipality of this state.

The provisions of sub-section (c) and the exceptions applied therein {^{*162}} are in a large measure ambiguous and because of the ambiguity it is entirely possible that the provisions are unconstitutional. We suggest that possibly a test of these ambiguities would be in order.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General